

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING CHAPTER 18.104 AND RELATED SECTIONS OF THE RIALTO MUNICIPAL CODE RELATED TO OUTDOOR STORAGE USES

WHEREAS, Chapter 18.104 of the Rialto Municipal Code establishes requirements for the outdoor storage of goods, materials, machines, vehicles, trailers, and other equipment; and

WHEREAS, the City Council desires to amend the Rialto Municipal Code to modify and clarify development standards for outdoor storage uses; and

WHEREAS, the City Council desires to promote economic vitality and sustainability of businesses within the community, while still protecting the general health, safety, and welfare of the public, by regulating outdoor storage uses; and

WHEREAS, on December 9, 2020, the Planning Commission held a public hearing on Zoning Code Amendment 20-004, an amendment to Title 18 of the Rialto Municipal Code to modify and clarify development standards for outdoor storage uses, where it heard testimony and discussed the Ordinance and recommended to the City Council approval of the same.

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

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

Section 2. The adoption of the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA). Pursuant to Section 15378 of the California Environmental Quality Act, a ‘Project’ means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. A project does not include changes to development standards that will not result in direct or indirect physical changes in the environment. The Planning Division will file a Notice

1 of Exemption with the Clerk of the Board of San Bernardino County in accordance with CEQA
2 upon adoption of the Ordinance.

3 **Section 3.** Chapter 18.104 [Outdoor Storage Uses] of the Rialto Municipal Code is
4 hereby amended to read as follows with underlined text representing additions and stricken text
5 representing deletions:

6 **Chapter 18.104 – Outdoor Storage Uses**

7 **18.104.010 - Purpose**

8 This section establishes requirements for the outdoor storage of goods, materials (except
9 temporary storage of construction materials associated with an active building permit), machines,
10 vehicles, trailers, and other equipment. The purpose of these regulations is to provide adequate
11 and convenient areas for outdoor storage and display of materials, merchandise, and equipment in
12 industrial zones. The intent of these regulations is to minimize visual impacts to adjacent
13 properties and public rights-of-way and to protect public health, safety and welfare due to the over
14 development of these storage intensive facilities within the City of Rialto by controlling the
15 number, size, and location of these facilities.

16 **18.104.015 - Definitions**

17 A. The following words and phrases shall, for the purposes of this chapter, have the meanings
18 respectively ascribed to them by this section, as follows:

- 19 1. “Outdoor storage use” means establishments that engage primarily in the outdoor
20 storage of goods, materials (except temporary storage of construction materials
21 associated with an active building permit), machines, vehicles, trailers, and other
22 equipment.
- 23 2. “Truck yard” is a type of outdoor storage use whereby an outdoor lot, lot area, or parcel
24 of land used, is designed and maintained primarily for the purpose of storing, parking,
25 dispatching, or keeping motor trucks, tractors, bobtails, and associated equipment
26 together with or without facilities necessary to service, dispatch, store or maintain
27 mentioned vehicles, their cargos and crews.
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1 **18.104.020 - Applicability**

2 The requirements of this chapter shall apply to the establishment or modification of all outdoor
3 storage in zoning districts in which the use is permitted, pursuant to Section 18.66.030. This
4 chapter shall not apply to ~~outdoor storage uses that are incidental or ancillary to other primary~~
5 ~~uses on the same property as defined by Section 18.04.040 of the Rialto Municipal Code or to~~
6 existing uses or pending applications as of the effective date of the ordinance codified in this
7 chapter. The continuation of existing outdoor storage uses shall be subject to the regulations and
8 guidelines of Chapter 18.60, Non-conforming Uses of the Rialto Municipal Code.

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10 **18.104.025 - Locational Provisions**

11 A. Subject to the limitations of this chapter, outdoor storage uses, including truck yards, may
12 be established, subject to Planning Commission approval of a conditional development
13 permit, within the following zones, consistent with Section 18.66.030:

- 14 1. Light Industrial (M-1) zone
15 2. General Manufacturing (M-2) zone
16 3. General Manufacturing (I-GM) zone of the Rialto Airport Specific Plan
17 4. Medium Industrial (M-IND) zone of the Agua Mansa Specific Plan
18 5. Heavy Industrial (H-IND) zone of the Agua Mansa Specific Plan

19 B. Truck yards shall not be located adjacent to or across a street or intersection from
20 residentially zoned or used land, public and private schools, public parks and open space
21 intended for public park and recreational use.

22 **18.104.030 - Development Performance Standards.**

23 A. ~~All outdoor storage areas shall be completely enclosed by any permitted combination of~~
24 ~~buildings structures, walls, and fencing. Such walls and fencing shall be a minimum of eight~~
25 ~~feet in height and shall be designed to completely screen all stored materials from view from~~
26 ~~non industrialized areas at an elevation of five feet above the grade of all abutting properties~~
27 ~~and rights of way.~~

- 1 ~~B. Access gates and doors may be constructed of open wrought iron if a perforated metal screen~~
2 ~~or other durable material is incorporated into the design that obscures views through the gate.~~
- 3 ~~C. The screen wall shall not be located within any required front yard or street side yard setback~~
4 ~~area.~~
- 5 ~~D. A landscaped area with a minimum dimension of ten feet shall be provided in front of each~~
6 ~~wall if no landscape setback is otherwise required by the zone in which it is located.~~
- 7 ~~E. Outdoor storage areas shall not be visible from public streets, freeways, residential district,~~
8 ~~public open space intended for public park and recreational use area, parking area, access~~
9 ~~driveway, or similar thoroughfare.~~
- 10 ~~F. Outdoor storage is subject to all applicable fire, health, safety, and buiding regulations.~~
- 11 ~~G. Outdoor storage shall not impede the growth or maintenance of required landscaping.~~
- 12 ~~H. All stored items shall be completely screened by solid, decorative fences, walls, buildings,~~
13 ~~or landscape features, or by a combination of screening elements. Stored items shall not~~
14 ~~exceed the height of the screening element.~~
- 15 ~~I. The storage area is screened by solid, decorative fences, walls, or buildings, or a combination~~
16 ~~thereof, not less than eight feet in height. If screening of the merchandise, material, or~~
17 ~~equipment requires a screening height greater than eight feet, the storage area and the~~
18 ~~screening fences, walls, or buildings shall be located on the rear half of the lot, away from~~
19 ~~any public right of way.~~
- 20 ~~J. Storage is permitted in required side and rear yards. Storage is not permitted in required front~~
21 ~~or street side yards.~~
- 22 ~~K. No merchandise, material, or equipment shall be stored on the roof of any building unless it~~
23 ~~is completely enclosed, and constructed of the same material as the main building. This~~
24 ~~limitation does not apply to operable vehicles parked on the top level of a parking structure.~~
- 25 ~~L. Each establishment or facility must have on site parking, in accordance with Chapter 18.58~~
26 ~~of the Rialto Municipal Code, and cannot rely on on street parking to meet standards.~~
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1 ~~M. Caretaking units shall be permitted, provided that the units are indicated in the application~~
2 ~~in thorough detail and do not rely on street parking.~~

3 ~~N. Each establishment or facility shall pay a fee, in accordance with the fee structure adopted~~
4 ~~by the city council by resolution.~~

5 ~~O. All areas of the establishment or facility shall be maintained in good repair, in a clean, neat~~
6 ~~and orderly condition~~

7 A. Site and Architectural Design Standards

- 8 1. All outdoor storage uses, including truck yards, and associated buildings shall comply
9 with all applicable provisions of Chapter 18.61 (Design Guidelines) of the Rialto
10 Municipal Code. All buildings and structures shall incorporate enhanced architectural
11 treatments on all sides visible from public view. Enhanced architectural treatments
12 include combinations of accent building materials, windows/spandrel glass, reveals,
13 metal eyebrow accents, cornices, etc.
- 14 2. Underground stormwater chambers shall be provided to avoid the need for
15 aboveground stormwater basins. As an alternative, aboveground basins may be
16 permitted if the depth of the basin does not require fencing and the basin can be planted
17 with shrubs and groundcover so as to appear as part of the landscaped area on the site.

18 B. Parking and Access Standards

- 19 1. Parking shall be provided for the primary use associated with an outdoor storage use in
20 accordance with Chapter 18.58 (Off-Street Parking) of the Rialto Municipal Code or an
21 applicable Specific Plan.
- 22 2. All passenger vehicle parking lots, drive-aisles, and truck parking areas or truck courts,
23 and outdoor storage areas shall be paved with asphalt or concrete; no areas shall remain
24 unfinished and all areas of a developed site shall be finished with a permanent surface
25 or permanent landscaping materials and irrigation.
- 26 3. Sufficient space, including additional overflow areas, shall be provided to
27 accommodate all maneuvering, queuing, stacking, loading, unloading, and parking of
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1 vehicles on-site and to avoid queuing, stacking, loading, unloading, and parking of
2 vehicles off-site on adjacent streets.

- 3 4. Signage for directional guidance to vehicles entering and exiting the facility shall be
4 provided on-site.

5 C. Screening Standards

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7 1. All stored items, including trucks and trailers within truck parking areas and courts,
8 shall be completely screened from public view, including oblique views, by a
9 combination of buildings and/or solid screen walls of either decorative concrete
10 masonry block or decorative concrete tilt-up walls. Decorative masonry block means
11 tan slumpstone block, tan split-face block, or precision block with a stucco, plaster, or
12 cultured stone finish. Decorative concrete tilt-up wall means concrete with a
13 combination of paint and raised patterns, reveals, and/or trim lines.
- 14 2. Screen walls shall not be located within any required front yard or street side yard
15 building or landscape setback area.
- 16 3. All stored items, including trucks and trailers within truck parking areas, shall not
17 exceed eight (8) feet in height unless a taller wall up to fourteen (14) feet is provided to
18 effectively screen along street frontages. The minimum height of screen walls shall be
19 eight (8) feet and the maximum height shall be fourteen (14) feet.
- 20 4. Solid walls surrounding outdoor storage uses that either at grade or are above the grade
21 of an adjacent street shall incorporate a berm/slope along the entire length of the wall
22 that ensures that no more than eight (8) feet of the wall is visible from public view.
23 The maximum slope shall not exceed a 4:1 ratio.
- 24 5. A combination of eight (8) foot tall fencing and a five (5) foot wide landscaping planter
25 may be provided in lieu of solid screening walls along the side and rear property lines
26 in areas where the site is not visible to the public. A combination of trees and shrubs
27 shall be provided to ensure adequate screening.
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6. Access gates and doors may be constructed of open wrought iron if a perforated metal screen or other durable material is incorporated into the design that obscures views through the gate.
7. Anti-graffiti coating or equivalent measure to prevent graffiti shall be provided for all solid screen walls.

D. Landscape Standards

1. All outdoor storage uses shall incorporate a minimum fifteen (15) foot deep landscaped setback along all street frontages with a combination of trees, shrubs, and groundcover. Parking of motor vehicles is not permitted within the required setback area.
2. All outdoor storage uses shall provide a minimum ten (10) foot wide landscape planter at the base of any buildings and screening walls that are visible from and face street frontages. Planting within these planters shall consist of a combination of small to medium scale trees, shrubs, and groundcover vegetation to soften the edge of the building or screen wall.
3. Trees shall be planted every thirty (30) linear feet within all landscape planters on-site. Two (2) rows of trees shall be provided within all landscape setbacks adjacent to public streets. A minimum of fifty percent (50%) of the trees on-site shall consist of evergreen broadleaf tree species to ensure year-round coverage.
4. Shrubs and groundcover vegetation shall be planted an average of three (3) feet on-center or less, or as recommended for the species. Shrubs and groundcover vegetation species shall be selected and plotted to ensure a layering of landscaping from shorter to taller.

E. Security Standards

1. All outdoor storage uses shall be secured and incorporate security cameras that are connected to the City's enforcement system to the satisfaction of the Police Chief.

- 1 2. All outdoor storage uses shall be illuminated entirely every night, from dusk until
2 dawn, with a minimum of one (1.0) foot candle across the site. Light fixtures shall be
3 arranged or shield so as not to spill light onto neighboring properties.

4 F. Operational Standards for Truck Yards

- 5 1. An Operations and Truck Route Plan shall be submitted for review and approval as
6 part of the conditional development permit application. The plan shall describe the
7 operational characteristics of the proposed use, including but not limited to, hours of
8 operation, number of employees, types of items to be stored at the site, and the
9 proposed truck routing to and from the facility to designated truck routes that avoids
10 passing residential, educational, park and open space intended for public park and
11 recreational use areas to the greatest extent feasible. The plan shall also include
12 physical and operational measures for preventing truck queuing, stopping, and parking
13 on public streets.
- 14 2. A Property Maintenance Program shall be submitted for review and approval as part
15 of the conditional development permit application. The program shall provide for the
16 regular maintenance of building structures, landscaping, and paved surfaces in good
17 physical condition and appearance. The methods and maximum intervals for
18 maintenance of each component shall be specified in the program.

19 **18.104.035 - Performance Standards**

- 20 A. Outdoor storage is subject to all applicable fire, health, safety, and building regulations.
21 B. Outdoor storage shall not impede the growth or maintenance of required landscaping.
22 C. Storage is permitted in required side and rear yards. Storage is not permitted in required
23 front or street side yards.
- 24 D. Caretaking units shall be permitted, provided that the units do not rely on street parking.
- 25 E. All areas of the establishment or facility shall be maintained in good repair, in a clean, neat
26 and orderly condition.

- 1 F. New or modified truck yards shall route all vehicles associated with the use (trucks, vans,
2 passenger vehicles, etc.) on roadways that avoid passing residential, educational, park and
3 open space intended for public park and recreational use areas to the greatest extent
4 feasible.
- 5 G. The following measures shall be included as performance measures and standard
6 conditions of approval for all truck yards:
- 7 1. The queuing of trucks on streets or elsewhere outside of facility shall be prohibited. All
8 queuing, stacking, loading, unloading, and parking shall occur exclusively on-site.
 - 9 2. The operator of the outdoor storage use shall be responsible for implementing and
10 monitoring an Operations and Truck Route Plan during all operations, including, but
11 not limited to posting the plan and educating truck drivers on the approved routes.
 - 12 3. Truck yard facilities shall not store any products, goods, materials, or containers
13 outside of any building on-site, except for trucks and trailers associated with the truck
14 yard facility, unless such storage is permitted through a conditional development
15 permit in accordance with this Chapter.
 - 16 4. Truck drivers shall not sleep or reside within any truck cab on-site overnight or for any
17 other extended duration of time.
 - 18 5. Operators shall address any parking, traffic, noise, or safety issues within 48 hours of
19 being notified by the City that an issue exists.
 - 20 6. Prior to the issuance of a Business Compliance Certificate, any new tenant or operator
21 of a truck yard facility shall 1) submit an operational plan and trip generation analysis
22 prepared by a licensed traffic engineer for review and approval demonstrating the
23 proposed operations and projected traffic associated with the new tenant or operator is
24 the same or less than the projected traffic assumed in the approved entitlements for the
25 facility; and 2) sign a statement acknowledging acceptance of all operational conditions
26 of approval associated with the approved entitlements for the facility. If the proposed
27 operations and trip generation represent a significant change in operational
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characteristics or more than ten (10) percent increase in trip generation beyond what was entitled, a modification to the conditional development permit shall be required prior to the start of operations.

7. The property owner and/or operator shall be responsible for implementing the approved Property Maintenance Program and maintaining the property in good physical condition.

18.104-040 – Exemptions. Review and Approval Process

A. This section applies to all industrial development in all zones that propose outdoor storage whether or not a permit or other approval is required for the development.

B. Applicable regulations for specific types of development proposals are as follows:

Type of Development Proposal	Required Permit Type/Approval process	
	Planning Commission	Development Review Committee
Any development in an industrial zone that proposes outdoor storage or display	Conditional Development Permit	Precise Plan of Design

A. Exempt Uses. The following uses shall be exempt from the provisions and requirements of this chapter:

1. Vehicle, boat, and recreational vehicle dealerships;
2. Temporary seasonal displays (e.g. Christmas tree lots, pumpkin patch lots, etc.); and,
3. Ancillary outdoor display by indoor retailers.

18.104.050 - Building, Grading, or Electrical Permits and Enforcement.

1 A building, grading or electrical permit shall not be issued for any outdoor storage or display use
2 unless a conditional development permit and a precise plan of design are approved by the city.
3 No outdoor storage use, including truck yards, shall be conducted on any site without the approval
4 of all necessary entitlement applications, the issuance of all required permits, and the completion
5 of all required site improvements.

6 **Section 3.** Subsection D of Section 18.60.010 [Application of chapter] of Chapter 18.60
7 [Nonconforming Uses] of the Rialto Municipal Code, is hereby amended to read as follows with
8 underlined text representing additions:

9 **18.60.010 - Application of Chapter.**

10 **D.** The provisions of this chapter shall not apply so as to place in a nonconforming category
11 any existing use requiring a conditional development permit under Chapter 18.66, except as
12 provided in Section 18.60.050. However, if there is a proposed change of use or increase in area of
13 property used, an application for a conditional development permit is required.

14 **Section 4.** If any provision of this Ordinance is held invalid, such invalidity shall not
15 affect the remaining provisions of this Ordinance, which shall remain in effect absent the provision
16 held to be invalid, and to this end, the provisions of this Ordinance are declared to be severable.

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

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5 PASSED, APPROVED AND ADOPTED this ____ day of _____, 2021.

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7 _____
8 DEBORAH ROBERTSON, Mayor

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10 **ATTEST:**

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12 _____
13 BARBARA McGEE, City Clerk

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16 **APPROVED AS TO FORM**

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18 _____
19 ERIC VAIL, Interim City Attorney

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1 **STATE OF CALIFORNIA**)
2 **COUNTY OF SAN BERNARDINO**) ss
3 **CITY OF RIALTO**)

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5 I, Barbara McGee, City Clerk of the City of Rialto, do hereby certify that the foregoing
6 Ordinance No. _____ was duly passed and adopted at a regular meeting of the City Council
7 of the City of Rialto held on the _____ day of _____, 2021.

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

11 Vote on the Motion:

12 AYES:

13 NOES:

14 ABSENT:

15 IN WITNESS WHEREOF, I have hereunto set my hand and the Official Seal of the
16 City of Rialto, this _____ day of _____, 2021.

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Barbara A. McGee, City Clerk