

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ADDING SECTIONS TO CHAPTER 18.66 (CONDITIONAL DEVELOPMENT PERMITS) AND AMENDING SECTION 18.38.020 OF THE RIALTO MUNICIPAL CODE TO REQUIRE THE APPROVAL OF A CONDITIONAL DEVELOPMENT PERMIT FOR THE DEVELOPMENT, EXPANSION, OR MODIFICATION OF STORAGE WAREHOUSES, DISTRIBUTION CENTERS, AND SIMILAR USES IN ALL INDUSTRIAL ZONES WITHIN THE CITY OF RIALTO.

WHEREAS, currently, the development, expansion, and modification of storage warehouses, distribution centers, and similar uses are permitted by right in each industrial zone within the City of Rialto; and

WHEREAS, the City Council desires to have storage warehouses, distribution centers, and similar uses be conditionally permitted in all industrial zones within the City of Rialto rather than permitted by right; and

WHEREAS, the Conditional Development Permit process will allow the City to place conditions of approval upon the development, expansion, or modification of storage warehouses, distribution centers, and similar uses in all industrial zones within the City of Rialto to ensure that these particular type of uses are constructed and operated continuously in a manner that is consistent with the vision, objectives, and goals of the General Plan, Rialto Municipal Code, and any underlying specific plan; and

WHEREAS, the City desires to add sections to Chapter 18.66 and amend section 18.38.020 of the Rialto Municipal Code to address the warehouses and distribution centers, and similar uses, through the Conditional Development Permit process (“Zoning Code Amendment”); and

WHEREAS, the City of Rialto Planning Commission conducted a duly noticed public hearing on November 20, 2019 and, after receiving and hearing al testimony and evidence, found the Zoning Code Amendment to be in conformance with the vision, objectives, and goals of the General Plan and recommended approval thereof.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF RIALTO ORDAINS, AS FOLLOWS:

Section 1. The recitals set forth above are all true and correct and incorporated herein.

Section 2. Section 18.38.020 of the Rialto Municipal Code is hereby amended to read in its entirety as follows (additions in ***bold italics*** and deletions in ~~strike~~throughs):

“Chapter 18.38 – M-1 Light Manufacturing Zone

18.38.020 - Permitted uses.

Uses permitted are as follows:

A. Light manufacturing, processing or treatment of products;

B. Any of the following uses:

1. Assembly of machine and appliances from previously prepared parts,
2. Auction houses, provided the use is conducted entirely within an enclosed building and no stalls or sales are allowed outside of the building and there is no outside storage, and subject to a conditional development request to be filed and approved by the planning commission,
3. Automobile, truck, airplane, motorcycle, bicycle and farm machinery assembly, painting, repair and sales,
4. Bakeries or baking plants,
5. Bedding, carpet and pillow manufacturing, cleaning and renovating,
6. Blacksmith and horseshoeing shop,
7. Boat building,
8. Body and fender works when operated wholly within a building,
9. Book bindery,
10. Bus repair and storage terminals,
11. Circuses, carnivals, fairs,
12. Cleaning and dyeing plant,
- ~~13. Distribution plant,~~
- 13.*** Electric light or power generating station and electric distribution and transmission substation,
- 14.*** Electric plating,
- 15.*** Flower, feed and seed processing and sales,
- 16.*** Food products manufacturing except the following: fish, and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- 17.*** Fruit or vegetable packing and shipping plants,
- 18.*** Ice and cold storage plants,
- 19.*** Laboratories,
- 20.*** Laundries,
- 21.*** Lumber yards, building materials storage and sales, contractors storage yard or plant,
- 22.*** Machine shop,
- 23.*** Neon or electric sign manufacture,
- 24.*** Planing or saw mills,
- 25.*** Plumbing shop and yard,
- 26.*** Printing, publishing and reproduction establishments,
- 27.*** Radio and television stations and masts,
- 28.*** Sheet metal plant,
- ~~29. Storage warehouses,~~
- ~~30. Storage or service yards when enclosed within a solid masonry wall not less than six feet in height and in a manner satisfactory to the planning commission,~~
- 29.*** Truck terminals, repair shops, hauling and storage yards,

30. Waste paper and rags, collection and bailing, when conducted entirely within an enclosed building,
31. Wholesale and jobbing establishment including incidental retail outlets for only such merchandise as is handled at wholesale,
32. Other uses which are subject to a conditional development permit. (See Chapter 18.66),
33. Foundries or metal fabrication plants using plate and structural shapes,
34. Small and large collection facilities for recyclable materials as permitted in Chapter 18.108,
35. Light processing facilities for recyclable materials as permitted in Chapter 18.108,
36. Restaurant, cafe and sandwich shop.”

Section 3. Section 18.66.030 of the Rialto Municipal Code is hereby amended to add a new subsection CC [Storage Warehouses/Distribution Centers] to read in its entirety as follows (additions in ***bold italics*** and deletions in ~~strikethroughs~~):

“Chapter 18.66 – Conditional Development Permits

18.66.030 - Permitted uses.

CC. Storage Warehouses/Distribution Centers. Enclosed facilities that typically include, but are not limited to, storage, warehousing, order fulfillment and freight handling, shipping, and trucking services to and from the premises of commercial goods, commodities, materials, supplies, and similar items for the primary purpose of supply chain distribution.

- 1. Storage Warehouses/Distribution Centers shall be conditionally permitted only in the M-1, M-2, M-IND, H-IND, U-S, I-P, FI, EMP, BC, I-PID, and I-GM zones.***
- 2. If any other section of this code or provision of a general or specific plan is inconsistent or conflicts with this subsection, the provisions of this subsection shall apply.”***

Section 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

1 **Section 5.** The City Council hereby finds and determines that it can be seen with certainty that
2 there is no possibility that this ordinance may have a significant adverse effect on the environment.
3 Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental
4 Quality Act (CEQA) pursuant to Section 15378 of the CEQA Guidelines.

5 **Section 6.** The City Clerk shall certify to the adoption of this Ordinance and cause the
6 same to be published in the local newspaper; and the same shall take effect thirty (30) days after its
7 date of adoption:

8 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2020, by the following vote:

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11 _____
12 DEBORAH ROBERTSON, Mayor

13 ATTEST:

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16 _____
17 BARBARA McGEE, City Clerk

18 APPROVED AS TO FORM

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20 _____
21 FRED GALANTE, City Attorney
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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN BERNARDINO) ss
3 CITY OF RIALTO)

4 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
5 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council of
6 the City of Rialto held on the _____ day of _____, 2020.

7 Upon motion of Councilmember _____, seconded by Councilmember
8 _____, the foregoing Ordinance No. _____ was duly passed and adopted.

9 Vote on the Motion:

10 AYES:

11 NOES:

12 ABSENT:

13 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the City of
14 Rialto, this _____ day of _____, 2020.

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16 _____
17 Barbara A. McGee, City Clerk
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