

ORDINANCE NO. 17-XX

A ORDINANCE OF THE CITY OF POMONA CITY COUNCIL APPROVING CODE AMENDMENT (CODE 6899-2017) TO AMEND SECTION .062 (“DEFINITIONS”), SECTION .580 J (“USES REQUIRING CUP”), SECTION .342 (C-1 ZONE USES EXPRESSLY PROHIBITED), SECTION .352 (C-2 ZONE USES EXPRESSLY PROHIBITED), SECTION .362 (C-3 ZONE USES EXPRESSLY PROHIBITED), SECTION . 367 (C-C ZONE USES EXPRESSLY PROHIBITED), SECTION .372 (C-4 ZONE USES EXPRESSLY PROHIBITED), SECTION .392 (C-IND ZONE USES EXPRESSLY PROHIBITED), SECTION .398 (M ZONE USES EXPRESSLY PROHIBITED), SECTION .412 (M-1 ZONE USES EXPRESSLY PROHIBITED), AND SECTION .422 (M-2 ZONE USES EXPRESSLY PROHIBITED) OF THE POMONA ZONING CODE, AND TO RECIND DETERMINATION OF SIMILARITY (DOS 99-008) ALLOWING TRASH TRANSFER FACILITIES WITH A CONDITIONAL USE PERMIT, AND RESCIND ARTICLE VI, DIVISION 8 OF THE POMONA CITY CODE PERTAINING TO MEDICAL WASTE FACILITIES

WHEREAS, the City of Pomona has duly initiated Code Amendment (CODE 6899-2017);

WHEREAS, based on the community input during the review of applications for waste transfer facilities over the past several years, it was recognized that the impacts of solid waste and recycling facilities had not been evaluated comprehensively by the City of Pomona to establish regulations to protect residents of the City of Pomona from issues related to health and welfare of such uses;

WHEREAS, the impacts of such uses on traffic and economic development had not been considered throughout the City;

WHEREAS, on May 19, 2014, the City Council directed the Community Development Department to prepare an urgency ordinance establishing a citywide moratorium on new recycling and waste-related facilities and expansion of existing facilities;

WHEREAS, on May 19, 2014, the City Council also directed the Community Development Department to create a task force with participants from a wide range of expertise to assist with creating necessary development and operation standards for recycling and waste-related facilities in the City of Pomona;

WHEREAS, on June 16, 2014, the City Council approved a 45-day Interim Ordinance as an urgency measure establishing a moratorium on any new recycling and waste-related facilities and the expansion of existing facilities;

WHEREAS, on July 28, 2014, the City Council, by ordinance, extended the Interim Ordinance for a period of ten months and fifteen days, expiring on June 15, 2015;

WHEREAS, on June 1, 2015, the City Council, by ordinance, extended the Interim Ordinance for a period of 12 months, expiring on June 15, 2016;

WHEREAS, members of the waste and recycling task force met diligently since the moratorium was adopted in an attempt to draft new regulations to govern waste and recycling business;

WHEREAS, a draft ordinance prepared by the waste and recycling task force was presented to the Planning Commission and the City Council on March 23, 2016, and April 18, 2016, respectively;

WHEREAS, at the April 18th, 2016 the City Council meeting, the City Council voted not to adopt the draft ordinance prepared by the waste and recycling task force, but to direct staff to conduct inspections of all waste and recycling facilities and prepare a report on violation issues;

WHEREAS, the City Council reviewed the report on violation issues on waste and recycling facilities at its regularly scheduled meeting on October 3, 2016, and directed to ban all new waste and recycling facilities including hazardous waste, automobile dismantling, electronic waste facility, food waste facility, green waste facility, recycling facility, solid waste facility, construction and demolition waste facility, medical waste facility, and pallet yards through a city-initiated Code Amendment (CODE 6899-2017);

WHEREAS, the Planning Commission recommends that the City Council rescind in its entirety Chapter 8 of the City Code which outlines franchise agreements for medical waste facilities;

WHEREAS, the Planning Commission has duly considered the proposed changes to the Zoning Ordinance, as well as the impacts of the changes on the general welfare of the City and the consistency of the changes with the General Plan;

WHEREAS, the Planning Commission, exercising independent judgement, has determined that pursuant to the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Code Amendment (CODE 6899-2017) is exempt from CEQA under Sections 15060(c)(2), 15050(c)(3), and Section 15378;

WHEREAS, the Planning Commission of the City of Pomona, after giving notice thereof as required by law, held a public hearing on April 26th, 2017 concerning Code Amendment (CODE 6899-2017) and carefully considered all pertinent testimony and the staff report offered in the case as present;

WHEREAS, on April 26th, 2017, the Planning Commission of the City of Pomona voted 5-2-0-0 recommending to the City Council the approval of Code Amendment (CODE 6899-2017);

WHEREAS, the City Council of the City of Pomona has, after giving notice thereof as required by law, held a public hearing on June 5, 2017, concerning the requested Code Amendment (CODE 6026-2016); and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing.

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

SECTION 1. The City Council finds that the project is exempt per Sections 15060(c)(2), 15060(c)(3), and Section 15378 of the Guidelines for Implementation of the California Environmental Quality Act (CEQA).

SECTION 2. The City Council adopts Code Amendment (6899-2017) to rescind Determination of Similarity (DOS 99-008) allowing Trash Transfer Facilities within M-1 Zones with a Conditional Use Permit.

SECTION 3. The City Council adopts Code Amendment (6899-2017) to rescind Article VI, Division 8 of the City of Pomona City Code pertaining to medical waste facilities.

SECTION 4. The City Council adopts Code Amendment (6899-2017) to amend Section .062 (“Definitions”), pertaining to definitions for waste and recycling facilities to include the underline and ~~strikeout~~ language as listed below:

- **Sec. .062. - Specific definitions.**

Access, dwelling unit. A doorway or doorways providing entry or exit to the living space of a dwelling unit.

(Ord. No. 1930, § 1.)

Accessory building. A building, part of building, or structure or use which is subordinate to, and the use of which is incidental to that of the main building structure or use on the same lot.

Where an accessory building is a part of, or joined to the main building, such accessory building shall be counted as part of the main building.

Accessory living quarters. Living quarters within an accessory building located on the same premises with the main building, not rented, used primarily for employees.

Accessory use. A use incidental or subordinate to and devoted exclusively to the main use of the land, or building thereon.

Adult manufactured housing development. A manufactured housing development designated and operated exclusively for adults and does not permit families with children or dependents who are sixteen years of age or younger.

(Ord. No. 2494 § 1 (c) (part); Ord. No. 3137, § 2 (part).)

Advisory agency. The city planning commission is designated as the advisory agency to the city council on all matters related to the zoning and use of land and structures.

Airport. Any area which is used or is intended to be used for the taking-off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport building, or facilities, including open spaces, taxiways, and tiedown areas.

Alley. A public or private way at the rear or side of property, permanently reserved as a means of secondary vehicular access to abutting property. Frontage on said alley shall not be construed as satisfying the requirements of this ordinance related to frontage on a dedicated street.

Altered. See "structural alteration."

Alternative fuel processing. Technologies to generate alternative fuel(s) for use within common private and commercial motorized vehicles and similar devices, including motorized gardening equipment, cars, vans, light trucks, boats and RV's, consisting of the manufacturing, processing, treating, distilling, purifying, refining or collection of fuel(s) from solid, semi-solid or liquid raw, previously processed or recycled materials wherein the quantity of fuel(s) generated per day do not exceed the production as determined by the Planning Commission. Said technologies do not include mechanical, chemical or photochemical devices used for the sole purpose of the generation of electricity.

(Ord. No. 4073, § 4.)

Animal hospital. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. The use of the premises as a kennel or a place where animals or pets are boarded for remuneration may be permitted only when incidental to the principal use.

Animal slaughtering plant. The use of a building or buildings and/or land for the purpose of processing or slaughtering, or killing or the cleaning and preparing of the killed poultry for market, but this definition does not include the use of a building or buildings and/or land for these same uses or purposes if done incidental to, in connection with, ancillary, or subordinate to an existing and permitted agricultural use of raising such animals whether such use is in an existing agricultural zone or exists as a prior existing nonconforming use.

(Ord. No. 1685, § 1.)

Apartment. A room or suite of two or more rooms in a multiple dwelling, occupied or suitable for occupancy as a residence for one family.

Apartment hotel. A commercial establishment providing temporary lodging facilities for a price and which may provide accommodations for extended stays beyond the normal period offered by transient lodging establishments.

(Ord. No. 3254, § 1 (part).)

Apartment house. A building or portion thereof designed or used for three or more dwelling units, or a combination of three or more dwelling units and not more than five guest rooms or suites of rooms.

Applicant. A person or persons who, acting as the legal owner, or the authorized representative of the legal owner of a parcel of land, causes the City to inspect, review, approve, or hold public hearings on any proposed action or improvement that affects the land held by the legal owner.

(Ord. 3137, § 2 (part).)

Arbor. A structure that is freestanding or connected to a fence or wall that has a roof and walls that are substantially open. (Ord. No. 4118, § 19.)

Art gallery. A facility where people view and may purchase on a retail basis works of visual art including, but not limited to, paintings, sculpture, and ceramics. (Ord. No. 4114, § 3.)

Auditorium. A facility designed to accommodate fewer than 300 people who gather as an audience to experience educational and cultural presentations including, but not limited to, music recitals, lectures, and plays. (Ord. No. 4114, § 3.)

Auto Body and Fender Repair Shop. Any building used for body and fender replacement and repair. It includes work on frames, chassis, and mounting of truck bodies and platforms on beds on trucks and trailers. It includes modification of truck cabs, lengthening of truck chassis, modification of sports and high performance cars, glass and window replacement in vehicles, replacement of grilles and chassis reinforcement for winches and towing devices (other than portable towing hitches for domestic automobiles for light duty rental trailers).

(Ord. No. 3360, § 18 (part).)

Auto court. See "motel."

“Automobile Dismantling Facility” means any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Automatic Service Station. Same as an automobile service station, but the dispensing of fuels is done by the customer after payment by coins, cards, or other forms of currencies into a machine or automatic device which activates the pump which dispenses the fuel. This definition shall include all sites with automatic dispensing devices regardless of the various uses on the site, but excludes private fuel pumps not available to the public.

(Ord. No. 2394, § 1.)

Automobile and trailer sales lot. An open area used for the display, sales, and/or rental of new or used automobiles, and trailer coaches, but where no repair, repainting or remodeling is done.

Automobile Repair Facility. Any building, structure, improvements or land used for the mechanical or electrical repair, maintenance, servicing, or reconditioning of automobiles, motorcycles, and trucks including but not limited to muffler or upholstery work, tune ups, oil change and lubrication, transmission repair/rebuilding, tire or brake service.

(Ord. No. 3360, § 18 (part).)

Automobile service station. Retail place of business engaged in the sale and/or supply of motor fuel and oils, and no other use except the supply goods and services generally required in the operation and maintenance of motor vehicles. Included in this definition are all commercial uses that sell motor fuels through dispensing devices. This definition does not include trucking

stations, or the establishment that has as its primary activity the washing of automobiles, and may only incidentally dispense gasoline.

(Ord. 2236, § 8 (part); Ord. No. 2438, § 1 (part).)

Automobile trailer. Any vehicle used for living or sleeping purposes and equipped with wheels or other means to facilitate movement from place to place.

(Ord. No. 3137, § 2 (part).)

Automobile wrecking. The wrecking or dismantling of used motor vehicles or trailers, or the storage of, sale of, or dumping of dismantled, partly dismantled, obsolete or wrecked motor vehicles or their parts.

Automobile Accessory and Installation Facility. Any building, structure, improvements, or land used for the installation, minor repair, or maintenance of vehicles including CB radios, and cellular phones. Also included are installation of batteries, fan belts, light bulbs, and windshield wiper blades.

(Ord. No. 3660, § 18 (part).)

Bachelor apartment. A dwelling unit in a multiple dwelling, occupied or suitable for occupancy as a residence for one family in which the sleeping, cooking and living spaces are combined into one room.

(Ord. No. 1957, § 1.)

Banquet hall. A facility primarily engaged in providing banquet rooms and meals for special occasions including, but not limited to, formal dinners, receptions, reunions, promotions, benefits, and club meetings. (Ord. No. 4114, § 3.)

Basement. A space wholly or partly underground, and having more than one-half of its height, measuring from its floor to its ceiling below the average adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story. A basement shall not be occupied for dwelling purposes.

Block. A parcel of land bounded by public streets, highways, freeways, railroad rights of way, flood control channels, creeks, washes, rivers or acreage unsubdivided into urban lots or any combination thereto.

Board and care facility. Providing food or shelter to five or more persons not related by blood or marriage within the same building or upon the same premises but not including motels, hotels, or other similar establishments which cater primarily to transient guests who are not regular residents and when food is made available in a cafe, coffee shop or restaurant open to the general public adjacent to the motel, hotel or other similar units. This definition shall not include multiple-family dwelling structures when each dwelling unit is separately maintained by the tenants occupying each unit and such tenants completely care for themselves, and when five or less persons not related by blood or marriage occupy each dwelling unit. Neither shall this definition apply to restaurants, cafes, cafeterias or other commercial eating establishments which are open to the general public and do not regularly provide meals primarily for persons being provided shelter on the same premises or immediately adjacent premises. This term shall include rest homes, sanitariums, fraternity houses, sorority houses, boardinghouses, rooming houses and other similar types of operations when all the provisions of this definition are shown to exist.

(Ord. No. 2360, § 1.)

Boardinghouse and/or rooming house. A building containing a single dwelling unit and not more than five guest rooms, where lodging is provided with or without meals for compensation, but not to include rest homes or homes for the aged.

Building. Any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Area. The sum in square feet of the ground areas occupied by all buildings and structures on a lot.

Building, Height of. The vertical distance measured from the adjoining curb level to the highest point of the structure, exclusive of chimneys and ventilators; provided, however, that where buildings are set back from the street line, the height shall be measured from the average elevation of the finished grade at the front of the building.

Building Line. A line on private property, established by ordinance which regulates the location of buildings and/or structures as they relate to the rights-of-way of alleys, streets or highways.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided by this ordinance.

Building Setback Line. The minimum distance, as prescribed by this ordinance, between the property line of a lot or parcel of land, and any point on a building or structure related thereto, exclusive of those architectural features permitted to extend there into.

Building Site. The ground area of a building together with all the open space required by this ordinance.

Business or Commerce. The purchase, sale or other transaction involving the handling or disposition (other than that included in the term "industry" as defined herein) of any article, substance or commodity for profit or a livelihood, including in addition, automobile or trailer camps, tourist courts and motels, public garages, office buildings, offices of doctors and other professionals, outdoor advertising signs and structures, public stables, recreational and amusement enterprises conducted for profit, shops for the sale of personal services, places where commodities or services are sold or are offered for sale, either by direct handling of merchandise or by agreements to furnish them, but not including dumps and junk yards.

Carport. A permanently roofed structure open on one or more sides, used or intended to be used for automobile parking.

(Ord. No. 1675, § 1; Ord. No. 2498, § 9 (part).)

Center Line. Same as "Street center line."

Circuses, carnivals and fairs. Temporary events attended by people who may or may not be charged admission and which may include any combination of the following: rides, entertainment, games, food stands, exhibitions, and animal displays. (Ord. No. 4114, § 3.)

Clinic. A place for group medical services not involving overnight housing of patients.

Club, civic and private. A facility without lodging where an association of persons (whether or not incorporated), religious or otherwise, gather for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. (Ord. No. 4114, § 3.)

Collection facility means a center for the acceptance by donation, redemption or purchase of recyclable material from the public. A collection facility may include mobile collection facilities, kiosk-type units, unattended containers and other small collection facilities which occupy an area of not more than five hundred square feet and is a secondary use of the lot.

(Ord. No. 3598, § 2 (part).)

Commercial Coach. A vehicle with or without motive power, designed and equipped for human occupancy for industrial professional or commercial purposes and shall include a trailer coach.

(Ord. No. 2494, § 1(c)(part).)

Commercial stadium. A privately operated open or enclosed space with tiers of seats designed to accommodate spectators for viewing any combination of the following: sports, entertainment, and other recreational events. (Ord. No. 4114, § 3.)

Common Carrier Trucking Company. A freight transporting or transfer company serving the general public and/or business community, and regulated by the State Public Utilities Commission and/or the Federal Interstate Commerce Commission. Such businesses pay transportation taxes to the state. The city receives a portion of this tax in lieu of city business license fees, which are not required of such businesses.

(Ord. No. 2937, § 3.)

Common Wall. A wall forming the only separation between two or more spaces in a building or buildings.

(Ord. No. 1930, § 1.)

Compatible Use. A use that by its manner of operation is suitable in the district in which it may be nonconforming. Said use of land and/or buildings shall be in harmony with the uses on abutting properties in the same district.

Conference center. A facility designed to accommodate fewer than three hundred (300) people and used for any combination of the following: conferences, seminars, product displays, recreational activities, entertainment functions, and accessory uses such as temporary outdoor displays and food preparation and service for on-site consumption. (Ord. No. 4114, § 3.)

“Construction and Demolition Waste” means building materials and solid waste generated from construction and demolition activities, including, but not limited to, fully-cured asphalt, concrete, brick, rock, soil, lumber, gypsum wallboard, cardboard and other associated packaging, roofing material, ceramic tile, carpeting, fixtures, plastic pipe, metals, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction, deconstruction, demolition or land developments.

Convalescent Home. See rest homes.

Convention center. A facility designed to accommodate three hundred (300) or more people and used for any combination of the following: conventions, conferences, seminars, product displays, recreational activities, entertainment functions, and accessory uses such as temporary outdoor displays and food preparation and service for on-site consumption. (Ord. No. 4114, § 3.)

Co-operative Multiple Dwellings. Any multiple dwelling where persons possess an undivided equitable or legal, right or interest including but not limited to shares, stock or beneficial interest in trust, or as a condominium, community apartment project as defined by state law, coupled with an exclusive right or interest to possess, occupy or use one or more dwelling unit in such multiple dwelling.

(Ord. 3036, § 1.)

Couplet, Ingress-egress. A pair of freeway on and off ramps that allow a traveling motorist to enter a freeway on the same side as the exit and to continue traveling in the same direction prior to exiting.

(Ord. No. 2487, § 3.)

Court. A partially enclosed unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on opposite sides by the exterior walls of such building or buildings. Such court may be open, partially or completely roofed.

(Ord. No. 1930 § 2.)

Court Apartment. A group of dwellings arranged about two or more sides of a court which opens into a dedicated street or public way, or on a place approved by the commission.

Coverage. That portion of a lot or building site which is occupied by any building or structure, regardless of whether said building or structure is intended for human occupancy.

Dance hall. Any establishment that has at its primary use dancing or has a floor that is primarily used for dancing and is two hundred square feet or greater and allows dancing by persons other than paid performers.

(Ord. No. 2438, § 1 (part).)

Day care center. Any day care facility, other than a day care home, that provides non-medical care, protection, and supervision to children or adults for periods of less than twenty-four (24) hours per day.

(Ord. No. 3971, § 3 (part).)

Day care home. Any residential unit that regularly provides care, protection, and supervision to fourteen (14) or fewer children or adults, as incidental to the use of the unit as a residence, for periods of less than twenty-four (24) hours per day.

(Ord. No. 3971, § 3 (part).)

Day nursery. A building or any group of buildings or portion thereof used primarily for the day time care of children, where the total occupancy exceeds five persons including supervised children.

(Ord. No. 1957, § 3.)

Detrimental. Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is detrimental.

(Ord. No. 2485, § 1 (part).)

District. The land area as shown or described on the land use zoning map which is an integral part of this ordinance, and to which the regulations of this ordinance apply. "District" shall have the same meaning as zone or zoning district.

Dormitory. A guest room designed, intended or occupied as sleeping quarters by more than two persons.

Drive-in, drive-through, food-to-go business.

- (a) Any establishment that does business with a motorist while he is in his car, or
- (b) Any place of business in which the primary activity is the preparation of food which is not eaten on the premises or which is eaten in a car or seated at tables not within fully enclosed structures.
- (c) Shall not include businesses located as an integral part of a shopping center (where there are five or more separate uses and businesses in separate quarters which are located in a single building group) and where the building for said business is situated a minimum distance of two hundred feet from any property line.

(Ord. No. 2460, § 1.)

Drive-through business. Any establishment that does business with a motorist while he is in his car.

(*Ord. No. 3698 § 2.*)

Driveway. A concrete or asphalt paved access leading directly to a required off-street parking facility.

(*Ord. No. 2498, § 9 (part); Ord. No. 3621, § 6.*)

Dump. A place used for the disposal, abandonment, discarding, dumping, reduction, burial by incineration, or by any other means, of any garbage, sewage, trash, refuse, waste material, offal or dead animals.

Duplex. Same as "dwelling, two family."

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, with exception of permitted home occupations, including one-family, two-family, and multiple dwellings, but not including hotels or motels.

(*Ord. No. 4051, § 2 (part).*)

Dwelling occupancy. Any building or portion thereof designed or used for human habitation and including an area or facilities for sleeping.

(*Ord. No. 1930, § 1.*)

Dwelling unit. Two or more rooms in a dwelling or apartment hotel designed for or occupied by one family for living or sleeping purposes and having only one kitchen.

Dwelling, one family. A detached building designed and/or used exclusively for the occupancy of one family.

Dwelling, two family. A building designed and/or used exclusively for the occupancy of two families living independently of each other.

Dwelling, multiple. A detached building designed and used for occupancy by two or more families, all living independently of each other.

Easement. A space on a lot or parcel of land, and so indicated on a subdivision map or in a deed restriction, reserved for and/or used for public utilities, and/or public uses. No building may be constructed within said space so designated.

Educational institutions. Schools, colleges or universities supported wholly or in part by public funds and other schools, colleges or universities giving general academic instruction as determined by the State Board of Education.

Efficiency apartment. Same as bachelor apartment.

“Electronic Waste” means waste that includes any device powered by electricity (including batteries) that contains circuitry and is identified by the State of California as hazardous waste, whether whole or in fragments, including parts, components, or assemblies thereof. Examples include, but are not limited to: televisions, computers, central processing units, mobile computers (including notebooks, netbooks, tablets, and e-book readers), computer accessories (including input devices, webcams, speakers, data storage devices, servers, and monitors), televisions (including portable televisions and portable DVD players), video display devices (including digital picture frames and portable video devices), digital imaging devices (including printers, copiers, facsimile machines, image scanners, and multifunction machines), television peripheral devices (including video cassette recorders, DVD players, video game systems, game controllers, signal converter boxes, and cable and satellite receivers), digital cameras and projectors, digital audio players, telephones and electronic communication equipment (including cellular phones and wireless internet communication devices), networking devices (including routers, network cards, modems, and hubs), audio equipment, portable video game systems, personal digital assistants, portable global positioning system navigation devices and microwave ovens.

“Electronic Waste Facility” means a business that accepts by donation or purchase, “Electronic Waste” from the general public, other recycling facilities, government agencies, and other business enterprises. The facility is used for the collection, sorting, and short-term storage of “Electronic Waste.”

(Ord. No. 1957, § 2.)

Family. Family means an individual or group of individuals, related or unrelated, living together as a single housekeeping unit, including necessary servants. A family does not include institutional group living situations such as a residential facility, rest home, dormitory, or similar use, nor does it include such commercial group living arrangements such as a roominghouse, motel, hotel, or similar uses.

(Ord. No. 4051, § 2 (part).)

Family manufactured housing development. A manufactured housing development designed and operated for adults who may have children younger than sixteen years of age.

(Ord. No. 3137, § 2 (part).)

Fence, open. Any structural device forming a physical barrier which is so constructed that not less than fifty percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane. This shall include wire mesh, steel mesh, chain link, louvered, stake and other similar materials. Planting shall be regulated to maintain the required open areas in said fence structure. For additional definitions pertaining to fences, see Sec. .503-I.

Floor area. Whenever the term "floor area" is used in this ordinance as a basis for requiring off-street parking in any structure, it shall be assumed that, unless otherwise stated, said floor area not only applied to the ground floor area, but also to any additional stories or basement of said structure.

Floor space index. The ratio of gross building floor area to total lot area expressed as a fraction. Example: Two square feet of gross floor area for each three square feet of total lot area would result in a "floor space index" of 2/3.

"Food Waste" means residuals, scraps, expired or discarded food originating from sale, storage, processing, preparation or dining practices, including but not limited to vegetables, fruits, grains, dairy products, meats, and the compostable packaging that may be commingled.

"Food Waste Facility" means a facility that accepts Food Waste to reprocess into compost, or other products, including the use of power-driven processing equipment. Facilities which receive Food Waste for shipment to another facility for reprocessing or composting are not included in this type of facility.

Front wall. The wall of a building or structure nearest the street which the building fronts, but excluding certain architectural features as cornices, canopies, eaves or embellishment.

Frontage. All property fronting on one side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city boundary measured along a street line. An intercepting street shall determine only the boundary of the frontage on the side of the street that it intercepts.

Fortunetelling. Any place of business where any person does allows or professes to carry on, engage in or practice the art or transaction of palmistry, fortunetelling, clairvoyance, crystal

gazing, seancing, numerology, mediumship, tarot-card reading, past-life regression, prophecy, phrenology or divination for personal gain or other similar activity.

(Ord. No. 3621, § 3.)

Garage, private. A completely enclosed structure designed to be used for automobile parking.

(Ord. No. 1675, § 1; Ord. No. 2498, § 9 (part).)

Garage, public. Any garage other than a private garage.

Garage, storage. Any premises, used exclusively for the storage of vehicles.

Grade. The average of the finished ground level at the center of all of the exterior walls of a building. In case the front wall is parallel to and within five feet of a sidewalk, the grade shall be measured at the sidewalk at the centerline of the front of the lot.

Greenhouses. Shall be classified as a building in determining lot coverage.

“Greenwaste” means organic waste generated by landscape, garden or agricultural operations consisting of lawn clippings, tree and shrub prunings, wood, and miscellaneous soil material. This is categorized as material which can be used to process into compost or wood chips for reuse.

“Greenwaste Facility” means a facility that accepts Greenwaste to reprocess into compost, wood chips, or other products, including the use of power-driven processing equipment. Facilities which receive Greenwaste for shipment to another facility for reprocessing or composting are not included in this type of facility. A Greenwaste Facility does not include the chipping, grinding, handling, processing or storage of Construction and Demolition Waste.

Group care facility. A facility maintained and operated to provide residential or nonresidential care and services to children or adults including day care centers, day care homes, residential care facilities, and residential service facilities.

(Ord. No. 3971, § 3 (part).)

Group Home Care Facilities. Any facility maintained and operated for mentally, physically, and developmentally handicapped persons, persons requiring special care or services, children or adults requiring special care or services, day care or overnight supervision.

(Ord. No. 3660, § 4 (part); Ord. No. 3787, § 4.)

Guest. Any transient person who occupies a room for sleeping purposes.

Guest home. See "rest homes."

Guest house (accessory living quarters). Living quarters within a detached accessory building located on the same premises with the main building, for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

Guest room. A room which is designed to be occupied by one or more guests for sleeping purposes. Each one hundred square feet of totally enclosed space in a dormitory shall be considered as a separate guest room.

Half story. A story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.

"Hazardous Waste" means any waste or combination of wastes which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious or irreversible illness or incapacity or any substance which poses a substantial hazardous threat to human health or the environment. Materials or mixture of wastes which have been defined as "hazardous substances" or "hazardous wastes" pursuant to the Resource Conservation and Recovery Act (RCRA), 42 USC 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), USC 96-1 et seq., as either may be amended from time to time, or any substance which may be defined by the state integrated waste management board. Should a discrepancy arise between two or more entities having jurisdiction in this matter as to the definition set forth, the definition having the more encompassing meaning of the term "hazardous waste" shall prevail.

"Hazardous Waste Facility" means a facility, as defined in California Health and Safety Code Section 25117.1, that accepts Hazardous Wastes that are generated at another location (off-site) and serves more than one producer of Hazardous Waste.

Health club. Any place, location, or premises used primarily for physical activities involving bodily exertion for the purpose of physical fitness, sport, or game or for the pursuit of recreational amusement including, but not limited to, gymnasiums, racquet clubs, weight training facilities, and similar athletic establishments. (Ord. No. 4114, § 3.)

Hedge. A plant or series of plants, shrubs or other landscape material, so arranged as to form a physical barrier or enclosure.

Height of building. See "building height."

Highway setback line. The minimum distance between the centerline of the highway fronting the subject property and/or the right-of-way line of said highway and the closest point on any building or structure related thereto.

Homeless. Persons or families who lack a fixed, regular, and adequate nighttime residence and includes those staying in temporary or emergency shelters or who are accommodated with friends or others with the understanding that shelter is being provided as a last resort.

(Ord. No. 3660, § 4 (part).)

Homeless Shelter or Emergency Shelter. A facility which provides immediate and short term housing and supplemental services for the homeless. Supplemental services may include food, counseling and access to other social programs. Such facility is operated by a government agency or private non-profit organization, which shelter meets the standards contained in Title 25, California Administrative Code, Part 1, Chapter F, Subchapter 12, Section 7972.

(Ord. No. 3660, § 4 (part).)

Home occupation. A home occupation is any use conducted by occupants of a dwelling entirely within the dwelling and clearly being an accessory use of the structure. The use shall not change the character of the dwelling nor shall it adversely affect the surrounding residential areas.

(Ord. No. 2098, § 1.)

Hospital. Any building or portion thereof used for the accommodation and medical care of sick, injured, infirmed persons and including sanitariums, rest homes, homes for the aged, alcoholic sanitariums, institutions for the cure of chronic drug addicts and mental patients, or other licensed medical or state health facility. A hospital may include as an accessory use massage and/or baths, sauna and the like.

(Ord. No. 2565, § 1.)

Hospitals, animal. See "animal hospitals."

Hotel/Motel. A commercial facility offering transient lodging accommodations to the general public and which may provide such additional services as restaurants, meeting rooms, and recreational facilities.

(Ord. No. 3254, § 1 (part).)

House court. See "bungalow court."

Industry. The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character of appearance thereof, and including storage, elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

Intent and purpose. Shall mean that the commission and council, by the adoption of this ordinance, have made a finding that the health, safety and welfare of the community will be served by the creation of the district and by the regulations prescribed therein.

Junk material. Any worn-out, cast-off, or discarded articles or materials including, but not limited to, garage doors, windows, corrugated metal, inoperable motor vehicles and parts, construction material, household wastes including discarded appliances, and yard debris. (Ord. No. 4118, § 19.)

Junk yard. Any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles or other motor vehicles or machinery, or for the storage or keeping for sale or parts and equipment resulting from such dismantling or wrecking, or for the storage or keeping of junk, including scrap metal or other scrap materials.

Kennel. Any lot or premises on which more than three (3) dogs, at least four (4) months of age, are kept, boarded or trained.

Kitchen. Any room designed to be used or maintained for the cooking and/or preparation of food.

Landscaping. The planting and continuous maintenance of some combination of natural vegetation such as trees, shrubs, vines, ground covers, flowers on lawns. In addition to such plant life, landscaping may include stones, benches, ponds, and statuary. Plant life must predominate.

(Ord. No. 3621, § 4.)

Library. A public or quasi-public facility that houses printed and recorded material which may be used on-site or loaned for use off-site. Such material may include, but is not limited to, books, periodicals, and audio-visual recordings. (Ord. No. 4114, § 3.)

Living area. Whenever the term "living area" is used in this ordinance as a basis to determine the minimum dwelling unit size it means the total area of all rooms within the dwelling as measured from outside the exterior walls, but excluding garages, carports, patios, porches and all other accessory buildings and rooms.

(Ord. No. 2568, § 1.)

Living unit owner. A person, persons, or legal entity who, by virtue of a valid legally recorded instrument is acknowledged as the legal owner.

(Ord. No. 3137, § 2 (part).)

Loading space. An off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading. It shall abut a street, alley, or other appropriate means of ingress or egress.

Lodginghouse. A building with not more than five (5) guest rooms where, for compensation, lodging is provided for five (5) but not more than ten (10) persons.

Lot.

1. A parcel of real property when shown as a delineated parcel of land with a number or designation on a subdivision map or parcel map recorded in the office of the county recorder, and created in conformance with the subdivision map act and applicable local ordinances and which abuts at least one (1) street; or
2. A parcel of real property when shown on a record of survey map or deed filed in the office of the county recorder, when such map or deed was filed as the result of and was made a condition of a lot division approved under the authority of prior ordinances.
3. *Street.* A public or recorded private thoroughfare other than an alley which affords the primary means of access to abutting property.

(Ord No. 3360, § 11.)

Lot area. The total of the lot area, measured in a horizontal plane, within the lot lines of a lot.

Lot, corner. A lot located at the intersection of two or more streets.

Lot, corner, reversed. A corner lot, the side line of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.

Lot depth. The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot, interior. A lot other than a corner lot

Lot, key. Shall mean any lot where the side lot line abuts the rear lot line of one (1) or more other lots, and not separated by an alley.

Lot line. Any line bounding a lot as herein defined.

Lot line, front. All property fronting on one (1) side of a street between a street and right-of-way, waterway, or between intersecting or intercepting streets, the end of a dead-end street, or city boundary measured along a street line. In case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

Lot line, rear. A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or goreshaped lot, a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.

Lot line, side. Any lot boundary line, not a front line or a rear lot line.

Lot of record. A parcel of land as shown on the records of the county assessor at the time of the passage of this ordinance.

Lot, through. A lot having frontage on two parallel or approximately parallel dedicated streets. The lot frontage in instances such as this shall be determined by the planning manager. (Ord. No. 4118, § 19.)

Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

Major land use category. The major groupings of similar uses which are: agriculture, residential, retail stores, offices, services, light industry, general industry, and uncategorized government uses.

(Ord. No. 2521 § 2 (part).)

Manufactured home lot. The area designated in a manufactured housing development for the recessed placement of an individual manufactured housing unit. Each lot must be developed in accordance with the standards of the Residential-Manufactured Housing Development Zone.

(Ord. No. 3137, § 2 (part).)

Manufactured house. A housing unit built with a vehicular chassis, designed and equipped for human habitation, and for being drawn by a motor vehicle, conforming to the National Mobile Home Construction and Safety Standards Act of 1974.

(Ord. No. 3070, § 1 (part).)

Manufactured housing development. A comprehensively planned residential development designed and conceived to accommodate multiple manufactured housing units that are installed on individual lots meeting the minimum standards of the Residential-Manufactured Housing Development Zone (Section .480). Each of the lots and the units are to be distinct and separate within the boundaries of the development.

(Ord. No. 3137, § 2 (part).)

Marquee. A permanent roofed structure attached to and supported by the building and projecting over public property.

Medical marijuana dispensary. Any facility or location where a primary caregiver intends to or does make available, sell, transmit, give, exchange for consideration or otherwise provide medical marijuana to any of the following: a qualified patient, a person with an identification card or a primary caregiver. For purposes of this ordinance, the terms "primary caregiver," "qualified patient" and "person with an identification card" shall have the same meanings as those set forth in Health and Safety Code Section 11362.5 et seq. A "medical marijuana dispensary" shall not include the following uses, as long as the location of such uses is otherwise regulated by applicable law and as long as such uses strictly comply with applicable law including, but not limited to, Health and Safety Code Section 11362.5 et seq.: (1) a clinic, licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (2) a health care facility, licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code; (3) a residential care facility for persons with chronic life-threatening illness, licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code; (4) a residential care facility for the elderly, licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; or (5) a residential hospice or home health agency, licensed pursuant to Chapter 8 of the Health and Safety Code.

“Medical Waste” means waste which meets both of the following requirements:

(a) The waste is composed of waste which is generated or produced as a result of any of the following actions:

(1) Diagnosis, treatment, or immunization of human beings or animals.

(2) Research pertaining to the activities specified in subparagraph (A).

(3) The production or testing of biologicals.

(4) The accumulation of properly contained home-generated sharps waste that is brought by a patient, a member of the patient's family, or by a person authorized by the enforcement agency, to a point of consolidation approved by the enforcement agency pursuant to California Health and Safety Code Section 117904 or authorized pursuant to Section 118147.

(5) Removal of a regulated waste, as defined in Section 5193 of Title 8 of the California Code of Regulations, from a trauma scene by a trauma scene waste management practitioner.

(b) The waste is one or more of the following:

(1) Biohazardous waste ("red bag"),

(2) Sharps waste,

(3) Pharmaceutical waste,

(4) Pathological waste, or

(5) Trace chemotherapy waste.

“Medical Waste Treatment Facility” means a facility with an offsite medical waste treatment facility from CDPH that treats medical waste by a method approved by the CDPH.

“Medical Waste Facility” means any waste that falls under the jurisdiction of Pomona City Code Division 8 – Medical Waste Facilities, beginning with Section Sec. 62-901. Medical waste generators in the City of Pomona shall follow all local, state and federal codes and statues regarding the collection, storage, transportation and disposal of medical waste.

“Mixed Waste” means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection.

(Ord. No. 4096, § 2.)

Mobile home lot. The area designated in a mobile home park for the placing of a mobile home with accompanying yards and accessory buildings.

(Ord. No. 2494, § 1(c) (part).)

Mobile home park. Any area or tract of land where one or more mobile home lots are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. The rental paid for any such mobile home shall be deemed to include rental for the lot it occupies.

(Ord. No. 2494, § 1(c) (part).)

Modular house. A dwelling assembled from finished, off-site constructed, separate standardized modules which are not capable of being drawn by a motor vehicle.

(Ord. No. 3070, § 1 (part).)

Museum. A public or quasi-public facility serving as a repository for collections of any combination of natural, scientific, artistic, or literary objects of interest, designed and arranged to be viewed by the public, with or without admission. Accessory uses at such facilities may include, but are not limited to, restaurants, cafeterias, and gift shops. (Ord. No. 4114, § 3.)

Night club. A facility where people gather for any combination of the following purposes: to view various comedy, musical, or dance performances; to dance to live or recorded music; and to consume food or beverages. (Ord. No. 4114, § 3.)

Nonconforming building. A building or portion thereof lawfully existing at the time this ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the use of the district in which it is located, or which does not comply with all the height and area regulations of the district in which it is located.

Nonconforming use. A use of a building or land existing at the time of the adoption of this ordinance which does not conform to the regulations for the district in which it is located, as set forth in this ordinance.

Nursing home. See "hospital."

Outside sales. Display of merchandise for sale not entirely enclosed within a building.

Pallet yard. An open yard that stores, sells, repairs, refurbishes, and/or manufactures pallets.

(Ord. No. 2324, § 1.)

Panelized house. A dwelling assembled on-site with a majority of pre-made panels, or pre-cut building materials.

(Ord. No. 3070, § 1 (part).)

Parking area, private. An open area, other than a street, used for the parking of automotive vehicles capable of movement under their own power and restricted from general public use.

Parking area, public. An area, other than a private parking area or street used for the parking of vehicles and available for public or quasi-public use, either free or for remuneration.

Parking space, automobile. Space exclusive of driveways, ramps, columns, loading areas, office or work areas, within a building or open-parking area for the parking of one automobile and being accessible and usable for the parking of an automobile. Parking space size is according to the appropriate zoning district.

(Ord. No. 2498, § 9 (part).)

Patio. Roofless or one (1) story structure not exceeding twelve (12) feet in height, which may have enclosure walls, provided the open area of the longer wall and one additional wall is at least sixty-five percent (65%) of the area below a minimum of six (6) feet eight (8) inches of each wall and having concrete or wood floor construction. Patio shall not be used for carport, garage, storage room or habitable room. Any patio with roof, open slats or other covering shall constitute lot coverage but not square footage.

(Ord. No. 3621, § 8.)

Permanent Structures. Non-temporary structures constructed with conventional materials as prescribed in individual zoning districts and intended to be used for a period longer than one year.

(Ord. No. 3988, § 2 (part).)

Permittee. Shall be the person, firm or corporation who is proposing to use or who is using the land pursuant to the permit required herein at the time the matter is under consideration in connection with any procedure under this ordinance.

Person. An individual, firm, co-partnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the federal or state government, city, county, district, or any other group or combination acting as an entity.

Place. An open, unoccupied space, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Planned residential unit development. An arrangement of residential dwelling units, meeting the minimum standards of development of the zoning district in which proposed, except for the standards of lot area, lot dimensions, and yard requirements, and a dwelling row is one of three or more attached dwelling units which are distinct and noncommunicating and are separated by party walls or partition walls.

Porte cochere. An accessory structure open on three sides and attached to the side of a dwelling through which cars pass and is established for the convenience loading and unloading of passengers from an automobile. Not a carport.

Poultry processing plant. The use of building or building and/or land for the purpose of processing, or slaughtering, or killing, or the cleaning and preparing of the killed poultry for market, but this definition does not include the use of a building or buildings and/or land for these same uses or purposes if done incidental to, in connection with, ancillary, or subordinate to an existing and permitted agricultural use of raising such poultry whether such use is in an existing agricultural zone or exists as a prior existing nonconforming use.

(Ord. No. 1685, § 1.)

Public assembly uses. Facilities where groups of ten (10) or more people regularly gather for any combination of the following: civic, cultural, educational, political, and religious activities. Such facilities include art galleries; auditoriums; civic and private clubs; conference centers; educational institutions; libraries; museums; and religious facilities but do not include adult-oriented businesses; banquet halls; circuses, carnivals, and fairs; commercial stadiums; convention centers; cyber cafes; cyber learning centers; dance halls; health clubs; night clubs; restaurants; skill game centers; and theatres. For purposes of this definition, "regularly gather" shall mean assembling at the same location more frequently than once every fourteen (14) days. Notwithstanding the foregoing, this definition shall not include groups of fewer than thirty (30) people gathering within a private residence less frequently than once every six (6) days for the following purposes: (a) religious study; (b) neighborhood safety meetings which, for the purposes of this definition, shall mean neighborhood watch meetings or meetings of similar community groups, organized to address issues such as public safety, crime reduction, and neighborhood improvement; or (c) youth activity meetings which, for the purposes of this definition, shall mean Boy or Girl Scout meetings, or meetings of similar youth groups, organized to foster the personal and social development of young people. (Ord. No. 4114, § 3.)

Recreational vehicle. A camper, motor home, travel trailer or tent trailer, with or without motive power designed for human habitation for recreational or emergency occupancy, with a living area less than two hundred twenty square feet.

(Ord. No. 2494, § 1(c) (part).)

Recycling Center. A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1989. The recycling facility does not include storage container or processing activities located on the premises of a residential, commercial or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer.

"Recyclable Materials" or "Recyclables" mean that portion of Solid Waste (or source-separated Construction and Demolition Waste) which is separated from other Solid Waste (or Construction and Demolition Waste) and returned to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Recycle, recycling" means the process of separating, collecting, sorting, cleansing, treating, reconstituting or otherwise processing materials that are or would otherwise be disposed of in a landfill and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Recycling Facility" means a business that accepts by donation or purchase, recyclable materials from the general public, other Recycling Facilities, government agencies, and other business enterprises in order to recycle such materials. The facility is used for the collection, sorting, and short-term storage of Recyclable Materials that would otherwise become Solid Waste. A Recycling Facility is not a Greenwaste, Solid Waste, Hazardous Waste, or Automobile Dismantling Facility. A Recycling Facility does not include the cleansing, grinding, treating or reconstituting of recyclable materials.

Recycling Facility – Convenience. A recycling facility located in a convenience zone as defined and certified by the California Department of Conservation under the California Beverage Container Recycling and Litter Reduction Act (Pub. Resources Code Section 14500 et seq.). Only cans, bottles, and plastic containers and other containers and material identified or adopted under the Public Resource Code Section 14500 et seq. are accepted at a convenience recycling facility.

“Recycling Manufacturer” means a business that includes the cleansing, grinding, treating, and reconstituting of recyclable materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of reconstituted products which meet the quality standards necessary to be used in the marketplace. Reconstituted products do not include wood chips, saw dust, compost or raw materials resulting from processing greenwaste or construction and demolition waste.

(Ord. No. 3598, § 2 (part).)

Redevelopment agency. An agency empowered to redevelop through the means of planning, development, replanning, redesign, clearance, reconstruction or rehabilitation, or any combination of these, of all or part of a redevelopment project and the provision of such residential, commercial, industrial, public or other structures or spaces as may be appropriate or necessary in the interest of the general welfare including recreational and other facilities appurtenant to them.

(Ord. No. 2521, § 2 (part).)

Redevelopment project. Any undertaking of a redevelopment agency pursuant to redeveloping a designated area.

(Ord. No. 2521, § 2 (part).)

Religious facility. Premises such as, but not limited to, a cathedral, church, mosque, synagogue, or temple where people regularly gather to participate in religious meetings and where associated accessory uses may be located when authorized by the same type of land use permit required for the primary use. Such accessory uses may include, but are not limited to, living quarters for staff and day care centers. Other establishments maintained by religious organizations such as full-time educational institutions, hospitals, outdoor recreational camps, and religious retreat centers are classified according to their respective activities. (Ord. No. 4114, § 3.)

Residential care facility. A facility licensed by the State of California at which care, services, or treatment is provided to children or adults living in a community residential setting.

(Ord. No. 3971, § 3 (part).)

Residential service facility. A residential facility, other than a residential care facility or a single housekeeping unit, at which the operator receives compensation for the provision of personal services in addition to housing including, but not limited to, protection, supervision, assistance, guidance, training, therapy, or other non-medical care.

(Ord. No. 3971, § 3 (part).)

Restaurant. Shall mean a "bona fide public eating place" which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on such premises and must comply with all regulations of the local department of health.

"*Meals*" means the usual assortment of foods commonly ordered at various hours of the day. "Guests" shall mean persons who, during the hours which meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time a meal therein. Nothing in this section, however, shall be constructed to require that any food be sold or purchased with any beverage.

(Ord. No. 1964, § 1; Ord. No. 3335, § 1 (part).)

"Solid Waste" means all types of putrescible, offensive and nonputrescible solid and semisolid and liquid waste, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, animal carcasses, bulky goods, Construction and Demolition Wastes; abandoned vehicles and parts thereof; discarded home and industrial appliances; dewatered, treated or chemically fixed sewage sludge which is not to be deemed to contain hazardous material or substances; manure, vegetable or animal solid or semisolid waste; Greenwaste and recyclable materials; or any other material as defined by Public Resources Code § 40191, the state integrated waste management board, or any other entity having jurisdiction.

"Solid Waste Facility" means a Solid Waste transfer or processing station, a disposal facility or other waste conversion facility, and also includes any Solid Waste operation that may be carried out pursuant to an enforcement agency notification, including a construction debris chip and grind facility that does not involve Greenwaste.

Restaurant, Fast Food. A restaurant whose principle business is the sale of a pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either on or off the premises.

(Ord. No. 3698 § 3 (part).)

Restaurant, Take-Out. A restaurant where foods and/or beverages are sold directly to the customer in a ready-to-consume state for consumption off-site. A take-out restaurant provides no more than four tables and sixteen seats, either inside or outside, for on-site consumption.

(Ord. No. 3698 § 3 (part).)

Rest home. Premises serving as a residence for more than five persons and used for the housing of and caring for the ambulatory, aged, or infirm. There shall be only incidental convalescent care not involving either trained nurse or physician residing on the premises. There shall be no surgery, physical therapy or other similar activities such as is customarily provided in sanitariums and hospitals.

(Ord. No. 1957, § 1.)

Retail store. A business selling goods, wares or merchandise directly to the ultimate consumer.

Room. An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closet, hallways and service porches.

Roominghouse. A dwelling where housing is provided to three or more individuals, pursuant to an arrangement for compensation by month or greater term, and in which rooms are not occupied by, nor meals served, to transients.

(Ord. No. 4051, § 2 (part).)

Sanitarium. A health station or retreat or other place where patients are housed and where medical or surgical treatment is given. This does not include mental institutions caring for acutely mentally disturbed persons or treatment of narcotic addicts.

(Ord. No. 2360, § 3.)

Service station. Retail place of business engaged in some degree of sale and/or supply of motor fuels, oils and services to traveling public generally required in the operation and maintenance of motor vehicles and is further defined as either automatic, automobile, super or trucking.

(Ord. No. 2485, § 1 (part).)

Schools, elementary and high. An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the education code of the state of California. See "educational institutions."

Second-Unit Housing. "Second-unit housing" means a separate living quarters containing a maximum of one kitchen and one bedroom. Such a unit may be attached or detached on a single lot containing a legal single-family residence as the primary use. Second-unit housing shall be subject to restrictions and limitations as follows:

- A. Second units are allowed in all residential zones on single lots developed with a legal single-family use, except PD overlay zones.
- B. Not more than one second unit shall be created on any lot.
- C. A second unit must comply with all R-1-10,000 standards of development except as modified in this section.
- D. The minimum area for a lot on which a second unit may be permitted shall be 20% greater than the required lot area in each residential zone.
- E. The second unit shall be located within the rear half of the lot and not cover more than 30% of the rear half of the lot.
- F. The gross floor area of a second unit shall be at least 400 square feet but not exceed 750 square feet.
- G. The floor area of an attached second unit shall not exceed 30% of the living area in the existing single-family residence.
- H. The second unit shall be one-story with a maximum height of 16 feet to top of roof and, for attached units, located on the first or ground floor level of an existing structure. The second unit shall be designed so as to eliminate the need to climb stairs.
- I. One additional on-site parking space shall be provided in addition to the required two-car garage.
- J. The exterior design and materials of the second unit shall have the same appearance as those of the existing dwelling in regards to the roof, building walls, doors, windows, horizontal/vertical expression, and architectural detail.
- K. All new utility hook-ups shall be underground.
- L. No home occupation permits shall be allowed for the second unit.
- M. Second units shall not be sold independently of the primary dwelling unit on the lot and shall not be installed with a separate meter but shall share all gas, electric, and water bills.

N. A covenant, approved by the city attorney, shall be recorded with the county recorder's office; copies of said recorded covenant shall be filed with the Community Development Department. Said covenant shall indicate all pertinent restrictions and limitations on a second unit as included in this section, shall run with the land, and shall be binding upon any future owner, heirs, or assigns.

O. The owner/occupant of an existing single family dwelling located in a residential zone may apply for a second unit permit by submitting required materials to the Planning Division. The Planning Manager is authorized to approve or deny requests for second unit permits. If the proposed project meets all standards included herein, the request shall be approved and a permit issued. If all standards are not met, the request shall be denied. After the denial of a permit, the applicant may seek review by way of an administrative hearing in accordance with the following procedure:

1. A written appeal petition and a nonrefundable appeal fee in an amount set by resolution of the City Council must be filed with the City Manager within ten (10) calendar days after the decision of the Planning Division, provided, however, that if the ten (10) days expires on a date that City Hall is not open for business, then the appeal period shall be extended to the next City business day. Failure to file a timely petition, together with the nonrefundable appeal fee, deprive the hearing officer of jurisdiction to hear the appeal. The appeal petition must indicate in what way the appellant contends the Planning Division's decision was incorrect or must provide extenuating circumstances that the appellant contends would justify reversal or modification of the Planning Manager's decision.

2. The City Manager shall appoint a hearing officer to hear the application. The hearing officer shall set the matter for hearing within thirty (30) days of receipt of the petition, unless the applicant consents in writing to an extension. At least ten (10) calendar days prior to such hearing, written notice thereof shall be mailed to the applicant by first class U.S. mail with a proof of service attached.

3. All parties involved shall have the right to: (1) offer testimonial, documentary, and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or witness, provided the applicant consents in writing.

4. The hearing officer shall make a final determination supported by written findings, within five (5) City business days after the hearing pursuant to this section. No later than three (3) City business days of the hearing officer's decision, notice of the decision and a copy thereof shall be mailed by first-class mail, postage prepaid, to the appellant.

The decision of the hearing officer shall be final and the applicant may seek judicial review of the hearing officer's decision in accordance with California Code of Civil Procedure Section 1094.5 et seq. or as otherwise permitted by law. The applicant shall be notified of the decision.

(Ord. No. 3620, § 2; Ord. No. 3804, § 1; Ord. No. 3985, § 2.)

Self-storage facility (miniwarehouses or ministorage). A complex of buildings containing separate, enclosed units or cubicles, or other spaces which are available for rent to individuals for storage of dry goods, personal belongings, and other miscellaneous articles of value.

(Ord. No. 3756, § 2.)

Single housekeeping unit. The functional equivalent of a traditional family, whose members are a nontransient interactive group of people jointly occupying a single dwelling unit, including the joint use of common areas, and sharing household activities and responsibilities such as meals, chores, and expenses.

(Ord. No. 3971 § 3 (part).)

Site plan. A plan showing the relation of the proposed building to the boundary of the lot as related to provisions of this ordinance and other ordinances of the city of Pomona.

Skill game center. Any establishment providing amusement facilities which include, but are not limited to, pinball machines, shooting galleries, electronic or video type skill games. No type of gambling equipment shall be included in a skill game center.

(Ord. No. 2731, § 1.)

Stable, private. A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

Stable, public. A stable other than a private stable.

Story. A space in a building between the surface of any floor and the surface of the floor next above, or if there be no floor above, then the space between such floor and the ceiling or roof above.

Street. A public thoroughfare or right of way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and other thoroughfare, except as excluded in this ordinance.

Street center line. The center line of a street or right of way as established by official surveys.

Street line. The boundary line between street and abutting property.

Street, local. Shall mean any street, dedicated and such, serving as the principal means of access to property, which street is not shown as a major or secondary highway or major traffic street on the master plan for the city.

Street, side. That street bounding a corner lot and which extends in the same general direction as the line determining the depth of the lot.

Structure. Anything constructed or built, any edifice or building of any kind, or any piece of work artificially built or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground.

Structural, alterations. Any change in the supporting members of a building, such as in a bearing wall column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Super market. A commercial development which includes any or all of the following uses: Grocery department, meat market, drug department, liquor sales department, fruit and vegetable department, and sections or departments for the sale of incidental items of a convenience type.

Super service station. Same as an automobile service station, but with a wider range of operations. The super service station may serve as a "trucking station" and may supply towing services, and may be a place where major repair work is performed, as well as such other auto-related activities that normally would not be permitted in a regular automobile service station. Rental of trailers and equipment may also be conducted as an adjunct to a super service station. Where major repair work is performed, it shall be conducted according to the standards of the Uniform Building Code of the city for repair garages.

(Ord. No. 2236, § 9.)

Temporary Structures. Structures constructed using metal, plastic or wood frames or posts to support covers made of cloth, canvas, thermoplastic composite and/or other similar non-rigid materials that provide a weather barrier. Alternative terms to describe such structures include, but are not limited to, air-inflated structures, air-supported structures, cable structures, frame-covered structures, and membrane structures.

(Ord. No. 3988, § 2 (part).)

Tenant. A person, persons, family, or any combination thereof that legally inhabits an individual residential living unit as their primary place of residence and of which they are not the legal owner.

(Ord. No. 3137, § 2 (part).)

Theatre. Any establishment or place used primarily for theatrical performances and/or the showing of films with or without payment.

(Ord. No. 2466, § 1.)

Tourist court. See "hotel/motel."

Tourist home. Shall mean a home which has been converted into premises offering rooms to transient guests for remuneration.

Trailer, automobile. A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach.

Trailer coach. Any camp car, trailer or other vehicle, with or without motive power, designed and constructed to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the State Vehicle Code, and designed or used for human habitation.

(a) A dependent trailer coach is one not equipped with a toilet for sewage disposal.

(b) An independent trailer coach is one equipped with a toilet for sewage disposal.

(Ord. No. 1674, § 1.)

Transient. A person who requests temporary lodging accommodations for a price, with or without meals, for a period of not more than fifteen days.

(Ord. No. 3254, § 1 (part).)

Travel trailer. A vehicle other than a motor vehicle that is designed or used for human habitation and which may be moved upon a public highway without a special permit without violating any provision of the Vehicle Code.

(Ord. No. 2494, § 1(c) (part).)

Truck and trailer sales lot. An open area where trucks and/or trailers are sold, leased or rented and where no repairs, repainting or remodeling is done.

Trucking facilities. Any property and improvements used for freight transfer truck terminals or for the operations of a "common carrier trucking company," including the parking, or servicing, or repairing, or storage of trucks, truck tractors, and/or truck trailers, except where such activities are not part of a "common carrier trucking company" operation, and are incidental and accessory to a primary use, permitted in the zone district, serving only said use, and located on the same property or on property adjacent to that occupied by said primary use.

Trucking station. An establishment designed or used primarily for dispensing of fuel or service to trucks and characterized by features such as high canopies or absence of canopies, a high percentage of diesel fuel or propane fuel dispensed in comparison with gasoline, and solicitation to the trucking trade. A restaurant serving the traveling public may be a part of the development of a trucking station.

(Ord. No. 2236, § 8 (part); Ord. No. 2485, § 2 (part).)

Urban area. Any land within the city limits which is not in an "agricultural district."

Urban lot. A lot containing less than ten thousand square feet of area and served by such urban facilities as sanitary sewers, curbs, gutters, sidewalks, etc.

Use. The purpose for which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

Used car sales lot. Any lot or contiguous lots utilized for the retail sale of used cars, trucks, vans or similar motorized vehicles. A used car sales lot shall not include businesses which are not licensed by the city which utilize commercial lots for the individual sale (consignment) of private vehicles.

(Ord. No. 3714, § 3; Ord. No. 3878, § 1.)

Walkways. Improved concrete or asphalt surface or continuous blocks of flagstone three (3) feet, to five (5) feet in width for pedestrian travel.

(Ord. No. 3621, § 7.)

Wall. Any structure or device forming a physical barrier, which is so constructed that fifty percent or more of the vertical surface is closed to prevent the passage of light, air and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a solid barrier. For additional definitions pertaining to walls, see Sec. .503-I. (Ord. No. 4118, § 19.)

Wall, permanent. Any physical structure composed of materials that are of a permanent nature and which requires no maintenance. This shall include solid masonry, concrete slab, concrete block and other materials acceptable to the commission.

“Waste Transfer Station” means a facility where any type of solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.

“Waste Facility” means any Electronic Waste Facility, Food Waste Facility, Greenwaste Facility, Hazardous Waste Facility, Solid Waste Facility, or Medical Waste Facility

Yard. Any open space on the same lot with a building unoccupied and unobstructed from the ground upward to the sky, except for the projections and/or accessory buildings permitted by this ordinance. All yards must be completely landscaped except for driveways, walkways, or side or rear-yard open patios.

(Ord. No. 3621, § 5.)

Yard, front. A yard between the front line of a building and the front boundary line of the lot on which the building is situated, and extending the full width of the lot.

Yard, rear. A yard between the extreme rear line of a building and the rear of the lot on which the building is situated, and extending the full width of the lot.

Yard, side. A yard extending from the front yard, or from the front lot line where no front yard is required by this ordinance, to the rear yard, or rear lot line, between the side lot line and the nearest wall of the main building or of accessory building attached thereto.

Zone. Shall mean the same as district.

Zoning district. Shall mean the same as district.

Zoning district, change of. Shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the land use zoning map of the city.

Zoning review. Shall mean the right of the commission and/or the council to review, after the establishing of a date for said review in a district changing procedure, the appropriateness of the change, if the privileges granted by such changes are not exercised within the period of time set for the development of the land included in the district change procedures. The commission may recommend and the council may change the land to more appropriate districts after such review.

(Ord. No. 1561, § 1; Ord. No. 2048, § 1; Ord. No. 3254, § 1 (part); Ord. No. 3480, § 12; Ord. No. 3625, § 1; Ord. No. 3660, § 3.)

SECTION 5. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .580 J (“Uses Requiring a CUP”), pertaining banning any new waste and recycling facilities throughout the City and allowing convenience recycling facilities with a Conditional Use Permit with the underline and ~~strikeout~~ language as listed below:

• **Sec. .580. - Conditional Use Permits.**

J.

The following uses shall be permitted in the zones indicated, provided that a conditional use permit shall first be obtained pursuant to the provisions of this chapter:

Subject to conditional use permit:

USE	ZONES IN WHICH ALLOWED
*Airport or aircraft landing field	All zones
*Alcohol off-sale establishments, in conjunction with bona fide grocery stores, subject to provisions in	C-1, C-2

Section .5809.4	
*Alcohol off-sale establishments, subject to provisions of .5809.4	C-C, C-3, C-4
*Alcohol on-sale establishments in conjunction with bona fide restaurants subject to provisions in Section .5809.4	C-C, C-3, C-4, C-IND, M-1, M-2
*Alcohol on-sale in hospitals for patients/guests	A-P
*Alternative fuel processing, as defined in Section .062.	M-1, M-2
*Animal hospitals	C-4
*Archery ranges	O
*Ashrams, cloisters, convents	All residential zones
*Auto body and paints shops	M-1, M-2
*Automatic service stations, subject to provisions of Section .5804	C-4, M-1
*Automobile lube and tune	C-C
*Automobile repair facility	C-3, C-4, C-IND, M-1, M-2, subject to standards in Sec. .361.F
*Automobile service stations, subject to provisions of Section .5804	A-P, C-1, C-2, C-C, C-3, C-4, C-IND, M-1
*Automobile modifications	C-4

*Automotive-oriented sports facility	M-1
*Banks, building and loan offices	A-P
*Banquet halls, pursuant to Section .062	C-3, C-4, C-IND, M-1, M-2
*Boxing arenas	C-4
*Bridle trails	O
*Board and care, including rest homes, fraternities and sororities, pursuant to Section .062	R-4
*Business colleges, vocational schools	R-1-15,000 R-1-20,000 R-1-40,000 A-P
*Camp grounds	O
*Cemeteries	All zones
*Charter bus company	M-2
*Child care centers	A-P
*Circuses, carnivals, fairs and other amusements	C-4
*Collection facilities	C-1, C-2, C-3, C-4, C-IND, M M-1, M-2
*Commercial coach, subject to provisions of Section .5806.	All Zones
*Commercial facilities of four or more commercial	All C Zones

units or more than 20,000 square feet of lot area.	
*Commercial radio and television antennas and/or transmitters	All zones
*Community television receiving and distribution systems (cable TV)	PRD
*Convenience store may not be allowed off-sale alcohol	M-1, M-2
*Conversion to condominiums, subject to provisions Section .58012	R-2, R-3, R-4
*Dance halls	C-3, C-4
*Day care centers	All zones
*Day nurseries	R-1-6000, R-1-7200, R-1-7500, R-1-10,000, R-1-E, R-2, PRD, A-P, C-C, C-4
*Development of natural resources (excluding drilling for a producing oil, gas, or other hydrocarbon substances or the production of rock and/or gravel) together with the necessary buildings, apparatus or appurtenances thereto	All zones
*Disabled adult day care (6 or fewer persons)	R-3, A-P
*Drive-in theaters	C-4

*Driving ranges	O
*Group home care facilities caring for seven or more persons subject to of Section .5809-14.	R-1-6000, R-1-7200, R-1-7500, R-1-10,000, R-1-20,000, R-1-E, R-2, R-3, R-4, M-1 and M-2
*Fences up to 12 feet in height around tennis, badminton, basketball or volleyball courts and similar play areas when located on a property line or within 10 feet of a property line within the rear half of the lot. (See Sec. .503-I for additional requirements.)	All R, A-P, C and M zones
*Fishing ponds	O
*Food and beverage uses, accessory	O
*Fortunetelling, not located within 300' of a religious facility, park, school, or residential zone and not operating before 9 a.m. or after 10 p.m.	C-4, CIND
*Fraternity and sorority house when related to a public or private school or educational institution	R-4, A-P
*Freeway signs, subject to provisions of Section .509-J.J.4	All C and M zones
*Golf course and country club, excepting driving ranges	R-1-6000, R-1-7200, R-1-7500, R-1-10,000, R-1-20,000, R-1-40,000,

	R-1-E, R-2
*Group home care facilities for seven (7) to twelve (12) persons, subject to provisions of Sec. .231.F	All R zones
*Health club, subject to provisions of Section .5809-8	C-3, C-4, M-1
*Highrise building identification signs, subject to provisions of Section .503-J.J.1.	All C and M zones
*Homeless shelter, subject to provisions in Sec. .391.F	C-IND, M-1, M-2
*Hospitals	A-P
*Hotels, motels and apartment hotels subject to the requirements of Section .5809-10.	C-3, C-4, C-IND, M-1, M-2
*Industrial facilities of over 20,000 square feet of gross floor area or lot greater than one acre in size	All M zones
*In-patient drug abuse treatment facility	C-3, C-4
*Kennels, subject to provisions to Section .411.A.11	C-IND, M-1
*Major site identification sign, subject to provisions of Section .503-J.J.2	All C and M zones
*Manufactured housing developments	R-MHD
*Manufacturing uses not listed as permitted in M-2 Zone	M-2
*Massages and/or baths, sauna and the like when they are an accessory use to an athletic club or association	C-4

which is a facility offering a full range of physical fitness programs including, but not limited to, swimming, basketball, hand-ball and similar court games and weight lifting.	
*Mechanical car wash	C-4
*Model homes, with or without sales	All residential zones
*Mortuaries and funeral parlors	C-4
*Moving of any residential, commercial or industrial structures onto a lot, subject to provisions of Section .590	All zones
*Multi-family residential of 10 or more units, subject to provisions of Section .58011	R-2, R-3, R-4
*Off-site advertising, subject to provisions of Section .503-J	M-1, M-2
*Outdoor commercial recreation facilities	All commercial zones
*Outdoor public address system used between 9:00 p.m.—9:00 a.m. at times other than during Los Angeles County Fair, excepting Carnation Ring and Grandstand between 10:00 p.m.—9:00 a.m., subject to provisions of Section .437.2	F
*Permanent structures, primary use, by private or government agency, subject to provisions of .221 (G) (7)	O
*Planned freeway commercial development, subject to	R-1-6000, R-1-7200, R-1-7500,

provisions of Section .5808	R-1-10,000, R-1-E, R-2
*Projecting signs, subject to provisions of Section .503-J.J.5	All C and M
*PRUD	R-1-6000, R-1-7200, R-1-7500, R-1-10,000, R-1-15,000, R-1-20,000, R-1-40,000, R-1-E, R-2
*Public assembly uses, pursuant to Section .062	All residential, commercial, industrial and professional zones
* Recycling centers	M, M-1, M-2
* <u>Recycling Facility -- Convenience</u>	<u>C-1, C-2, C-3, C-4, C-C, C-IND, M-1, M-2, as well as commercial and mixed-use districts in Specific Plan areas</u>
<u>Recycling manufacturer</u>	<u>M-1, M-2</u>
*Residential buildings, subject to provisions of Section .411.G and .412.B	C-IND, M-1, M-2
*Residential care facilities serving more than six	R-3, R-4, R-MHD, A-P, C-1, C-2, C-3, C-4, C-C, M, M-1, M-2 as well as the following districts of specific plans: multiple family residential, office, institutional, commercial, mixed use, and business park

*Residential service facilities serving more than six	R-3, R-4, R-MHD, A-P, C-1, C-2, C-3, C-4, C-C, M, M-1, M-2 as well as the following districts of specific plans: multiple family residential, office, institutional, commercial, mixed use, and business park
*Rest homes	C-3, C-4
*Rest homes sanitariums, and board and care facilities	A-P
*Roller skating rinks	C-C
*Rooming house	All residential zones and A-P
*Self-storage facilities (subject to development standards set forth in Section .5809-12)	C-4
*Senior citizen housing, subject to R-4 provisions of .300.B.7.	R-4
*Skill game centers, (10 or more games) subject to provisions of Section .5809.5	C-3, C-4, C-C
*Stadia	All zones
*Super service stations, subject to provisions of Section .5804	C-3, C-4, C-IND
*Tattoo establishments as defined by, and subject to, the requirements of Section .5809-22. (Sections .5809-22 D (1-3) shall not be applicable to exhibitions and/or trade shows involving tattoo parlors and facilities located in the F (Fair) Zone.)	C-4

*Theaters, except adult motion picture theaters, subject to provisions of Section .5809-3	C-3
*Trucking facilities, subject to standards contained in Section .5809-6	M-1, M-2
*Used Car Lots, as defined in Sec. .062 and subject to the requirements in Section .5809-16	C-3, C-4, C-IND
*Uses not listed in F zone	F

(Ord. No. 3633, § 6; Ord. No. 3660, §§ 10, 24; Ord. No. 3698, § 5; Ord. No. 3704, § 5; Ord. No. 3724, § 5; Ord. No. 3756, § 6; Ord. No. 3787, § 8; Ord. No. 3804, § 3; Ord. No. 3878, § 9; Ord. No. 3971, § 4; Ord. No. 3985, § 3; Ord. No. 4051, § 8; Ord. No. 4052, § 4; Ord. No. 4073, § 5; Ord. No. 4114, § 3; Ord. No. 4118, § 18.)

SECTION 6. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .342 (“C-1 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .342. - Uses expressly prohibited.**
 - A. Residential uses.
 - B. Any combination of residential and nonresidential uses on a lot, parcel of land or in any structure thereon.
 - C. Commercial uses expressly listed in a less restrictive district.
 - D. Industrial uses.
 - E. Public address systems and/or loudspeakers outside of any, buildings.
 - F. Expressly prohibited for gasoline service stations:

- a. Automobile painting
- b. Steam cleaning
- c. Repairing, replacing or overhauling of engines, motors, transmissions, driving mechanisms, steering mechanisms, differential assemblies or any other major automobile part or parts.
- d. Brake drum turning
- e. Body and fender work of any kind
- f. Tire rebuilding or recapping
- g. Conducting any type of rental business
- h. Grease pits.
- i. Any other service station uses which in the opinion of the planning commission are more obnoxious or detrimental to the welfare of the particular community than the uses herein enumerated in this section.

(Ord. No. 1898, § 3.)

- G. Medical marijuana dispensaries.
- H. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

(Ord. No. 4096, § 16.)

SECTION 7. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .352 (“C-2 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .352. - Uses expressly prohibited.**
 - A. Residential uses.
 - B. Any combination of residential and nonresidential uses on a lot, parcel of land or in any structure thereon.

- C. Commercial uses expressly listed in a less restrictive district.
- D. Industrial uses.
- E. Public address systems and/or loud-speakers outside of any buildings.
- F. Medical marijuana dispensaries.
- G. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 8. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .362 (“C-3 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .362. - Uses expressly prohibited.**
 - A. Residential uses, except as provided for in Section .361.
 - B. Commercial uses expressly listed in a less restrictive district.
 - C. Industrial uses.
 - D. Outside sales.

No display, sales or storage of merchandise shall be conducted unless within a totally enclosed building constructed in conformity with the building regulations of the city, except the following:

1. Sale of vehicles and new accessories to vehicles.
2. Plant nurseries.
3. Outdoor eating facilities.
4. Newsstands.

5. Service stations and super service stations sales when specifically permitted by other provisions of this ordinance.
6. Other new or used merchandise, provided that the first twenty-five feet of the particular site from any street frontage be kept free and clear of any outdoor display, sales or storage, and provided that the outdoor display, sales or storage of said merchandise shall not exceed a period of forty-eight hours for each permitted display, sales or storage period, and further provided that each outdoor activity be conducted under a special commercial outdoor display, sales or storage permit issued by the city clerk and approved by the city planner. The number of such special outdoor display, sales or storage permits issued for each business shall be limited to four per calendar year.

(Ord. No. 2324, § 2; Ord. No. 2741, § 1; Ord. No. 3625, § 2 (part).)

E. Medical marijuana dispensaries.

(Ord. No. 4096, § 18.)

F. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 9. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .367 (“C-c Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

• **Sec. .367. - Uses expressly prohibited.**

- A. Residential uses.
- B. Any combination of residential and nonresidential uses on a lot, parcel of land or in any structure thereon.
- C. Commercial uses expressly listed in a less restrictive district.
- D. Industrial uses.

E. Public address systems and/or loud speakers outside of any buildings.

(Ord. No. 1962, § 1.)

F. Medical marijuana dispensaries.

G. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 10. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .372 (“C-4 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .372. - Uses expressly prohibited.**

A. Residential uses except as provided for in Section .371.

B. Industrial uses.

C. Outside sales.

No display, sales or storage of merchandise shall be conducted unless within a totally enclosed building constructed in conformity with the building regulations of the city, except the following:

1. Sale of vehicles and new accessories to vehicles.
2. Plant nurseries.
3. Outdoor eating facilities.
4. Newsstands.
5. Service stations and super service stations sales when specifically permitted by other provisions of this ordinance.
6. Other new or used merchandise, provided that the first twenty-five feet of the particular site from any street frontage be kept free and clear of any outdoor display, sales or storage, and provided that the outdoor display, sales or storage of said

merchandise shall not exceed a period of forty-eight hours for each permitted display, sales or storage period, and further provided that each outdoor activity be conducted under special commercial outdoor display, sales or storage permit issued by the city clerk and approved by the city planner. The number of such special outdoor display, sales or storage permits issued for each business shall be limited to four per calendar year.

D. Theaters as defined in Section .062.

(Ord. No. 2466, § 3; Ord. No. 2741, § 2.)

E. Medical marijuana dispensaries.

(Ord. No. 4096, § 20.)

(Ord. No. 2324, § 3; Ord. No. 3625, § 2 (part).)

F. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 11. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .392 (“C-IND Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .392. - Uses expressly prohibited.**

A. Residential uses, except as permitted in M-1 district.

B. Any combination of residential and nonresidential uses on a lot, parcel of land or in any structure thereon.

C. Commercial uses not specifically listed in paragraphs A, B and C of this section.

D. Industrial uses not listed in the "M-1" light industrial district.

E. Medical marijuana dispensaries.

(Ord. No. 4096, § 21.)

F. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 12. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .398 ("M Zone uses expressly prohibited"), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

• **Sec. .398. - Uses expressly prohibited.**

- (a) Residential buildings (except caretaker's or watchmen's quarters).
- (b) Retail commercial uses (except for such uses as are utilized to operate and maintain employee facilities including, but not limited to, employee cafeterias and/or restaurants, whether maintained by one owner or jointly by two or more owners for their respective employees).
- (c) Storage of materials, supplies or products in open, unenclosed areas.
- (d) Billboards or advertising structures.
- (e) Public assembly uses, pursuant to Section .062, not located within a multi-use industrial park. (Ord. No. 4114, § 3.)
- (f) Gas stations (except facilities for the owner's own vehicles).
- (g) Any use which is not explicitly permitted under Section .396 or such use which is not in conformance with the intended provision of Section .395 "M" Special Industrial Zone.

(Ord. No. 3049, § 3.)

- (h) Any use which is a nuisance or detrimental to the general public safety or welfare.

(Ord. No. 2788 § 2 (part); Ord. No. 3049, § 3; Ord. No. 3236, § 3)

(i) Medical marijuana dispensaries.

(Ord. No. 4096, § 22.)

(j). Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 13. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .412 (“M-1 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .412. - Uses expressly prohibited.**

A. Residential uses, see Section .411.

B. Repealed by Ordinance No. 3633.

C. Repealed by Ordinance No. 3622.

D. Commercial and industrial uses not specifically listed in Section .411.

(Ord. No. 2305, § 1; Ord. No. 3226, § 6.)

E. Medical marijuana dispensaries. (Ord. No. 4096, § 23)

F. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 14. The Planning Commission hereby recommends to the City Council adoption of Code Amendment (6899-2017) to amend Section .422 (“M-2 Zone uses expressly prohibited”), pertaining banning any new waste and recycling facilities throughout the City with the underline and ~~strikeout~~ language as listed below:

- **Sec. .422. - Uses expressly prohibited.**

- A. Residential uses, except as permitted above.
- B. Repealed by Ordinance No. 3633.
- C. Repealed by Ordinance No. 3622.
- D. Commercial uses not specifically listed in Section .411-A.
- E. Industrial uses as follows:
 - 1. Chlorine gas, manufacture of.
 - 2. Coal, the distillation of coal or coal tar, the manufacture of any coal product.
 - 3. Coke oven.
 - 4. Creosoting plant.
 - 5. Fish smoking, curing or canning.
 - 6. Hydrocyanic acid, the manufacture of any product of hydrocyanic acid.
 - 7. Petroleum refinery.
 - 8. Phenol manufacture.
 - 9. Potash manufacture.
 - 10. Rock crusher.
 - 11. Rubber reclaiming plant.
 - 12. Size or glue manufacture.
 - 13. Smelter.
 - 14. Stock feeding pens.
 - 15. Tar distillation or tar products manufacture.

(Ord. No. 2305, § 2; Ord. No. 3226, § 7.)
- F. Medical marijuana dispensaries.

G. Waste and Recycling facilities including hazardous waste facility, automobile dismantling facility, electronic waste facility, food waste facility, green waste facility, recycling facility (excluding convenience recycling facilities), solid waste facility, construction and demolition waste facility, waste transfer stations, medical waste facility, and pallet yards.

SECTION 15. The City Clerk shall attest and certify to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

APPROVED AND PASSED THIS 5th DAY OF JUNE, 2017

ATTEST:

CITY OF POMONA:

Eva Buice, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Arnold Alvarez-Glasman, City Attorney
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, EVA BUICE, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pomona held on the 5th day of June, 2017, and adopted on the _____ day of _____, 2017 by the following vote:

AYES: COUNCILMEMBERS:

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NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Eva Buice, City Clerk

APPROVED AND PASSED THIS 5TH DAY OF JUNE, 2017

CAROLYN HEMMING
PLANNING COMMISSION CHAIRPERSON

ATTEST:

BRAD JOHNSON
PLANNING COMMISSION SECRETARY

APPROVED AS TO FORM:

ANDREW JARED
ASSISTANT CITY ATTORNEY

City Council Ordinance No. 17-XX
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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

AYES:
NOES:
ABSENT:
ABSTAIN:

"Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by Sec. 1094.6 C.C.P."