

ORDINANCE NO. 4012

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA APPROVING
CODE AMENDMENT CA 04-003 AMENDING SECTION .435-.438 OF THE ZONING
ORDINANCE PERTAINING TO THE "F" (FAIR) ZONE**

WHEREAS, proposed Code Amendment CA 04-003 has been duly initiated by the City of Pomona;

WHEREAS, on July 28, 2004 the Planning Commission conducted a public hearing to consider Code Amendment CA 04-003;

WHEREAS, based upon evidence and discussion presented at the July 28, 2004 public hearing the Planning Commission recommended that the City Council deny Code Amendment CA 04-003

WHEREAS, the City Council of the City of Pomona, after giving notice thereof as required by law, held a public hearing on September 20, 2004, concerning Code Amendment CA 04-003 and carefully considered all pertinent testimony and the staff report offered in the case as presented; and

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

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

SECTION 1. Pursuant to Section .15070 of the Guidelines for Implementation of the California Environmental Quality Act, a Negative Declaration, which is attached here as Exhibit "A", has been prepared and reviewed, finding that the proposed project will not have a significant effect on the environment.

SECTION 2. Section .435-437 of the Pomona Zoning Ordinance is hereby repealed in its entirety, see Exhibit "B" and replaced with the following Section 3.

SECTION 3 Section .435-.438 of the Pomona Zoning Ordinance shall read as follows:

Sec. .435. "F" the fairgrounds zoning district intent and purpose.

The fairgrounds zoning district is intended to provide for the use of the public fairgrounds in a manner so as to not create smoke, gas, odor, dust, sound, vibration, soot or lighting or other nuisance in any degree which might be termed obnoxious or offensive to persons residing in or near the Fairplex and is intended to allow a range of public entertainment, exhibition, commercial,

conference, equine, and other events and uses on a year-round basis as previously permitted by Ordinance No. 2450. Notwithstanding any other provision herein, the uses, structures and events permitted and conditionally permitted in the F zoning district are subject to the application of all applicable city building permit and grading permit review, and that no temporary use permit shall be required for permitted uses under Section .436 hereof. The City's design review process shall apply to conditionally permitted uses under Section .437 hereof.

Sec. .436. Uses permitted.

No building or structure or land shall be used, and no building or structure shall be designed, erected, structurally altered or enlarged except as provided herein.

1. The following fair related uses shall be permitted within this zone without any permit except for building and grading permits as applicable:

- a.) Child Care.
- b.) Commercial uses related to other permitted uses in structures less than 30,000 sq. ft.
- c.) Consumer Shows.
- d.) Drag Racing.
- e.) Exhibitions.
- f.) Fairs and Festivals.
- g.) Filming and photographic shoots.
- h.) Financial Services.
- i.) Fireworks Displays.
- j.) Food Service including banquets, catering and concessions.
- k.) Horse Exhibition, Sales, Racing, Wagering including Satellite Wagering.
- l.) Live Entertainment.
- m.) Livestock, Pet and other animal exhibitions, training and sales.
- n.) Meetings and Conferences.
- o.) Outdoor Recreation including but limited to camping, picnics, rallies, social events and sporting events.
- p.) Religious, educational, charitable, community and political activities.
- q.) Testing and demonstration of mechanical equipment and devices to the extent that such uses do not violate the City's noise ordinance.
- r.) Trade Shows.
- s.) Business Support services for permitted uses.
- t.) Facility and Vehicle maintenance for permitted uses.

2. The following fair related structures may be maintained, altered, expanded or erected within this zone without any permits except for building and grading permits as applicable:

- a.) Auditoriums and Meeting Halls.
- b.) Banks and ATMs.
- c.) Bars and drinking facilities.
- d.) Campgrounds.
- e.) Caretaker and/or employee residential quarters.
- f.) Child Care Centers.
- g.) Community and Cultural Centers.
- h.) Concert and Performing Art Theaters, both indoor and outdoor.
- i.) Drag Racing Facility.
- j.) Equestrian Facilities including horse race tracks, equine hospitals, off-track wagering facilities, paddocks, sales pavilions, show rings, trails and water quality systems.
- k.) Exhibit Buildings.
- l.) Governmental Buildings and sponsored uses.
- m.) Grandstand/Suite Complex.
- n.) Libraries and Museums.
- o.) Livestock Stables.
- p.) Offices for Administrative purposes.
- q.) Off-Street Parking.
- r.) Outdoor Public Address Systems except as restricted by Section .437.1(a).
- s.) Parking Structures.
- t.) Pipeline and Utility Lines.
- u.) Public Safety Facilities.
- v.) Recreational Vehicle (RV) Parks.
- w.) Restaurants.
- x.) Signs and Signage, onsite only.
- y.) Trade & Conference Centers.
- z.) Tents and Temporary Structures.
- aa.) Warehouses.

Sec. .437. Uses permitted by conditional use permit.

1. The following uses shall be permitted only upon the granting of a conditional use permit:
 - a) Use of outdoor public address systems between 10 P.M. to 9 A.M. at times other than during the regular fair season.
 - b) Convention Centers.
 - c) Sports Arenas.
 - d) Wireless Communication Facilities (subject to Section .5809-15 of the Zoning Ordinance.
 - e) Hotels and motels.
 - f) Heliports.
 - g) Amateur/ham radio antenna greater than 35 ft. in height.

- h) Commercial/Retail developments in excess of 30,000 sq.ft.
 - i) Residential developments except for caretaker/employee quarters.
 - j) Other uses not specifically listed.
- 2. Before approving any such conditional use permit, the Planning Commission shall make the findings required in Section .580 of the Zoning Ordinance.
 - 3. The fairgrounds delineated for conditional use permit applications shall include all buildings and parking areas used by the subject use and the amount of permit fee to be determined by this area. (Ord. No. 2450. § 1 (part).)
 - 4. The conditionally permitted use listed above shall also comply with the requirements of the provisions of the California Environmental Quality Act (CEQA) guidelines, as applicable.

Sec. .438. Design Review Compliance.


For all conditionally permitted uses listed in Section .437 that involve the physical development of permanent structures, said structures shall be subject to site design and architectural review and approval by the Community Development Director prior to the issuance of any building permit for said structure or use.

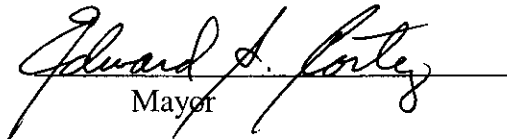
SECTION 4. The City Clerk shall attest to the passage and adoption of this ordinance, causing it to be posted as required by law, and it shall be effective thirty (30) after its adoption.

APPROVED, PASSED AND ADOPTED this 4th day of October, 2004.

ATTEST:

CITY OF POMONA


Acting City Clerk


Mayor

APPROVED AS TO FORM:


City Attorney

[illegible]

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a (an) _____ regular meeting of the Council of said City, held on the 20th day of September, 2004 and thereafter at a (an) _____ regular meeting of said Council held on the 4th day of October, 2004 was again reread, and was approved and adopted by the following vote, to wit:

AYES:	Councilmembers:	<u>Hunter, Robles, Rodriguez, Lantz, (Mayor) Cortez.</u>
”	”	_____
NOES:	”	<u>Rothman, Torres.</u>
ABSTENTIONS	”	_____
ABSENT:	”	_____
NOT VOTING:	”	_____

Elvira M. Santos
Acting City Clerk, Agency/Authority Secretary