

ORDINANCE NO. 292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA AMENDING VARIOUS CHAPTERS OF THE CHINO HILLS MUNICIPAL CODE TO UPDATE THE DEFINITION, DEVELOPMENT STANDARDS, REFERENCES, AND PERMISSIBLE ZONING DISTRICTS FOR RELIGIOUS INSTITUTIONS AND PUBLIC ASSEMBLY USES AND FINDING MUNICIPAL CODE AMENDMENT 15MCA02 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHINO HILLS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby make the following findings of fact:

- a. The City currently regulates public assembly uses for the benefit of the public health, safety and welfare.
- b. The Religious Land Use and Institutionalized Persons Act, RLUIPA, was enacted by the federal government in 2000 to ensure that religious institutions are not unduly burdened by zoning regulations of local governments. Pursuant to this statute, local governments shall not regulate religious land uses in a manner that is more restrictive than other public assembly uses.
- c. The proposed amendments are intended to allow the City to exercise reasonable control over land use in regulating public assembly uses, including religious institutions, to ensure the public health, safety, and welfare, while ensuring that religious institutions are not unduly burdened.
- d. On October 6, 2015, the Planning Commission held a duly noticed public hearing to receive oral and documentary evidence from the public, regarding the proposed amendments. By unanimous vote, 3-0-2 (Commissioners Eliason and Larson were absent), the Planning Commission adopted a resolution recommending to the City Council the approval of Municipal Code Amendment 15MCA02 updating the City's regulations pertaining to religious institutions and assembly uses to ensure conformance with RLUIPA and recommending that the City Council find the Municipal Code Amendment exempt from the provisions of the California Environmental Quality Act.
- e. Notice of public hearing was published in the Chino Hills Champion newspaper on October 31, 2015.

- f. A duly noticed public hearing before the City Council was conducted on November 10, 2015, at which time all interested persons were given an opportunity to testify in support of, or in opposition to the project.

SECTION 2. The City Council finds that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA regulations (Title 14 California Code of Regulations §§ 15000, et seq.) because this ordinance merely amends the definitions, development standards, and the regulation of religious institution and assembly uses in the City's Development Code and does not involve the construction of new buildings or an activity that has the potential or causing a significant effect on the environment. The proposed amendments, therefore, do not have the potential to cause significant effects on the environment. Further, it is categorically exempt from further CEQA review under Cal. Code Regs. Title 14, §§ 15061.b.3.

SECTION 3. As required under Government Code § 65860, the Chino Hills Municipal Code amendments proposed in Municipal Code Amendment 15MCA02 are consistent with the Chino Hills General Plan as follows:

- a. The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3 and LU-4 and Policies LU-2.1.1 and LU-2.1.2 in that the amendment will update the Municipal Code to provide reasonable development standards and entitlement review requirements to ensure that public assembly uses are compatible with the existing character of the community, comply with applicable development standards, maintain the integrity of City neighborhoods, and provide excellence in urban design, while ensuring that City requirements are in conformance with federal and state law.

SECTION 4. In accordance with Chino Hills Development Code § 16.62.040, the City Council makes the following findings of fact:

- a. FINDING: That the proposed Municipal Code Amendment is consistent with the goals, policies and objectives of the General Plan.

FACT: The proposed amendment to the Chino Hills Municipal Code conforms to General Plan Goals LU-3 and LU-4 and Policies LU-2.1.1 and LU-2.1.2 in that the amendment will update the Municipal Code to provide reasonable development standards and entitlement review requirements to ensure that public assembly uses are compatible with the existing character of the community, comply with applicable development standards, maintain the integrity of City neighborhoods, and provide excellence in urban design, while ensuring that City requirements are in conformance with federal and state law.

- b. **FINDING:** That the proposed Municipal Code Amendment will not adversely affect surrounding properties.

FACT: The proposed Municipal Code Amendment would be effective citywide and provides reasonable development standards and entitlement review requirements to further enhance the health, safety, and welfare of the community and will not adversely affect surrounding properties.

SECTION 5. Chino Hills Municipal Code § 3.40.110, Table 2 is amended, in part, to read as follows:

Category	Type of Commercial	Gal/Fixture	Sewage Factor (see Note A)
VI		17	0.0630
	Religious Institution		
	School		
	Public Facility		

SECTION 6. Chino Hills Municipal Code § 9.12.020.B.5 is amended to read as follows:

" The minor, with the approval of the minor's parent, legal guardian, or other adult person having the legal care or custody of the minor, is returning directly home from a meeting, eating establishment, place of public entertainment (such as a movie, play, or sporting event), recreational, religious institution or school activity, dance or other such event;"

SECTION 7. The Chino Hills Municipal Code § 12.36.060 is amended, in part, to read as follows:

"Unless prohibited by the specific zoning district regulations, temporary Christmas tree and pumpkin patch sales facilities shall be permitted in any commercial, industrial, or institutional district, or on any religious institution or school site which abuts a collector or higher rated roadway, as designated in the general plan. All temporary Christmas tree and pumpkin patch sales shall be subject to the following requirements [...]"

SECTION 8. Chino Hills Municipal Code § 13.36.040.C is amended to read as follows:

"Facilities that are not public attractions are not venues. Religious institution services, public parks, schools, and other businesses, such as restaurants, gas stations, and offices, do not fit the common meaning of public attraction venue."

SECTION 9. Chino Hills Municipal Code § 16.02.130 is amended, in part, to establish the definition of "Assembly Use", which shall read as follows:

"Assembly use" means a permanent meeting facility for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for business associations; civic, social, and fraternal organizations; labor unions and similar organizations; political organizations; religious organizations; professional membership organizations; and other membership organizations."

SECTION 10. Chino Hills Municipal Code § 16.02.150 is amended, in part, to delete the definitions of "Church" and "Club", which read as follows:

"Church" means an assemblage of people for worship, or an institution facilitating worship, including personal counseling and education, and the building or buildings where such activities take place."

"Club" means a group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of dues, regular meetings, a constitution, and by-laws."

SECTION 11. Chino Hills Municipal Code § 16.02.300 is amended, in part, to add the definition of "religious institution" to read as follows:

"Religious institution" means an assemblage of people for worship, or an institution facilitating worship, including personal counseling and religious instruction, and the building or buildings where such activities take place, not including daily school, day care, or other additional uses."

SECTION 12. Chino Hills Municipal Code § 16.10.020.B is amended to read as follows:

"Uses listed as conditionally permitted uses are subject to the review requirements and conditions contained in Chapter 16.68 of this Development Code. Temporary uses are subject to the review requirements and conditions contained in Chapter 16.80. Also, certain other uses may be subject to Special Use Standards outlined in Chapter 16.42."

SECTION 13. Chino Hills Municipal Code § 16.12.020.C is amended to read as follows:

"Special Use Standards. Certain uses, such as antennas, private kennels, automobile maintenance, automobile service stations, and car washes, although permitted in a specific commercial zoning district subject to the granting of a Conditional Use Permit by the Planning Commission pursuant to the provisions

of Chapter 16.68 (Conditional Use Permits), require the imposition of additional development standards beyond those set forth for the district. These additional standards are required to ensure that such uses are operated in a manner that does not adversely impact the surrounding land uses.”

SECTION 14. Chino Hills Municipal Code § 16.14.020.B is amended to read as follows:

“Uses listed as conditionally permitted uses are subject to the review requirements and conditions contained in Chapter 16.68 of this Development Code. Temporary uses and conditions are subject to the review requirements and conditions contained in Chapter 16.80. Also, certain uses may be subject to special use standards outlined in Chapter 16.42.”

SECTION 15. Chino Hills Municipal Code § 16.16.020.B is amended to read as follows:

“Uses listed as conditionally permitted uses are subject to the review requirements and conditions contained in Chapter 16.68 of this Development Code. Temporary uses and conditions are subject to the review requirements and conditions contained in Chapter 16.80.”

SECTION 16. Chino Hills Municipal Code § 16.18.020.B is amended to read as follows:

“Uses listed as conditionally permitted uses are subject to the review requirements and conditions contained in Chapter 16.68 of this Development Code. Temporary uses and conditions are subject to the review requirements and conditions contained in Chapter 16.80.”

SECTION 17. Chino Hills Municipal Code § 16.20.040.C is amended to read as follows:

“Those uses listed in Appendix A (Regulation of Uses By Zoning District) of this Development Code as conditionally permitted uses shall be permitted in a Planned Development (PD) district only subject to the granting of a Conditional Use Permit by the Planning Commission pursuant to the provisions of Chapter 16.68 (Conditional Use Permits). Certain uses, such as antennas, private kennels, automobile maintenance, automobile service station, and car wash uses, although permitted in a PD district subject to the granting of a Conditional Use Permit by the Planning Commission pursuant to the provisions of Chapter 16.68 (Conditional Use Permits), require the imposition of additional development standards beyond those set forth for the PD district. These additional standards are required to ensure that such uses are operated in a manner that does not adversely impact the surrounding land uses.”

SECTION 18. Chino Hills Municipal Code § 16.34.060, Table 65-1 Number of Automobile Parking Spaces required is amended, in part, to revise the provisions applicable to “Church, chapel, religious facility, cemetery, mortuary” and “Theaters”, and to delete the entry for ““Union Halls, Lodges, Club” uses to read as follows:

Use	Required Number of Spaces
Public Assembly and Community Uses	
Religious institution, cemetery, mortuary, auditoriums and places of public assembly	1 space/3 fixed seats (or 54" of bench seating), or 1 space/25 SF-GFA of assembly area where there are no fixed seats
Theaters: Movie - Multiple Screen Mobile - Single Screen Live Performance	1 space/3 seats, plus (5 + .5/screen) spaces for employees 1 space/3 seats, plus 5 spaces for employees 1 space/25 SF-GFA

SECTION 19. Chino Hills Municipal Code § 16.42.020 Churches is repealed in its entirety.

SECTION 20. Chino Hills Municipal Code § 16.33.090.A, Table 3 is amended, in part, to read as follows:

Overlay District	Standards and Regulations
Level 1 Level 2 Level 3 Bayberry Boys Republic	Area used for non-containerized manure disposal/storage must cause no nuisance and be kept a minimum distance below and located so that it drains away from the neighboring property, facilities, and water supplies of: - Thirty (30) feet from property lines and habitable structures on property. - One hundred (100) feet from habitable structures on adjacent properties, or public assembly area (e.g., religious institution, school, hospital or place where food products are kept, stored, manufactured or served to the public). - One hundred (100) feet from any reservoirs and public water supply tributaries.

SECTION 21. Chino Hills Municipal Code § 16.44.020 is amended, in part, to revise the definition of “wall mounted” to read as follows:

““Wall mounted” means mounted on any vertical or nearly vertical surface of a building or other existing structure that is not specifically constructed for the purpose of supporting an antenna (including the exterior walls of a building, an existing parapet, the side of a water tank, the face of a religious institution’s spire or other similar architectural feature, or the side of a freestanding sign) such that the highest point of the antenna structure is at an elevation equal to or lower than the highest point of the surface on which it is mounted.”

SECTION 22. Chino Hills Municipal Code § 16.44.040.D.4.b is amended to read as follows:

“Attached to an existing structure such as an existing building, communication tower, religious institution’s spire or other similar architectural feature or utility pole or tower,”

SECTION 23. Title 16, Appendix A (Regulation of Uses by Zoning District) is amended, in part, to delete the entries for “Auditoriums and Places of Public Assembly (not including movie theaters)”, “Churches/Temples/Religious Institutions”, “Club – Athletic, Health, or Recreation”, and “Lodge or Fraternal Hall”, and to add entries for “Auditoriums and Assembly Uses”, “Athletic, Fitness, or Health Facility”, and “Religious Institution” to read as follows:

Zoning District Land Use	R A	R R	R S	R M 1	R M 2	R M 3	C N	C F	C G	C O	C R	B P	L I	I - 1	I - 2	O S
Auditoriums and Places of Public Assembly (not including movie theaters) that provide for a gathering of more than 50 people as defined by the Building Code									C	C	C	C		C	C	
Auditoriums and Places of Public Assembly (not including movie theaters) that provide for a gathering of 50 people or fewer as defined by the Building Code									C	C	C	P		P	P	
Athletic, Fitness, or Health Facility							P	C	P	P	P	P	P			
Religious Institution that provides for a gathering of more than 50 people as defined by the Building Code.	C	C	C	C	C	C		C	C	C	C	C		C	C	
Religious Institution that provides for a gathering of 50 people or fewer as defined by the Building Code.	C	C	C	C	C	C		C	C	C	C	P		P	P	

SECTION 24. Upon the effective date of this Ordinance, the provisions hereof shall supersede any inconsistent or conflicting provisions of the San Bernardino County Code as the same were adopted by reference by City Ordinances Nos. 91-01 and 92-02.

SECTION 25. If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 26. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

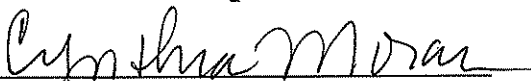
SECTION 27. Repeal of any provision of the Chino Hills Municipal Code does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this ordinance.

SECTION 28. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Chino Hills Municipal Code or other city ordinance by this Ordinance will be rendered void and cause such previous Chino Hills Municipal Code provisions or other city ordinances to remain in full force and effect for all purposes.

SECTION 29. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Chino Hills' book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.


SECTION 30. This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED, APPROVED AND ADOPTED this 24th day of November, 2015.



CYNTHIA MORAN, MAYOR

ATTEST:



CHERYL BALZ, CITY CLERK

APPROVED AS TO FORM:



MARK D. HENSLEY, CITY ATTORNEY

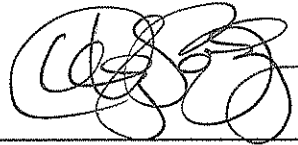
STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF CHINO HILLS)

I, CHERYL BALZ, City Clerk of the City of Chino Hills, DO HEREBY CERTIFY that Ordinance No. 292 was duly introduced at a regular meeting held November 10, 2015; and adopted at a regular meeting of the City Council held on the 24th day of November, 2015 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: MORAN, BENNETT, GRAHAM,
MARQUEZ, AND ROGERS.

NOES: COUNCIL MEMBERS: NONE

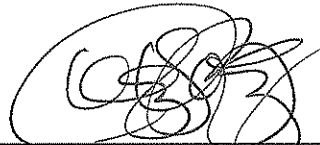
ABSENT: COUNCIL MEMBERS: NONE



CHERYL BALZ, CITY CLERK

(SEAL)

I hereby certify that the foregoing is the original of Ordinance No. 292 duly passed and adopted by the Chino Hills City Council at their regular meeting held on November 24, 2015 and that Summaries of the Ordinance were published on November 14, 2015 and December 5, 2015 in the Chino Hills Champion newspaper.



CHERYL BALZ, CITY CLERK

(SEAL)

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
CITY OF CHINO HILLS) §.
COUNTY OF SAN BERNARDINO)

Cheryl Balz, being first duly sworn, deposes and says:

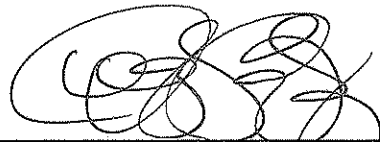
That she is the duly appointed and qualified City Clerk of the City of Chino Hills;

That in compliance with the State laws of the State of California, a certified copy of the full text of proposed Ordinance No. 292, being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHINO HILLS, CALIFORNIA, AMENDING VARIOUS CHAPTERS OF THE CHINO HILLS MUNICIPAL CODE TO UPDATE THE DEFINITION, DEVELOPMENT STANDARDS, REFERENCES, AND PERMISSIBLE ZONING DISTRICTS FOR RELIGIOUS INSTITUTIONS AND PUBLIC ASSEMBLY USES AND FINDING MUNICIPAL CODE AMENDMENT 15MCA02 EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

attached hereto and made a part hereof, was caused to be posted in the Office of the City Clerk.

Dated this 24th day of November, 2015.



CHERYL BALZ, CITY CLERK

(SEAL)