

DIVISION 3. - PERMITTED LAND USES

Sec. 30-359. - Uses permitted.

This section of the Form-Based Code establishes the permitted land uses in each district and the corresponding permit requirements. A parcel or building subject to the Form-Based Code shall be occupied with only the land uses allowed by Table 30-300.A—Land Uses. Definitions of allowed land uses are provided in [Section 30-632](#) List of definitions.

- (1) [Section 30-405](#)—Overall Form-Based Code district map illustrates the overall land use plan for the Form-Based Code areas.
- (2) If a land use is not defined in this section, the Director of Community Development may determine that the use is not permitted, or determine the appropriate definition and determine the proposed use to be permitted provided the Director of Community Development approves a Director's determination and makes the following findings in writing:
  - a. The land use will not impair the orderly implementation of the City of Fontana General Plan.
  - b. The land use is consistent with the purpose of the applicable zoning district.
  - c. The characteristics and activities associated with the proposed land use are similar to one or more of the listed land uses in Table 30-359.A—Land Uses and will not produce greater impacts than the land uses listed for the zoning district.
  - d. The land use will be compatible with the other land uses allowed in the zoning district.
  - e. The land use is not listed as allowed in another zoning district.
- (3) A "P" indicates a use is permitted by right subject to design review by the Planning Commission or administrative site plan review by the Director of Community Development.
- (4) An "M" indicates the use requires the granting of a minor use permit (MUP).
- (5) A "C" indicates the use requires the granting of a conditional use permit (CUP).
- (6) A "—" means the use is not permitted in that zoning district. Any use that is not listed is not permitted.
- (7) Uses marked with an asterisk "\*" indicate that the use is not permitted on the ground floor except on Sierra Avenue.
- (8) Uses marked with an S superscript " <sup>S</sup> " indicate that the use is subject to special use regulations in (reference specific use regulations) [Section 30-360](#).
- (9) Uses marked with a DT superscript " <sup>DT</sup> " indicate that the requirement pertains to parcels within the downtown boundary.

**Table 30-359.A.—Land Uses**

	Civic	Station Area	Downtown Gateway	Neighborhood	Multi-Family	Transitional	Sierra Gateway	Route 66 Gateway	Valley Gatew
Administrative/Professional									
Architectural, design, and engineering services	P	P	P	—	—	P	P	P	P
Attorney/legal services	—	P	P	—	—	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	—	P	P	—	—	P	P	P	P
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	—	—	M	P	P	P
Brokerage firms and financial institutions	—	P	P	—	—	P	P	P	P
Exhibit halls and galleries with 15% or less retail sales area	—	P	P	—	—	P	P	P	P
General administrative offices	—	P	P	—	—	P	P	P	P
Government offices	P	P	P	—	—	P	P	P	P

Insurance and accounting offices	—	P	P	—	—	P	P	P	P
Massage/acupressure as primary use	—	—	M	—	—	M <sup>DT</sup> C	C	C	C
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	—	M	M	—	—	M	M	M	M
Real estate, escrow & property management offices	—	P	P	—	—	P	P	P	P
Recording/film studios	—	M	M	—	—	M	M	M	M
Animal Services									
Feed, tackle supplies for large animals	—	—	—	—	—	—	—	—	—
Pet boarding and kennels	—	M	M	—	—	M	M	M	M
Pet grooming	—	P	P	—	—	P	P	P	P
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	—	—	—	P	P	P
Pet sales and supplies (without outdoor storage)	—	—	P	—	—	P	P	P	P
Alcoholic Beverage Sales									
Alcoholic sales for off-site consumption, with or without tasting room	M	M	M	—	—	M	C	C	C
On-site sales in connection w/restaurant	M	M	M	—	—	M	C	C	C
Restaurant and café with entertainment and/or dancing	—	M	M	—	—	—	—	—	—
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	—	—	M	C	C	C
Micro-breweries in connection with restaurant (Brew Pub)	M	M	M	—	—	M	C	C	C
Micro-breweries without tasting room	—	—	—	—	—	—	—	—	C
Educational/Instructional/Day Care Uses									
Adult day care	—	—	M	—	—	M	C	C	C
Children tutorial classes	—	—	M	—	—	M	M	M	M
Colleges—public and private	M	M	M	—	—	M	C	C	C

Schools—elementary, middle, secondary, high, private	M	M	M	M <sup>DT</sup> C	M <sup>DT</sup> C	M	C	C	C
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	P	M	M	—	—	P	M	M	M
Studio—Art, Dance, Martial Arts, Music (School)with less than 1,500 sq. ft. GFA	P	P	P	—	—	M	M	M	M
Licensed nurseries, pre-schools and day care facilities for children	—	M	M	—	—	M	M	M	M
Adult vocational classes, trade schools, computer training	—	—	M	—	—	M <sup>DT</sup> C	M	C	C
Traffic and automobile driving schools	—	—	—	—	—	— <sup>DT</sup> C	C	C	C
Food/Restaurants/Eating Establishments									
Bakery—primarily retail sales	P	P	P	—	—	P	P	P	P
Banquet Hall as ancillary use to primary permitted use	M	M	M	—	—	—	C	C	C
Catering services as primary use—may include on-site dining facilities	—	—	—	—	—	M <sup>DT</sup> P	P	P	P
Ice cream, juice, tea and candy shops	P	P	P	—	—	P	P	P	P
Restaurant/coffee shop with drive thru	—	—	—	—	—	—	M S	M	M
Restaurant/coffee shop without drive thru facilities or alcohol sales	P	P	P	—	—	P	P	P	P
Outdoor dining in public right-of-way	P <sup>S</sup>	P <sup>S</sup>	P <sup>S</sup>	—	—	P <sup>S-DT</sup>	—	—	—
General Merchandise/Retail Trade									
Antiques retail sales (excludes pawn shop)	—	P	P	—	—	P	P	P	P
Consumer electronics, computer and phone equipment retail sales	—	P	P	—	—	P	P	P	P
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	—	P	P	—	—	P	P	P	P
Art supplies, framing	—	P	P	—	—	P	P	P	P
Beauty supplies	—	P	P	—	—	P	P	P	P
Books and magazines	—	P	P	—	—	P	P	P	P

Camera and photographic supplies	—	P	P	—	—	P	P	P	P
Clothing/shoe stores	—	P	P	—	—	P	P	P	P
Cigar/cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—	C	C	C
Consignment clothing sales	—	P	P	—	—	P	P	P	P
Farmer's Market	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	—	—	—	—	—	—
Convenience stores	—	—	—	—	—	—	P	P	P
Floor covering (carpet, tile, and similar)	—	—	—	—	—	—	P	P	P
Florists	—	P	P	—	—	P	P	P	P
Food/drug store (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P
Food/drug store (greater than 5,000 square feet GFA)	—	—	—	—	—	—	M	M	M
Fabric stores (less than 5,000 square feet GFA)	—	P	P	—	—	P	P	P	P
Firearms, ammunition, related products, assembly—retail sales	—	—	C	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	—	—	P	P	P	P
Garden supply with outdoor display of plants	—	—	—	—	—	P	P	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	—	P	P	—	—	P	P	P	P
Hardware/home improvement stores	—	P	P	—	—	P	P	P	P
Health, herbal, botanical stores	—	P	P	—	—	P	P	P	P
Hobby, toy and game	—	—	P	—	—	P	P	P	P
Hookah lounge/smoking room	—	—	—	—	—	C	C	C	C
Indoor swap meets/concession malls	—	—	—	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	P	P	—	—	P	P	P	P
Jewelry sales and repair (excludes pawn shop)	—	P	P	—	—	P	P	P	P
Leather goods and equipment	—	P	P	—	—	P	P	P	P
Musical instruments	—	P	P	—	—	P	P	P	P
Office supplies/stationery/cards	—	P	P	—	—	P	P	P	P





Escape rooms	P	P	P	—	—	P	P	P	P
Game and video arcades	—	M	M	—	—	M <sup>DT</sup> C	C	C	C
Golf course and driving ranges	—	—	—	—	—	—	—	C	C
Health and fitness clubs	P	M	M	—	—	M	M	M	M
Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	M	—	—	M	C	C	C
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	M	M	—	—	M	M	M	M
Public assembly/auditoriums/meeting halls/religious facilities	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>	M <sup>S-DT</sup> C <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>
Theatres (live stage and movie) and concert halls	M	M	M	—	—	M <sup>DT</sup> C	C	C	C
Repair Services									
Antique restoration	—	—	—	—	—	—	M	M	M
Equipment and appliance repair	—	—	—	—	—	—	M	M	M
Furniture refinishing	—	—	—	—	—	—	M	M	M
Furniture upholstery	—	—	—	—	—	—	M	M	M
Residential Uses									
Accessory structures	P	P	P	P	P	P	P	P	P
Assisted living facilities	—	M	M	C	C	C M <sup>DT</sup>	C	C	C
Accessory dwelling units	P	P	P	P	P	P	P	P	P
Junior accessory dwelling units	—	—	—	P	—	P	—	—	—
Parolee home	—	—	—	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	P	P	P	P	P	P	P	P
Residential care facility (7 or more persons)	—	M	M	M	M	M	M	M	M
Multiple-family development	—	P	P	—	P	P	P	P	P
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	—	P	P	—	—	P	P	P	P

Senior housing	—	M	M	M	M	M	M	M	M
Live/work (as a part of a mixed-use development or stand-alone)	—	M <sup>S</sup>	M <sup>S</sup>	—	—	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>
Detached, single-family dwellings	—	—	—	P	—	P	—	—	—
Student housing/dormitory/group quarters	—	M	M	—	M <sup>DT</sup> C	M <sup>DT</sup> C	C	C	C
Small family childcare (1 to 6 children)	—	P	P	P	P	P	P	P	P
Large family childcare (7 to 14 children)	—	—	—	M	M	—	—	—	—
Service/Non-Profit Organizations									
Civic buildings/uses	P	P	P	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	—	P	P	—	—	P	P	P	P
Temporary political campaign offices and headquarters	P	P	P	—	—	P	P	P	P
Miscellaneous									
Industrial uses	—	—	—	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—	—	—	—

P=Permitted; M=Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "\*"="Not permitted on the ground floor, except on Sierra Avenue  
 "=Special use regulations; " <sup>DT</sup> "=Pertaining to parcels within the Downtown boundary

Table 30-359.B.—Land Uses

	Civic Core	Sierra Core	Gateway Core	Mixed-Use Core	Multi-Family Core	Neighborhood Core
Administrative/Professional						
Architectural, design, and engineering services	P	P	P	P	—	—
Attorney/legal services	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (stand-alone facilities—without drive-thru)	P	P	P	P	—	—
Banks/financial institutions, credit unions and remote ATMs (with drive-thru)	—	—	M	M	—	—
Brokerage firms and financial institutions	P	P	P	P	—	—



Exhibit halls and galleries with 15% or less retail sales area	P	P	P	P	—	—
General administrative offices	P	P	P	P	—	—
Government offices	P	P	P	P	—	—
Insurance and accounting offices	P	P	P	P	—	—
Massage/acupressure as primary use	—	—	—	C	—	—
Massage as ancillary use to primary permitted use—less than 40% of gross floor area of business	M	M	M	M	—	—
Real estate, escrow & property management offices	P	P	P	P	—	—
Recording/film studios	M	M	M	M	—	—
Animal Services						
Feed, tackle supplies for large animals	—	—	—	—	—	—
Pet boarding and kennels	—	—	—	C	—	—
Pet grooming	—	—	—	P	—	—
Veterinarian clinic and hospitals (with incidental boarding)	—	—	—	C	—	—
Pet sales and supplies (without outdoor storage)	—	—	P	P	—	—
Alcoholic Beverage Sales						
Alcoholic sales exclusively for off-site consumption	—	—	M	M	—	—
On-site sales in connection w/restaurant	M	M	M	M	—	—
Restaurant and café with entertainment and/or dancing	M	M	M	—	—	—
Manufacturing, including winery or micro-brewery with tasting room and no restaurant	M	M	M	M	—	—
Micro-breweries in connection with restaurant (Brew Pub)	M	M	M	M	—	—
Micro-breweries without tasting room	—	—	—	—	—	—
Educational/Instructional/Day Care Uses						
Adult day care	—	—	—	M	—	—

Children tutorial classes	—	—	—	M	—	—
Colleges—public and private	M	—	M	M	—	—
Schools—elementary, middle, secondary, high, private	—	—	—	M	M	M
Studio—Art, Dance, Martial Arts, Music (School) with greater than 1,500 sq. ft. GFA	—	—	P	P	—	—
Studio—Art, Dance, Martial Arts, Music (School) with less than 1,500 sq. ft. GFA	—	—	P	M	—	—
Licensed nurseries, pre-schools and day care facilities for children	—	—	—	M	—	—
Adult vocational classes, trade schools, computer training	M	—	M	M	—	—
Traffic and automobile driving schools	—	—	—	—	—	—
Food/Restaurants/Eating Establishments						
Bakery—primarily retail sales	P	P	P	P	—	—
Banquet Hall as ancillary use to primary permitted use	M	—	M	—	—	—
Catering services as primary use—may include on-site dining facilities	M	M	M	M	—	—
Ice cream, juice, tea and candy shops	P	P	P	P	—	—
Restaurant/coffee shop with drive thru	—	—	—	—	—	—
Restaurant/coffee shop without drive thru facilities or alcohol sales	P	P	P	P	—	—
Outdoor dining in public right-of-way	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	—	—
General Merchandise/Retail Trade						
Antiques retail sales (excludes pawn shop)	M	M	M	M	—	—
Consumer electronics, computer and phone equipment retail sales	P	P	P	P	—	—
Art gallery with retail sales (If retail sales area is less than 15%, see exhibit hall and gallery under Administrative/Professional)	P	P	P	P	—	—
Art supplies, framing	P	P	P	P	—	—
Beauty supplies	P	P	P	P	—	—

Books and magazines	P	P	P	P	—	—
Camera and photographic supplies	P	P	P	P	—	—
Clothing/shoe stores	P	P	P	P	—	—
Cigarette/smoke shops/electronic cigarettes as a primary use	—	—	—	—	—	—
Cigar sales only	P	P	P	P	—	—
Cigar lounge/hookah lounge/smoking room	C	C	C	C	—	—
Consignment clothing sales	C	C	C	C	—	—
Farmer's Market	M <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	—	—	—
Convenience stores	—	—	C	C	—	—
Floor covering (carpet, tile, and similar)	—	—	P	P	—	—
Florists	P	P	P	P	—	—
Food/drug store	—	—	P	P	—	—
Fabric stores	—	—	P	P	—	—
Firearms, ammunition, related products, assembly—retail sales	—	—	—	—	—	—
Furniture, office and home furnishings	—	—	P	P	—	—
Garden supply with outdoor display of plants	—	—	P	P	—	—
General merchandise, specialty, gift, craft items, candles, house wares, and variety (non-discount) stores	P	P	P	P	—	—
Hardware/home improvement stores	—	—	P	P	—	—
Health, herbal, botanical stores	P	P	P	P	—	—
Hobby, toy and game	P	P	P	P	—	—
Indoor swap meets/concession malls	—	—	—	—	—	—
Interior decorating, linen, and bath stores	—	—	P	P	—	—
Jewelry sales and repair (excludes pawn shop)	P	P	P	P	—	—
Leather goods and equipment	P	P	P	P	—	—
Musical instruments	P	P	P	P	—	—
Office supplies/stationery/cards	P	P	P	P	—	—

Sporting goods and equipment (no gun sales)	M	M	M	M	—	—
Thrift stores/second-hand store	—	—	—	P	—	—
Lodging Places						
Bed and Breakfast	M	M	M	M <sup>S</sup>	—	M <sup>S</sup>
Hotels	M	M	M	M	—	—
Motels	—	—	—	—	—	—
Medical/Health Services						
Acute care/walk-in medical services (urgent care)	—	—	—	P	—	—
Ambulance services	—	—	—	—	—	—
Hospitals	—	—	—	—	—	—
Medical/dental/counseling/psychology/hearing aids/acupuncture/homeopathy/physical therapy/sports therapy	M	—	M	P	—	—
Optometry sales	P	P	P	P	—	—
Motor Vehicle Services						
Auto body and painting (primary use)	—	—	—	—	—	—
Auto broker offices	—	—	—	—	—	—
Auto car washes	—	—	—	—	—	—
Auto and motorcycle sales—new and used	—	—	—	—	—	—
Auto rental agencies with parking for vehicle rentals	—	—	—	—	—	—
Auto/motorcycle repair—general, including quick lube, smog check, transmission service	—	—	—	—	—	—
Auto upholstery	—	—	—	—	—	—
Auto car alarm and stereo installation (within an enclosed building only)	—	—	—	—	—	—
Commercial parking facilities and garages	P	P	P	P	—	—
Gas/service station	—	—	C	C	—	—
Gas station with mini mart, car wash and/or restaurant	—	—	C	C	—	—
Truck, trailer and equipment rentals	—	—	—	—	—	—

Personal Services						
Barber, hair/nail/skincare/tanning salon and day spa	M	M	M	P	—	—
Body art (tattooing, body piercing, and/or permanent cosmetics)	C	C	C	P	—	—
Check cashing/deferred deposit or payday advance uses with or without ancillary services	—	—	—	—	—	—
Cemeteries, crematory, mortuary and mausoleums	—	—	—	—	—	—
Dry cleaners/laundry—non-commercial	—	—	—	P	—	—
Fortunetelling	—	—	—	M	—	—
Funeral parlors	—	—	—	—	—	—
Locksmith/key shops	—	—	—	P	—	—
Pawnshops/cash for gold and diamonds (as primary use)	—	—	—	—	—	—
Photography studios	—	—	—	P	—	—
Postal services/mail box rentals	—	—	—	P	—	—
Shoe repair	—	—	—	P	—	—
Tailor and alterations	—	—	—	P	—	—
Public Facilities/Utilities						
Public park	P	P	P	P	P	P
Public maintenance yard and other non-office uses	P	—	M	M	—	—
Public utility structures	M	M	M	M	M	M
Recreation/Entertainment						
Billiards and pool halls	M	M	M	—	—	—
Escape rooms	P	P	P	P	—	—
Game and video arcades	M	M	M	M	—	—
Golf course and driving ranges	—	—	—	—	—	—
Health and fitness clubs	—	—	M	M	—	—

Indoor—amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	M	M	M	M	—	—
Outdoor amusement/recreation/sports fields and courts/skating/batting cages/roller hockey facilities (not within a public park)	—	—	M	M	—	—
Public assembly/auditoriums/meeting halls/religious facilities	C <sup>S</sup>	C <sup>S</sup>	M <sup>S</sup>	M <sup>S</sup>	C <sup>S</sup>	C <sup>S</sup>
Theatres (live stage and movie) and concert halls	M	M	M	M	—	—
Repair Services						
Antique restoration	—	—	—	—	—	—
Equipment and appliance repair	—	—	—	—	—	—
Furniture refinishing	—	—	—	—	—	—
Furniture upholstery	—	—	—	—	—	—
Residential Uses						
Accessory structures	P	P	P	P	P	P
Assisted living facilities	—	—	M	M	C	C
Parolee home	—	—	—	—	—	—
Residential care facility (6 or fewer persons)	—	—	—	—	—	—
Residential care facility (7 or more persons)	—	—	—	—	—	P
Multiple-family development	—	—	—	—	P	p <sup>S</sup>
Residential within mixed-use development having a commercial component (may include senior, affordable, market rate, etc.)	P	P	P	P	—	—
Senior housing	M	M	M	M	M	M
Live/work as a part of a mixed-use development or stand-alone)	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	p <sup>S</sup>	—	—
Detached, single-family dwellings	—	—	—	P	—	P
Student housing/dormitory/group quarters	—	—	M	M	M	—
Small family childcare (1 to 6 children)	—	—	P	P	P	P
Large family childcare (7 to 14 children")	—	—	—	—	M	P

Service/Non-Profit Organizations						
Civic buildings/uses	P	P	P	P	P	P
Offices for philanthropic, charitable, civic and service organizations	P	P	P	P	—	—
Temporary political campaign offices and headquarters	P	P	P	P	—	—
Miscellaneous						
Industrial uses	—	—	—	—	—	—
Adult-oriented uses	—	—	—	—	—	—
P=Permitted; M = Minor Use Permit; C=Conditional Use Permit; "—"=Not Permitted; "S"=Special use regulations						

(Ord. No. 1828, § 8(Exh. A), 5-12-20; Ord. No. 1830, § 8(Exh. A), 6-9-20; Ord. No. 1846, § 2, 11-10-20; Ord. No. 1865, § 8(Att. 2), 3-23-21; Ord. No. 1923, § 5(Exh. A), 9-12-23)

Sec. 30-360. - Special use regulations.

(a) *Bed and breakfast.*

- (1) *Operator.* Bed and breakfast inns shall be operated by the property owner/manager living on the site.
- (2) *Number of rooms.* Bed and breakfast inns shall be limited to a maximum of six guest rooms for lodging, plus accommodations for the property manager/owner.
- (3) *Food service.* Food may only be served to registered overnight guests. Guest room cooking facilities are prohibited.
- (4) *Rental period.* Guest rooms shall not be rented for a period of less than 18 hours nor for a period not to exceed 72 hours.

(b) *Live/work.*

- (1) The commercial component of live/work units are intended for use by the following occupations:

Accountants

Architects

Artists and artisans

Attorneys

Computer software professionals

Consultants

Engineers

Fashion, graphic, interior designers

Hair stylists

Home-based office workers

Insurance and real estate agents

One-on-one instructors photographers

The Director of Community Development may authorize other similar uses/occupations.

- (2) A live/work unit shall not be established or used in conjunction with any of the following activities:

- a. Adult-oriented business, head shops, massage, or similar uses
- b. Entertainment, drinking, and public eating establishments
- c. Veterinary services, including grooming and boarding, and the breeding or care of animals for hire or for sale

- d. Businesses that involves the use of prescription drugs or recreational drugs
  - e. Trade or private schools (this excludes private instruction of up to two students at any one time, such as music lessons and tutoring)
  - f. Vehicle maintenance or repair (e.g. body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.)
  - g. Storage of flammable liquids or hazardous material beyond that normally associated with a residential use
  - h. Welding, machining, or any open flame work
  - i. Any other activity or use, as determined by the Director of Community Development to not be compatible with residential activities and/or to have the possibility of affecting the health or safety of live/work unit residents, because of the potential for the use to create dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or would be hazardous because of materials, processes, products, or wastes.
- (3) Occupancy requirement. The residential space within a live/work unit shall be occupied by at least one individual employee in the business conducted within the live/work unit. No portion of the unit shall be sold or rented separately.
- (4) Design standards:
- a. Residential areas are permitted above the commercial component, to the side or behind the business component, provided that there is internal access between the residential and commercial space.
  - b. The commercial component shall be restricted to the unit and shall not be conducted in the open space, garage, or any accessory structure.
  - c. Floor area requirements. The floor area of the work space shall be between 25 and 50 percent of the total floor area. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
  - d. Separation and access. Each live/work unit shall be separated from other live/work units or other uses in the structure. Access to each live/work unit shall be provided from a public street, or common access areas, corridors, or halls. The access to each unit shall be clearly separate from other live/work units or other uses within the structure.
  - e. Parking. Each live/work unit shall be provided with at least two off-street parking spaces. For areas outside of the downtown area plan, at least one of the two off-street parking spaces shall be accessible to the public. The Director of Community Development may modify this requirement for the use of existing structures with limited parking.
- (5) Operating requirements:
- a. *Sale or rental of portions of unit.* No portion of a live/work unit may be separately rented or sold as a commercial or industrial space for any person not living in the premises or as a residential space for any person not working in the same unit.
  - b. *On-premises sales.* On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
  - c. *Nonresident employees.* Up to one person who does not reside in the live/work unit may work in the unit at any time.
  - d. *Client and customer visits.* Client and customer visits to live/work units are allowed.
- (6) Changes in use. After approval and construction, a live/work unit shall not be converted to either entirely residential use or entirely business use unless authorized through a separate minor use permit.
- (c) *Outdoor dining in the public right-of-way.* The purpose of the regulations and standards in this section are to allow increased business and pedestrian traffic, encourage appropriate outdoor dining opportunities within public rights-of-way and to ensure that the space used for outdoor dining within the public right-of-way will service a public purpose. This section does not apply to outdoor dining on private property.
- (1) Location permitted. Outdoor dining areas within the public right-of-way are permitted on all commercially utilized properties, provided all development standards are met.
  - (2) Permits required. It shall be unlawful for any business to use the public sidewalk and/or public right-of-way for outdoor dining without first obtaining a valid minor use permit and encroachment permit.
  - (3) Establishment of an outdoor dining area shall require site plan review and permit issuance. Any person or business wishing to operate an outdoor dining area shall apply for a permit by submitting the following to the City:
    - a. The site plan for the proposed outdoor dining area shall include the following:
      - 1. Chairs, tables, umbrellas, planters, signs and any other fixtures and furnishings to be included in the outdoor dining operation.
      - 2. The applicant's primary eating establishment or food court and the proposed circulation to and from the outdoor dining area, as well as pedestrian circulation at the perimeter of the outdoor dining area.
      - 3. The public sidewalk or public right-of-way to be occupied with dimensions of the entire sidewalk or right-of-way and the clearance proposed for pedestrian access.
      - 4. Names of and main entrances to the businesses immediately adjacent to the applicant's eating establishment.
    - b. Specifications and photographs of all proposed chairs, tables, umbrellas, signs, railings railing connections to the public sidewalk or right-of-way and the adjacent building, or other furnishing.
  - (4) Design standards for outdoor dining area:
    - a.



The outdoor dining area shall be designed to facilitate sit-down dining activity through the utilization of chairs and tables. It shall also be compact and shall be clearly delineated to promote a visual relationship between the dining area and the surrounding pedestrian areas.

- b. Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usually pedestrian traffic in the area and the operation of the proposed activity. A clear, continuous pedestrian path not less than four feet in width shall be required for unimpeded pedestrian circulation outside of the outdoor dining area. The minimum width of said pedestrian path may be increased by the City Engineer in areas requiring public utility access. Pedestrian path means a continuous, obstruction-free sidewalk area between the outside boundary of the dining area and any obstruction including, but not limited to, parking meters, street trees, landscaping, streetlights, bus benches, public art, and curb lines.
  - c. No outdoor dining area shall be located to block access either to or from a building. A minimum unobstructed clearance which extends two feet to either side of both door jambs shall be maintained.
  - d. Where an outdoor dining area is located on a corner, the outdoor dining area shall not be permitted within three feet of the corner of the building, along both frontages. Where an outdoor dining area is located adjacent to a driveway or an alley, the outdoor dining area shall not be permitted within five feet of the driveway or alley. These requirements may be modified at the discretion of the City Engineer or Director of Community Development in locations where the sidewalk adjacent to the proposed outdoor dining area is wider than usual, where the perimeter of the building has an unusual configuration, or where public safety is at risk.
  - e. The floor of the outdoor dining area shall be at the same level as the sidewalk, and no alterations to the sidewalk or coverings on the sidewalk shall be permitted, unless expressly approved by the City Engineer.
  - f. The permittee shall not expand its outdoor dining area onto the sidewalk frontage of an adjacent business.
  - g. An outdoor dining area may be located directly adjacent to another outdoor dining area. No separation between outdoor dining areas shall apply.
  - h. In no case shall an outdoor dining area be located directly to parking, unless separated by a landscape barrier at least four feet deep and three feet high.
  - i. The design and appearance of all proposed improvements or furniture, including, but not limited to, tables, chairs, benches, umbrellas, and planters, to be placed in the sidewalk dining area shall present a coordinated and concerted theme and shall be compatible with the appearance and design of the principal building.
  - j. A perimeter barrier shall be provided for the outdoor dining area. However, no barrier shall be required if the applicant proposes to limit the outdoor dining area to one row of tables and chairs abutting the wall of the establishment and if no alcohol will be served outside.
  - k. All barriers shall complement the building façade as well as any street furniture and shall be between 24 inches and 36 inches in height.
  - l. Barriers shall be removable. Barriers need not be removed each evening or night, but shall be capable of being removed, if needed, using recessed sleeves and posts, or by wheels that can be locked into place.
  - m. Barriers shall be able to withstand inclement weather and 100 pounds of horizontal force at the top of the barriers when in their fixed positions.
  - n. Objects placed on the sidewalk shall not interfere with or obstruct line-of-sight and shall maintain a clear sight triangle.
  - o. Any umbrellas, heater, or similar feature used in an outdoor dining area shall be safely secured. All heaters shall be in compliance with applicable fire code.
  - p. Outdoor lighting fixtures shall complement the style of the site. Lighting fixtures shall not create glare to pedestrians on the adjacent right-of-way and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the façade of the building or in the dining area in front of the façade.
  - q. Signage advertising alcohol products on umbrellas shall be prohibited.
- (5) Parking. Space used for outdoor dining in the public right-of-way shall not be added to the gross square footage of the food service establishment when calculating parking requirements.
- (6) Standards of operation:
- a. The management of the eating establishment shall be responsible for operating the outdoor dining area and shall not delegate or assign the responsibility.
  - b. Hours of operation for the outdoor dining areas are to coincide with those of the associated indoor restaurant. When the establishment ceases serving food for the day, further seating in the outdoor dining area shall be prohibited and the outdoor dining area shall close when the patrons already seated in it leave.
  - c. The operator shall not permit the following outside of the building: food preparation, utensils, glasses, napkins, and condiments on unoccupied tables, busing service stations, or trash and garbage storage. All exterior surfaces within the outdoor dining area shall be easily cleaned and shall be kept clean at all times by the permittee.
  - d. The permittee shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times. This shall include all tables, chairs, benches, displays, or other appurtenances placed in the public right-of-way. Provisions shall be made for trash receptacles to service the sidewalk dining area. The operator shall remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street.
  - e. Awnings and umbrellas shall be kept clean and in good condition at all times. Umbrellas shall not advertise alcohol products.

- f. Musical instruments or sound reproduction systems are permitted in outdoor dining areas but shall be maintained at sufficiently low volumes so as not to adversely affect the neighboring businesses, residents, or users of the public right-of-way beyond the outdoor dining area, or in violation of the City of Fontana Noise Ordinance.
  - g. Fixtures and equipment approved by the City pursuant to an outdoor dining area permit may remain in and on the sidewalk during such time that an outdoor dining permit is in effect.
  - h. Upon revocation or termination of an outdoor dining permit, all fixtures and equipment shall immediately be removed from the sidewalk, and the sidewalk returned to its original condition.
  - i. No bar serving alcohol shall be allowed in the outside dining area.
- (7) Special closures. The City of Fontana shall have the right and power, acting through the City Manager or his/her designee, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk or right-of-way area. Such problems or conflicts may arise from, but are not limited, festivals, parades, marches and similar events, repairs and widening of the streets or sidewalks, or emergencies occurring in the area. To the extent possible, the permittee shall be given prior notice of any time period during which the operation of the outdoor dining area or the outdoor dining area shall be prohibited by the City.
- (d) *Farmers Market.* A farmers' market may be conducted on private property or in the public right-of-way, provided it carried on in accordance with the following limitations, and provided an approved minor use permit is granted:
- (1) The operation of the farmers market shall be conducted by a for-profit or nonprofit organization or by a local governmental agency.
  - (2) An established set of operating rules addressing the governance structure of the market, hours of operation, and days of the week, maintenance, and security requirements shall be permitted and approved under the minor use permit application and site plan.
  - (3) A minor use permit, a master site plan, as well as the signed set of conditions of approval, shall be posted in a conspicuous place at the market site.
  - (4) The organization responsible for governing or operating the farmers market shall obtain a business license and shall post the business license in a conspicuous place at the site.
  - (5) At least 51 percent of the vendors displaying inventory of the products sold in each farmers market are selling fresh fruits and vegetables.
  - (6) Fifteen percent or fewer vendors are non-food vendors (i.e. handmade crafts, art exhibits, informational booths, etc.)
  - (7) All market signage shall be submitted and approved under the minor use permit.
  - (8) The organization governing or operating the farmers market shall provide access to adequate sanitary facilities, including restrooms and/or portable sinks and toilets.
  - (9) Operation of the farmers market shall not obstruct the safe flow of vehicular or pedestrian traffic on or around the market site.
  - (10) The sale of, or consumption of, alcoholic beverages on the market site is prohibited.
  - (11) The sale of second-hand merchandise is prohibited.
  - (12) Portable shelters (e.g.: EZ Up Shelters) with an area no larger than ten feet by ten feet are allowed in designated market areas. Any shelter larger than ten feet by ten feet must be approved under the minor use permit application.
  - (13) Animals, other than law enforcement dogs and assistance animals for the disabled are not allowed on the market site.
  - (14) A commercial cannabis business shall not be permitted pursuant to this section.
  - (15) The Director of Community Development shall have the authority to determine other market activities, in addition to those specifically listed in this article, which may be permitted, or conditionally permitted, in his or her judgment supported by specific written findings.
- (e) *Public assembly/auditoriums/meeting halls/religious facilities.*
- (1) When this use is proposed within an existing developed property such as a retail shopping center and the parking standards cannot be met, a parking impact study shall be performed. It shall include the following information:
    - a. Existing and proposed site plan
    - b. Transit, cycling and walking environment
    - c. Current parking inventory
    - d. Current land uses
    - e. Existing traffic conditions
    - f. Description of proposed land use including square footage
    - g. Calculation of required parking for proposed project based on current standards
    - h. Document availability of on street and shared parking opportunities
    - i. Calculation of peak parking demand based on proposed project land use
    - j. Document recommended parking to be provided (based on analysis with and without shared parking and other demand reduction factors)
    - k. Provide maps to summarize and illustrate
  - (2) The completed parking impact study shall be submitted to the planning division for review. City staff will assess the study recommendations based on a standard alternative compliance application review process. This process includes the following criteria:

- a. Review criteria. To approve an exception to the standard, the Director of Community Development must first find that the proposed project accomplishes the general purposes of the applicable section(s) of the land use code. In reviewing the request for an exception to the standard parking ratio and in order to determine whether such request is consistent with the purposes of this subsection, as required above, the decision maker shall consider the following:
  1. The anticipated number of employees or residents occupying the building
  2. The number and frequency of expected customers or clients
  3. The availability of nearby on-street parking (if any)
  4. The availability of shared parking with abutting, adjacent or surrounding land uses (if any)
  5. The provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the city
  6. Travel demand management programs (if any)
  7. Any other factors that may be unique to the applicant's development request.

(3) The Director of Community Development shall not approve an exception to the parking standard unless it:

- a. Does not detract from continuity, connectivity and convenient proximity for pedestrians between or among existing or future uses in the vicinity
- b. Minimizes the visual and aesthetic impact along the public street of the proposed increased parking by placing parking lots to the rear or along the side of buildings, to the maximum extent feasible
- c. Minimizes the visual and aesthetic impact of such additional parking on the surrounding neighborhood
- d. Creates no physical impact on any facilities serving alternative modes of transportation
- e. Creates no detrimental impact on natural areas or features
- f. Maintains handicap parking ratios in compliance with current ADA requirements

(f) *Vehicle sales and service.*

- (1) *Outdoor display.* No vehicles shall be displayed with their hoods open, except in the display building, which shall be an enclosed structure. Balloons, spinners, pennants, banners, and other wind-blown devices are prohibited.
- (2) *Orientation and screening, service bays.* Service bay doors shall be located perpendicular to the street fronting the site and shall be screened from all other streets and adjacent residential development.
- (3) *Outdoor intercoms.* Outdoor amplification of sound shall not be audible beyond the property lines.
- (4) *Orientation, main building.* The structure shall be street-oriented, with pedestrian entrances from the street.

(g) *Schools.*

- (1) Drop off/pick up area. The project shall include designated area(s) for drop off and pick up of students to prevent off site cueing and traffic congestion.
- (2) A proposed school shall not operate in a commercial complex.

(h) *Restaurant/coffee shop with drive thru.*

- (1) The maximum front building setback of ten feet shall not apply when a drive-thru lane is placed adjacent to a street. The maximum ten-foot setback shall apply to the drive-thru lane instead of the building.
- (2) All buildings that include a drive-thru use shall be required to provide an outdoor patio area with permanent shade, tables and seating. The minimum size of the patio area shall be 20 percent of the total building square footage.

(Ord. No. 1828, § 8(Exh. A), 5-12-20; Ord. No. 1846, § 2, 11-10-20; Ord. No. 1865, § 8(Att. 2), 3-23-21; Ord. No. 1899, § 6, 7-26-22)