



Chapter 1

January 2014

Administration and Procedures

This chapter establishes administrative elements of the Zoning Code, as follows:

- Purpose and authority of the code as the key land use implementation tool.
- The procedures for land use entitlement applications.
- How to appeal decisions, amend the Zoning Code, handle nonconforming land uses and structures, and enforce Zoning Code provisions.
- Review and approve responsibilities that are assigned to the Planning Director.

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Table of Contents

Section 1.1 Zoning Code Purpose and Scope	1-1
A. Intent.....	1-1
B. Scope of Regulations.....	1-1
C. City to be Held Harmless.....	1-2
Section 1.2 Planning Agency.....	1-3
A. City Council	1-3
B. Planning Commission.....	1-3
C. Planning Director	1-3
Section 1.3 Application Processing Procedures.....	1-4
A. Pre-Application Review.....	1-4
B. Submittal Requirements	1-4
C. Determination of Completeness Application	1-4
D. Application Review.....	1-4
E. Public Hearing	1-5
Section 1.4 Appeals.....	1-6
A. Appeal of Planning Director Decisions.....	1-6
B. Appeal of Planning Commission Decisions	1-6
Section 1.5 Zoning Code Administrator	1-7
A. Official Zoning Interpretation	1-7
B. Amendments to Projects	1-7
C. Zoning Clearance.....	1-9
D. Reasonable Accommodation	1-9
E. Crowing Fowl Permit.....	1-11
F. Large Family Day Care Home Permits.....	1-13
G. Temporary Event and Permits	1-14
H. Sign Permit.....	1-16
Section 1.6 Nonconforming Structures and Uses	1-17
A. Purpose and Intent	1-17
B. Restrictions on Nonconforming Uses and Structures.....	1-17
C. Loss of Nonconforming Status	1-17
D. Nonconforming Parcels.....	1-18
E. Nonconforming Due to Lack of Conditional Use Permit.....	1-19

Section 1.7 Zoning Code and Map Amendments 1-20

- A. Purpose 1-20
- B. Approving Authority..... 1-20
- C. Initiation of Amendment 1-20
- D. Airport Land Use Commission Referral..... 1-20
- E. Findings for Zoning Amendment 1-20
- F. Conditions/Restrictions..... 1-20

Section 1.8 Enforcement 1-21

- A. Enforcement 1-21
- B. Procedure, Remedies and Penalties 1-21

Section 1.9 Revocation 1-22

- A. Revocation and Modification..... 1-22

Section 1.1 Zoning Code Purpose and Scope

A. Intent

The intent of this Zoning Code or code is to set forth and coordinate city regulations governing the development and use of land in accordance with the city goals and policies. This code is specifically intended to do the following:

1. Facilitate prompt review of development proposals and provide for public information, review, and comment on development proposals that may have a significant impact on the community.
2. Create a comprehensive and consistent pattern of land uses to help ensure the provision of adequate water, sewerage, transportation, drainage, parks, open space, and public facilities.
3. Create a complete multimodal transportation network that promotes pedestrian-oriented development, safe and effective traffic circulation, and adequate facilities for all transportation modes (e.g., walking, bicycling, driving, and using transit).
4. Ensure compatibility between residential and nonresidential development and facilitate the development of compatible mixed-use developments.

B. Scope of Regulations

The scope of regulations under this Zoning Code applies to all privately held property within the City of Eastvale and does not apply to federal-, state- or city-owned property.

1. **Conflicting regulations.** If any section of this code is in conflict with any other section thereof, or any other city ordinance, then the more stringent requirements shall apply.
2. **Private projects.** All land, buildings, and structures in the city shall be used only as hereinafter provided:
 - a. No land, building, or structure shall be used, constructed, altered or maintained except in conformance with the provisions of this code.
 - b. No use that requires a permit or approval of any kind under the provisions of this code shall be established or operated until the permit or approval is finally granted and all required conditions of the permit or approval have been completed to satisfaction of the Planning Director.
 - c. No use that requires a permit or approval of any kind under the provisions of this code shall be established or operated in violation of, or contrary to, any of the terms and conditions of the granted permit or approval.
 - d. The term "private project" shall include those projects of local agencies which are subject to city regulation under Government Code Sections 53090 to 53095, and shall also include any project proposed to be established or operated on government lands if the project is not primarily for a governmental purpose unless the government agency involved has exclusive jurisdiction or the field of regulation has been preempted by law.

3. **Public projects.** No federal, state, county or city governmental project shall be subject to the provisions of this code, including such projects operated by any combination of these agencies or by a private person for the benefit of any such government agency, unless the agency provides by contract or otherwise that the project shall be constructed or operated in compliance with any or all provisions of this code.

C. City to be Held Harmless

Any person who obtains, or files an application to obtain, a permit or approval of any kind under the provisions of this code shall hold the City, its officers, employees and agents harmless from any liability or claim of liability, including any claims of the applicant, arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

Section 1.2 Planning Agency

The planning agency for City of Eastvale shall consist of the City Council, the Planning Commission, and the Planning Department. The planning agency shall perform all functions required by state law and this code.

A. City Council

The City Council shall perform the duties and functions specified by state law and this code including, but not limited to, the duties related to legislative matters and the duties related to the appeal of quasi-judicial matters. The City Council shall also perform those planning and zoning duties and functions which are not expressly delegated or reserved to another body or officer.

B. Planning Commission

The Planning Commission shall perform those planning and zoning duties specified by state law or code including, but not limited to, the duties related to legislative matters and the duties related to quasi-judicial matters and appeals thereof.

C. Planning Director

The Planning Department under the direction of the Planning Director shall provide technical and clerical assistance to the Planning Commission and shall perform functions related to planning, zoning, and land divisions as may be required by state law, ordinance or order of the City Council. The Planning Director has the authority to make certain decisions on land use permits and entitlements as identified in this code.

Section 1.3 Application Processing Procedures

A. Pre-Application Review

A pre-application conference is available to acquaint applicants with the requirements of this code, the general plan, and other relevant criteria. To schedule a pre-application conference, the applicant shall submit a request and provide submittal requirements identified by the Planning Department in the application materials. The Planning Director shall schedule the pre-application conference with planning staff or with a project review team composed of department and/or agency representatives.

B. Submittal Requirements

1. Applications for consideration of permits shall be made to the Planning Director on the forms provided by the Planning Department, shall be accompanied by the required filing fee, and shall include such information and documents as may be required by the Planning Director.
2. The following information shall be filed in conjunction with any Zoning Code amendment application related to single-family projects:
 - a. If the application is intended to implement an adopted specific plan of land use, a statement shall be filed specifying how the specific plan is being implemented through the project.
 - b. A comprehensive site plan, conceptual grading plan and tentative subdivision map, based upon application requirements specified by the Planning Director.

C. Determination of Completeness Application

1. **Application Completeness Determination.** Within thirty (30) days of application submittal, the Planning Director shall determine whether or not the application is deemed complete. The applicant shall be notified in writing of the determination that either:
 - a. All the submittal requirements have been satisfied and the application has been accepted as complete; or
 - b. Specific information is still required to complete the application. The letter may also identify the preliminary information where plans may not be in compliance with City standards and requirements. The applicant may appeal the determination.
2. **Incomplete Application.** If additional information or submittals are required and the application is not made complete within six (6) months of the completeness determination letter, the application shall be deemed by the City to have been withdrawn, and no further action shall be taken. If the applicant subsequently wishes to pursue the project, a new application, including fees, plans, exhibits, and other materials, must then be filed in compliance with this chapter.

D. Application Review

After acceptance of an application, the project deemed complete shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (CEQA). The Planning Director will consult with other departments as appropriate to ensure compliance with all provisions of the City's Municipal Code and other adopted plans and policies. The Planning Director will prepare a report to the designated approving authority describing the project, along with a recommendation to approve, conditionally approve, or deny the application.

E. Public Hearing

If a public hearing is required, the notice of time, date and place of the hearing, the identity of the hearing body, and a general description of the location of the real property, which is the subject of the public hearing, shall be given at least ten (10) days prior to the public hearing by procedures established by the City.

Section 1.4 Appeals

A. Appeal of Planning Director Decisions

Any discretionary decision of the Planning Director may be appealed to the Planning Commission within ten (10) calendar days after the date of the decision. An appeal shall be in writing and submitted to the city clerk in the form provided by the Planning Department, which shall be accompanied by the required filing fee. The Planning Commission shall render its decision within thirty days (30) following the close of the hearing on the appeal.

B. Appeal of Planning Commission Decisions

Any decision of the Planning Commission may be appealed within ten (10) calendar days after the date of the Planning Commission's decision to the City Council. The appeal shall be submitted in writing to the city clerk on the forms provided by the City, which shall be accompanied by the required fee. Upon receipt of a completed appeal, the city clerk shall set the matter for hearing before the City Council not less than five (5) days or more than thirty (30) days thereafter and shall give written notice of the hearing to the appellant, the applicant and the Planning Director. The City Council shall render its decision within thirty (30) days following the close of the hearing on the appeal.

Section 1.5 Zoning Code Administrator

The Planning Director is the designated Zoning Code administrator for the City of Eastvale and has the authority to interpret and enforce code provisions. The director can also make determinations related to planning permits and entitlements as indicated by this code. The purpose of this section is to describe these determinations.

A. Official Zoning Interpretation

1. **Applicability and Authority to Prepare.** Whenever the Planning Director determines that an ambiguity exists in how a particular zoning regulation applies, or a formal request for an interpretation is made by an applicant, property owner, or interested party, the Planning Director shall prepare an official zoning interpretation as described herein.
2. **Official Zoning Interpretation Defined – Threshold for Preparation of Official Zoning Interpretation.** An official zoning interpretation is a recorded decision on the meaning and/or application of the development standards, allowed use regulations, or other standards contained within the Eastvale Zoning Code. An official zoning interpretation is only prepared to address an ambiguity and is not prepared as part of the normal application of the code in review of development applications and Zoning Clearance.
3. **Content of Official Zoning Interpretation.** Official zoning interpretations shall be prepared by the Planning Director, in writing, and shall cite the provisions being interpreted, together with any explanation of the meaning or applicability of the provision(s) in the particular or general circumstances that caused the need for the interpretation. A copy of the official zoning interpretation shall be provided by the Planning Director to the City Manager, City Attorney, City Council, and to the applicant, property owner, or interested party requesting the interpretation.
4. **Appeal.** The decision by the Planning Director on official zoning interpretations may be appealed to the Planning Commission pursuant to Section 1.4.A.
5. **Keeping of Official Zoning Interpretations.** The Planning Director shall maintain a complete record of all official interpretations available for public review, indexed by the chapter number of this code that is the subject of the interpretation.
6. **Codification of Official Zoning Interpretations.** To the extent practical, official zoning interpretations will be incorporated into this code by amendment periodically.

B. Amendments to Projects

1. Unless considered a minor amendment (see 2 below), all amendments to previously approved entitlements require the submittal of a new land use application and are subject to the zoning regulations currently in place.
2. **The following types of minor amendments to projects are permitted without a new application.** Limited minor amendments to previously approved entitlements may be approved by the Planning Director, as follows:
 - a. Floor plan changes which do not result in more than a 10 percent or 5,000-square-foot change in total square footage, whichever is less;
 - b. Parking and circulation configurations which do not change the basic parking areas or circulation concept;

- c. Outside building configurations which do not create a greater bulk or scale, or significantly alter window or door placement;
 - d. Building placements which do not change the general location of the building and layout of the site;
 - e. Grading alterations which do not change the basic concept, increase slopes or building elevations, or change course of drainage, which could adversely affect adjacent or surrounding properties;
 - f. Landscape modifications which do not alter the general concept or reduce the effect or amount originally intended;
 - g. Architectural changes which do not change the basic form and theme;
 - h. Exterior material or color changes which do not conflict with the original architectural form and theme, and which are consistent and compatible with the original materials and colors.
3. **Consistency with Original Approval.** In addition to the above guidelines, the Planning Director must determine that the circumstances, standards, ordinances, conditions, and findings applicable at the time of the original approval still remain valid.
4. **Referral.** The Planning Director may refer any minor amendments or modifications to the Planning Commission or City Council (depending on the approval authority for the original approval) for recommendations prior to his final decision.
5. **Location in Airport Influence Area.** In the event that the project site is within the Chino Airport Influence Area, the Planning Director shall make the following findings:
- a. If the minor amendment increases the total square footage of any structure or use, the Planning Director must find that the change will not result in an intensity level that exceeds the allowable limits pursuant to the compatibility criteria identified in the most recently adopted version of the Airport Land Use Compatibility Plan;
 - b. If the minor amendment changes the parking and circulation configurations or modifies landscaping plans, the Planning Director must find that the change will not reduce the open area on the site, pursuant to the most recently adopted version of the Airport Land Use Compatibility Plan;
 - c. If the minor amendment changes building placement, the Planning Director must make the finding required in (a) and (b) above;
 - d. If the grading alterations would result in an increase in the elevations above mean sea level at the highest point of any building or structure, the Planning Director must find that the increase would not require a revision to any letters issued by the Federal Aviation Administrator.

C. Zoning Clearance

1. **Purpose.** The purpose of the Zoning Clearance process is to ensure that all new and modified uses and structures comply with applicable provisions of this code, using administrative procedures.
2. **Applicability.** Zoning Clearance shall be conducted by the Planning Director as part of the building permit or other city application review. Zoning Clearance is required for the following actions:
 - a. All structures that require a building permit;
 - b. Signs;
 - c. Business licenses;
 - d. All planning entitlement and permit approvals to ensure compliance with applicable conditions of approval; and
 - e. All other city applications that may be subject to the provisions of this code, including, but not limited to, tree removal, business license, encroachment, and grading and improvement plans.
3. **Application Contents.** No separate application form is necessary for Zoning Clearance.
4. **Approving Authority and Procedure.** The Planning Director shall be the designated approving authority for Zoning Clearance. The procedures shall be established by the Planning Director.
5. **Notice and Hearing.** Public notice and public hearing are not required for Zoning Clearance.
6. **Appeals.** Zoning Clearance is a ministerial decision by the Planning Director or his designee and is not subject to appeal.

D. Reasonable Accommodation

1. **Purpose.** This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (together, the acts) in the application of zoning laws and other land use regulations, policies, and procedures.
2. **Applicability**
 - a. A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of a requirement of this Zoning Code or other city requirement, policy, or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment, or anyone who has a record of such impairment. This section is intended to apply to those persons who are defined as disabled under the acts.
 - b. A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.
 - c. A reasonable accommodation is granted to the household that needs the accommodation and does not apply to successors in interest to the site.

- d. A reasonable accommodation may be granted in compliance with this section without the need for the approval of a variance.

3. Procedure

- a. **Application.** A request for reasonable accommodation shall be submitted on an application form provided by the Planning Department or in the form of a letter to the Planning Director, and shall contain the following information:
 - 1) The applicant's name, address, and telephone number;
 - 2) Address of the property for which the request is being made;
 - 3) The current actual use of the property;
 - 4) The basis for the claim that the individual is considered disabled under the acts;
 - 5) The Zoning Code provision, regulation, or policy from which reasonable accommodation is being requested; and
 - 6) Why the reasonable accommodation is necessary to make the specific property accessible to the individual.
- b. **Review with Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (including conditional use permit, development review, etc.), then the applicant shall file the information required by subsection "Application" above together for concurrent review with the application for discretionary approval.

4. Review Authority

- a. **Director.** A request for reasonable accommodation shall be reviewed by the director if no approval is sought other than the request for reasonable accommodation.
- b. **Other review authority.** A request for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

5. Review

- a. **Director review.** The director shall make a written determination within forty-five (45) days of the application being deemed complete and either grant, grant with modifications, or deny a request for reasonable accommodation.
- b. **Other review authority.** The written determination on whether to grant or deny the request for reasonable accommodation shall be made by the authority responsible for reviewing the discretionary land use application in compliance with the applicable review procedure for the discretionary review.

6. Approval Findings. The written decision to grant or deny a request for reasonable accommodation will be consistent with the acts and shall be based on consideration of the following factors:

- a. Whether the housing in the request will be used by an individual considered disabled under the acts;
- b. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual considered disabled under the acts;

- c. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the city;
 - d. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning;
 - e. Potential impact on surrounding uses;
 - f. Physical attributes of the property and structures; and
 - g. Other reasonable accommodations that may provide an equivalent level of benefit.
7. **Conditions of Approval.** In granting a request for reasonable accommodation, the review authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings. The conditions shall also state whether the accommodation granted shall be removed in the event that the person for whom the accommodation was requested no longer resides on the site.

E. Crowding Fowl Permit

Whenever a request is made to increase the permitted numbers of mature crowing fowl where permitted according to the permitted use matrix in Chapter 3 (see **Table 3.2-1**). See Chapter 4 for development standards related to poultry.

Where permitted, the following provisions shall take effect:

1. **Application.** Every application for a crowing fowl permit shall be made in writing to the Planning Director on forms provided by the Planning Department, and shall be accompanied by the required filing fee.
2. **Hearing and Notice of Decision.** Upon acceptance of an application as complete, the Planning Department shall transmit a copy of the application to the Environmental Health Department and Animal Control Services and Licensing Division of the Health Services Agency for review and comment.
 - a. Not less than thirty (30) days after an application is received as complete, the Planning Director or designee shall schedule the time and date on which the director's decision on the application is to be made. Not less than ten (10) days prior to the date on which the decision is to be made, the Planning Director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll and any updates as owning real property within a 600-foot radius of the exterior boundaries of the proposed project.

Notice of the proposed use shall also be given by publication in a newspaper of general circulation. No public hearing on the application shall be held before a decision is made unless a hearing is requested in writing by the applicant or other interested person, or if the Planning Director determines that a public hearing should be required. The Planning Director shall give notice of the decision to the applicant and to any other person who requests notice of the decision.
 - b. If a hearing is requested, it shall be held per the requirements of this Code.

3. **Development Standards.** A crowing fowl permit shall only be approved if it complies with the following standards:
 - a. The lot is zoned for the keeping of crowing fowl as a permitted use and subject to the restrictions of the zone.
 - b. The crowing fowl shall be kept in an enclosed area located not less than twenty (20) feet from any property line and not less than fifty (50) feet from any residence, and shall be maintained on the rear portion of the lot in conjunction with a residential use. To mitigate potential noise and to avoid the creation of a public nuisance due to noise, the enclosed area shall be constructed and the crowing fowl shall be maintained as follows:
 - 1) The crowing fowl shall be kept in a solid walled enclosure with a solid roof attached to all perimeter walls of the enclosure.
 - 2) Crowing fowl shall be confined inside the walled and roofed enclosure between the hours of 8:00 p.m. and 6:00 a.m. each day.
 - 3) The walled and roofed enclosure shall be completely screened, except for its entry, by landscaping, including trees and shrubbery.
 - c. All of the development standards of the zone in which the crowing fowl permit site is located shall be applicable to the permit.
 - d. Findings are made by the Planning Director that there is no adverse impact on public health, safety, or welfare.
4. **Conditions.** Any crowing fowl permit granted shall be subject to such conditions as are necessary to protect the health, safety, and general welfare of the public. In addition, a permit shall be subject to the following conditions:
 - a. In general, the life of the permit shall be unlimited provided the applicant continues to reside at and is the owner of the premises involved and the permit is being used in compliance with the provisions of this code, as well as any conditions of approval imposed in connection with the permit, and that all construction permits and inspections which may be required have been obtained. However, if the Planning Director finds that there is sufficient reason to limit the life of the permit, such as neighborhood concern, such limitation may be established by addition of condition of approval. Noncompliance with the conditions of approval and/or construction permits may result in the revocation of the permit.
 - b. The lot is zoned for the keeping or raising of crowing fowl as a permitted use and subject to the restrictions of the zone.
 - c. The keeping of crowing fowl is for the use of the occupants of the premises only.
5. **Appeal.** An applicant or any interested person may appeal the decision to the Planning Commission.

F. Large Family Day Care Home Permits

Wherever an application for a large family day care home permit is submitted, the following provisions shall apply. For purposes of this code, a large family day care home means a home which provides family day care for no fewer than seven (7) and no more than fourteen (14) children, including children under the age of 10 who reside at the home.

1. **State Preemption.** Pursuant to section 1597.40 of the California Health and Safety Code, the legislature has declared that it is the public policy of the State of California to situate family day care homes for children in normal residential surroundings so as to provide children the same environment as would be found in a traditional home. The legislature has further declared that this policy is a matter of statewide concern and that the state occupies the field and prohibits any local restrictions relating to the use of single-family residences for family day care homes, except as specifically provided.
2. **Requirement for Permit.** In accordance with the above-referenced policy, the legislature has enacted section 1597.46 of the Health and Safety Code which provides that cities and counties shall not prohibit large family day care homes on lots zoned for single-family dwellings, but may require an applicant for a large family day care home to apply for a nondiscretionary permit. Section 1597.46 further provides that cities and counties shall grant the permit if certain specified standards, restrictions and requirements are met.
3. **Permit Procedure**
 - a. **Application.** Every application for a large family day care home permit shall be made in writing to the Planning Department on the forms provided by the Planning Department and shall be accompanied by materials required by the Planning Director.
 - b. **Issuance/Denial.** The Planning Director shall, within forty-five (45) days of the filing of a complete permit application, approve a large family day care home permit if the approval standards of this code have been met; otherwise, the permit shall be denied.
4. **Development Standards.** No application for a large family day care home permit shall be approved unless it complies with the following standards:
 - a. The applicant shall provide to the city, at the time of application, a copy of a valid state license to operate a large family day care home.
 - b. The site on which the proposed large family day care home is situated is zoned for residential uses.
 - c. The site on which the proposed large family day care home is situated shall provide at least two off-street parking spaces, no more than one of which may be provided in a garage or carport. These parking spaces may include spaces provided to meet residential parking requirements.
 - d. The unloading and loading of vehicle occupants shall only be permitted on the driveway, approved parking area, or directly in front of the site and shall not obstruct traffic flow. Residences located on arterial streets shall provide a drop-off and pickup area designed to prevent vehicles from backing into the roadway.
 - e. The applicant shall comply with all applicable State Fire Marshall regulations.

- f. The site shall not be located within 300 feet of any other large family day care home, measured property line to property line. Certain exceptions, in the form of legitimate barriers and buffers, such as a highway or arterial roadway, that would provide comparable separation, may be allowed as determined by the Planning Director.
- g. For sites located less than 300 feet from any other large family day care home, measured property line to property line, approval of a Conditional Use Permit by the Planning Commission is required.
- h. If the site has a swimming pool or spa, the pool or spa shall meet all current code regulations for fencing, gate latches, and alarms.
- i. Not more than fourteen (14) children, including children under age 10 who reside at the home, may be cared for at any large family day care home, and not more than one family day care home shall be located on any single parcel.
- j. An on-site identification sign may be permitted in accordance with the provisions of city sign requirements of this code or may be approved with the large family day care permit if submitted concurrently.
- k. If the applicant fails to obtain a valid state license as required under subsection 4.a, the permit may be subject to revocation in accordance with the provisions of this code.
- l. If the applicant fails to comply with any requirement of this section or, if the applicant ceases or suspends operation of the large family day care home for a continuous period of one (1) year or more, the permit may be subject to revocation in accordance with the provisions of this code.

G. Temporary Event and Permits

1. **Purpose.** The purpose of this section is to ensure that the sponsors of temporary events obtain all required permits and approvals from the City and other agencies to ensure the safety of the public attending the events.
2. **Temporary Event Permit and Compliance with All City and Outside Agency Permits Is Required.** All temporary events shall obtain a temporary event permit from the City at least seven (7) calendar days before the event, and shall comply before, during, and after the event with all requirements, conditions, etc., which may be imposed by the City and/or outside agencies.

City departments and other public agencies to be consulted include:

- a. City of Eastvale Building & Safety Department
- b. City of Eastvale Public Works Department
- c. City of Eastvale City Manager's Office
- d. Riverside County Fire Department
- e. City of Eastvale Police Department
- f. Riverside County Department of Environmental Health

Coordination with these agencies will be facilitated and verified by the City, as described in subsection 6, below.

Note: A temporary use permit is required for some types of commercially oriented temporary activities that are not considered temporary events. Please see Section 5.11 of this Code.

3. **Application for a Temporary Event Permit.** The temporary event sponsor shall submit an application for a temporary event permit to the City with sufficient information for review by the City and other agencies not less than forty-five (45) days prior to the start of the temporary event.
4. **Temporary Events Defined.** Temporary events are generally one-time events, including annual or recurring events. Examples include fairs; carnivals; rodeos; shows; walking, running, and/or bicycling events and races; parades, and tent revival meetings.
5. **Prohibited Temporary Events.** Any temporary event that invites members of the public into or on a temporary structure on residential property by any person is prohibited. For the purposes of this section, “temporary structure” is any enclosed or unenclosed structure requiring assembly of materials or parts and erected for a period not to exceed forty-five (45) consecutive days. This definition excludes tables, chairs, umbrellas, or inflatable objects.
6. **Verification of Compliance with City and Agency Requirements.** Unless a temporary event is exempt as defined below, the Planning Department shall verify either that:
 - a. The event does not require a review or permit by the departments or agencies listed in subsection 2, above.
 - b. Any required permits from the departments and agencies listed in section 1.5.G.2 have been obtained.

Once coordination has been verified by the Planning Department, a temporary event permit will be issued, and the temporary event may proceed.

7. **Exempt Temporary Events.** The following are exempt from the requirements of this section, unless they require approval or permits from any of the departments or agencies listed in subsection 2, above:
 - a. Temporary facilities to accommodate emergency public health and safety needs and activities.
 - b. Noncommercial events conducted at private homes (weddings, parties, etc.), which do not involve the construction of temporary structures in the front yard.
 - c. Yard or garage sales, or holiday displays.
 - d. Promotional events and grand opening celebrations in established commercial shopping centers that do not interfere with vehicular traffic on public or private streets and driveways, do not disrupt the proper functioning of parking areas, do not involve the outdoor sale of goods and merchandise, and do not exceed two (2) days in duration.
 - e. Uses or events which are consistent with the clearly intended use of the facility (e.g., sporting events in a stadium or a play in a theater), as determined by the Planning Director.

Note: While exempt from the requirements of this chapter, these temporary events must comply with all applicable City, County, and other requirements.

8. **Temporary Event Standards.** Temporary events must comply with the following standards:

- a. All parking spaces for patrons and guests shall be provided on-site where the activity is taking place. On-street or off-site parking may be used in lieu of on-site parking if approved by the City.
 - b. Vehicular access to the event site shall not create traffic conflicts or congestion on city streets during the operation of the event.
 - c. Noise created by the event shall not exceed the levels outlined in the City of Eastvale Noise Ordinance.
 - d. The concentration or placement of persons, animals, structures, or vehicles shall not interfere with emergency access.
 - e. Temporary events shall be limited to 3 (three) days in length.
9. **Limitation.** The City may limit the number of temporary events at a location.
10. **Bond and Insurance.** Bonding or insurance may be required to be in place in advance of a temporary event, as follows:
- a. The City may require a sponsor of a temporary event to post a bond or to otherwise financially secure that the event location is restored to its original condition and that the City is fully reimbursed for any unanticipated law enforcement or emergency medical expenses. The City shall determine the amount of the bond or other security, and the event sponsor shall post it with the permitting authority.
 - b. The City may require that the sponsor of a temporary event show proof of liability insurance naming the City as an additional insured.
11. **Enforcement.** The City may require the immediate closure of any nonexempt event that is operating without a temporary event permit or is not in compliance with any requirements, conditions, etc., which have been imposed by the City or any agency.

H. Sign Permit

1. **Purpose.** No person shall erect, use, or maintain signs in the incorporated area of the city, except in accordance with the following provisions. The changing of an advertising message or customary maintenance of legally existing signs shall not require a permit pursuant to this section. All signs shall be constructed, used, and maintained in accordance with Section 5.7 (Signs).
2. Permit Procedure
 - a. **Application.** In addition to all other applicable federal, state, and local laws, rules, regulations, and ordinances, no permanent or temporary signs shall be placed, erected, used or maintained until a sign permit or a temporary sign permit has been issued by the Planning Director on the form provided by the Planning Department accompanied by the required filing fee. The contents of the application shall be determined by the Planning Director.
 - b. **Standards.** Sign permit applications shall be reviewed for compliance with Section 5.7 (Signs).

Section 1.6 Nonconforming Structures and Uses

A. Purpose and Intent

1. This section provides regulations for nonconforming land uses, structures, and parcels that were lawful before the adoption or amendment of this Zoning Code, but which would be prohibited, regulated, or restricted differently under the current terms of this code or future amendments.
2. It is the intent of this section to discourage the long-term continuance of nonconformities that have the potential to create nuisance or other incompatibility issues, and provide for their eventual elimination while allowing them to exist under the limited conditions outlined in this code.

B. Restrictions on Nonconforming Uses and Structures

1. **Nonconforming Uses of Land.** A nonconforming use of land may be continued, transferred, or sold, provided that the use shall not be enlarged, intensified, nor extended to occupy a greater area than it lawfully occupied before becoming nonconforming.
2. **Nonconforming Structures.** A nonconforming structure may continue to be used as follows:
 - a. **Changes to or Expansion of a Structure.** Changes to a nonconforming structure by addition, enlargement, extension, reconstruction, or relocation may be allowed if the changes conform to applicable provisions of this code.
 - b. **Maintenance and Repair.** A nonconforming structure may be maintained and repaired.
 - c. **Remodels.** Minor interior remodels (less than 25 percent of total square footage) may be completed. Remodels beyond 25 percent require conversion of the use to conforming status.
 - d. **Other Modifications Allowed.** The enlargement, extension, reconstruction, or structural alteration of a nonconforming structure to improve safety, reduce fire hazard and/or to improve the appearance of the structure may be allowed with minor development review approval.

C. Loss of Nonconforming Status

1. **Termination by Discontinuance.**
 - a. If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of one (1) year or more, rights to legal nonconforming status shall terminate.
 - b. The Planning Director shall base a determination of discontinuance on evidence including the removal of equipment, furniture, machinery, structures, or other components of the nonconforming use, disconnected or discontinued utilities, or no business records to document continued operation.
 - c. Without further action by the city, any further use of the site or structure shall comply with all of the regulations of the applicable zoning district and all other applicable provisions of this code.

2. **Termination by Destruction.** Nonconforming status shall terminate if a nonconforming structure, or a conforming structure occupied by a nonconforming use, is involuntarily damaged or destroyed, provided that the structure may be repaired or rebuilt and reoccupied as follows:
 - a. An involuntarily damaged or destroyed structure may be repaired or replaced with a new structure, except for industrial uses in an agricultural or residential zone, with the same footprint, height, and number of dwelling units, in compliance with current building and fire code requirements if the restoration is started within one (1) year of the date of damage and is diligently pursued to completion.
 - b. Conditional use permit approval shall be required prior to restoring or reconstructing a structure for an industrial use in an agricultural or residential zone if the cost of repairing or replacing the damaged portion of the structure is more than 50 percent of the assessed value of the structure immediately before damage. Conditional use permit approval shall require a finding, in addition to those contained in this code, that the benefit to the public health, safety or welfare exceeds the detriment inherent in the restoration and continuance of nonconformity.
 - c. A nonconforming mobile home may be replaced with a new or newer and larger mobile home placed in the same location as the former unit, subject to applicable provisions of this code.

D. Nonconforming Parcels

1. **Legal Building Site.** A nonconforming parcel that does not comply with the applicable area or width requirements of this code shall be considered a legal building site if it meets at least one (1) of the following criteria, as documented to the satisfaction of the director by evidence furnished by the applicant:
 - a. **Approved Subdivision.** The parcel was created by a recorded subdivision;
 - b. **Individual Parcel Legally Created by Deed.** The parcel is under one (1) ownership and of record, and was legally created by a recorded deed before the effective date of the zoning amendment that made the parcel nonconforming;
 - c. **Variance or Lot Line Adjustment.** The parcel was approved through the variance procedure or resulted from a lot line adjustment; or
 - d. **Partial Government Acquisition.** The parcel was created in compliance with the provisions of this code, but was made nonconforming when a portion was acquired by a governmental entity so that the parcel size is decreased not more than 20 percent and the yard facing a public right-of-way was decreased not more than 50 percent.
2. **Subdivision of a Nonconforming Parcel.** No subdivision shall be approved that would increase the nonconformity of an existing parcel or any nonconforming use on the parcel.

E. Nonconforming Due to Lack of Conditional Use Permit

1. **Conformity of Uses Requiring Conditional Use Permits.** A use lawfully existing without a conditional use permit that would be required by this code to have conditional use permit approval shall be deemed conforming only to the extent that it previously existed (e.g., maintain the same site area boundaries, hours of operation, etc.).
2. **Previous Conditional Use Permits in Effect.** A use that was authorized by a conditional use permit but is not allowed by this code in its current location may continue, but only in compliance with the original conditional use permit.

Section 1.7 Zoning Code and Map Amendments

A. Purpose

The purpose of a zoning amendment is to allow modification to any provisions of this code (including the adoption of new regulations or deletion of existing regulations) or to change the zoning designation on any parcel(s). This section is consistent with Section 65853 of the California Government Code.

B. Approving Authority

The designated approving authority for zoning amendments is the City Council. The Planning Director and Planning Commission provide recommendations and the City Council approves, conditionally approves, or denies the zoning amendment in accordance with the requirements of this code.

C. Initiation of Amendment

A zoning amendment to this code may be initiated by motion of the Planning Commission or City Council, by application by property owner(s) of parcel(s) to be affected by zoning amendment, or by recommendation of the Planning Director to clarify text, address changes mandated by state law, maintain General Plan consistency, address boundary adjustments affecting land use designation(s), or for any other reason beneficial to the city.

D. Airport Land Use Commission Referral

Zoning amendments affecting land within the Chino Airport influence Area (including Citywide amendments) are subject to official review by the Airport Land Use Commission.

E. Findings for Zoning Amendment

Zoning amendments shall be granted only when the City Council finds that the changes are consistent with the General Plan goals, policies, and implementation programs.

Additionally, if the amendment affects land within the Chino Airport Influence Area, The City Council must make an additional finding that the amendment is consistent with the most recent adopted version of the Chino Airport land Use Compatibility Plan.

F. Conditions/Restrictions

When considering rezone applications, the City Council has the authority to impose restrictions on property including the restriction of use.

Section 1.8 Enforcement

A. Enforcement

The Planning Department, City Attorney, Planning Director and all city officials charged with the issuance of licenses and permits shall enforce the provisions of this code.

B. Procedure, Remedies and Penalties

The procedures, remedies, and penalties for violation of this code and for recovery of costs related to enforcement are provided for in the City of Eastvale Municipal Code.

Section 1.9 Revocation

A. Revocation and Modification

A permit or entitlement may be revoked or modified for cause based on the following:

1. The original approving authority may, after a public hearing held in the manner prescribed in this code governing variances, conditional use permits or other land use entitlement, revoke or modify on any one (1) or more of the following grounds any conditional use permit, variance or other land use entitlement previously issued:
 - a. That the approval was obtained by fraud.
 - b. That the use for which such approval was granted is not being exercised.
 - c. That the use for which such approval was granted has ceased to exist or has been suspended for one (1) year or more.
 - d. That the conditional use permit, variance or other entitlement is being, or recently has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, provision of this code, ordinance, law or regulation.
 - e. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
2. **Revocation hearing.** In its discretion, the designated approving authority may modify or delete the conditions of approval or add new conditions of approval in lieu of revoking a permit in order to address issues raised by the revocation hearing.