MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.

PLANNING COMMISSION MEETING AGENDA
CITY OF ONTARIO OREGON
MONDAY, JANUARY 11, 2021, 6:00 PM, MT
Zoom Link

1) CALL TO ORDER

Commissioner Blu Fortner _____ Commissioner Cindy McLeran _____ Commissioner Max Twombly _____
Commissioner John Hall _____ Commissioner John Briedenbach _____ Commissioner Cydney Cook _____
Chairman Ralph Poole _____

City Council Ex-Officio _____ City Manager _____
Community Development Director _____ Building Official _____Planning & Zoning Technician _____

2) PLEDGE OF ALLEGIANCE

3) MOTION TO ADOPT THE AGENDA

This Agenda was posted on January 4, 2021. Copies of the Agenda are available at the Community Development Center and on the city's website at www.ontariooregon.org.

4) PUBLIC COMMENTS Citizens may address the Planning Commission; however, the Planning Commission may not be able to provide an immediate answer or response. Out of respect to the Commissioners and others in attendance, please limit your comment to three minutes. Please state your name and city of residence for the record.

5) NEW BUSINESS

A) Welcome New Commissioner and/or Re-appointments

6) PUBLIC HEARING

A) ACTION 2020-11-41RZ: A REQUEST BY SUTHERLAND ENTERPRISES, INC FOR A REZONE OF PROPERTY FROM GENERAL COMMERCIAL (C-2). TO RM-10 TO MATCH THE LAND OF THE PARCEL IT WAS ADJUSTED INTO.

B) PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND OF MANUFACTURED HOMES.

7) COMMENTS FROM COMMISSIONERS

8) ADJOURN

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at (541) 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

AGENDA REPORT
PUBLIC HEARING
January 11, 2021

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2020-11-41RZ: A REQUEST BY SUTHERLAND ENTERPRISES, INC FOR A REZONE OF PROPERTY FROM GENERAL COMMERCIAL (C-2). TO RM-10 TO MATCH THE LAND OF THE PARCEL IT WAS ADJUSTED INTO.**

DATE: December 28, 2020

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM C-2 TO RM-10, AS SET FORTH IN ACTION 2020-11-41RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

2. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-2 TO RM-10, AS SET FORTH IN ACTION 2020-11-41RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-2 TO RM-10, AS SET FORTH IN ACTION 2020-11-41RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4709BA, tax lot 4202 AND 4203, which SAID Tax Lot 4202 is currently zoned in the City under High Density Residential (RM-10) and Tax Lot 4203 is zoned General Commercial (C-2) of which a portion of Tax Lot 4203 under

Planning Action 2020-09-38PLA was adjusted into Tax Lot 4202 for the purpose of allowing for more parking lot needed for the existing Dental Practice on Tax lot 4202. This action is to rezone that portion adjusted into Tax Lot 4202 to the same RM-10 zoning of the original parcel Tax Lot 4202

BACKGROUND:

The Applicant are also the owners of the two tax lots known as Tax Lot 4202 and 4203 and under Planning Action 2020-09-38PLA adjusted a portion of Tax Lot 4203 (zoned C-2) into Tax Lot 4202 (zoned RM-10) both on Assessor's map 18S4709BA to add the area that is being used as parking area for the Dental Practice on Tax Lot 4202 into the property of Tax Lot 4202.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from C-2 to RM-10 for the adjusted parcel of land and adjacent street right of way, within the City Limits of the City of Ontario.

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007 and the Hearings Officer approval of the Property line adjustment under Planning Action 2020-09-38PLA.

CURRENT SITUATION:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi- judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

c. The applicant has demonstrated a mistake or error in the original zone designation, or the

applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings:

1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the rezone is still for a commercial use it just brings the property into more compliance for the zoning of that parent adjusted parcel.

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The rezone is in conformance with the acknowledged plan as the property commercial use of the property in the RM-10 is an allowed commercial use and the proposed rezone is a is not changing the use of the land and is providing for better use of the land.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

The current use is an allowed use as it would be in the adjacent C-2 commercial zone, but the business needed more parking due to the growth of the business and must allow more parking on the adjacent land. The rezone will help correct this issue for future development.

4. As applicant, you must show a public need is demonstrated for this zoning at this location

and is not the granting of a special privilege for a single property or small group of properties.

There is a need for this rezone to be able to allow the existing business growth and need for additional parking and have the parking on the same piece of property. Other properties in the area have enjoyed the reclassification of land in the area due to growth so this would not be granting a special privilege.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

With the change of the zone it will allow for the lands needed for the parking lot be the same zoning as the parent parcel and not have a crossed zoned parcel. The adjustment was needed to allow for growth of the business.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The property is currently developed and is serviced by City streets and Public utilities and there are no changes required with the rezone.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

There will be no change in use of the property therefore there will be no adverse effects upon the surrounding properties.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. **CRITERION IS MET**

b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The applicant states in finding 3, that there has been a change in the property due to growth of the Dental Practice and the need for more parking. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met. **CRITERION IS MET**

d. The proposed re-zone would bring the applicant's existing use of the property in this manner into conformance with the City Zoning Code and allow for growth. Rezoning to a zone to match the parent property would not be considered as the granting of a special privilege for a single property or group of property owners. **CRITERION IS MET**

e. As noted in the findings 5, the subject properties sizes are now adequate to demonstrate consistency with this criterion and the existing business will be required to meet all off-street parking and landscape requirements in future development. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

g. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "Findings:" and "Conclusion:" for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.
The above Summary and Findings of facts are presented to the Commission for consideration to adopted and/or amend as needed.

ANALYSIS:

A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for

desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting it potential for future growth of the community.

B. **FINANCIAL** This is no financial impact to the city currently.

C. **TIMING** This action is needed as soon as possible so that the adjusted parcel can be shown on the tax roll as the same zoning.

D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

   A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

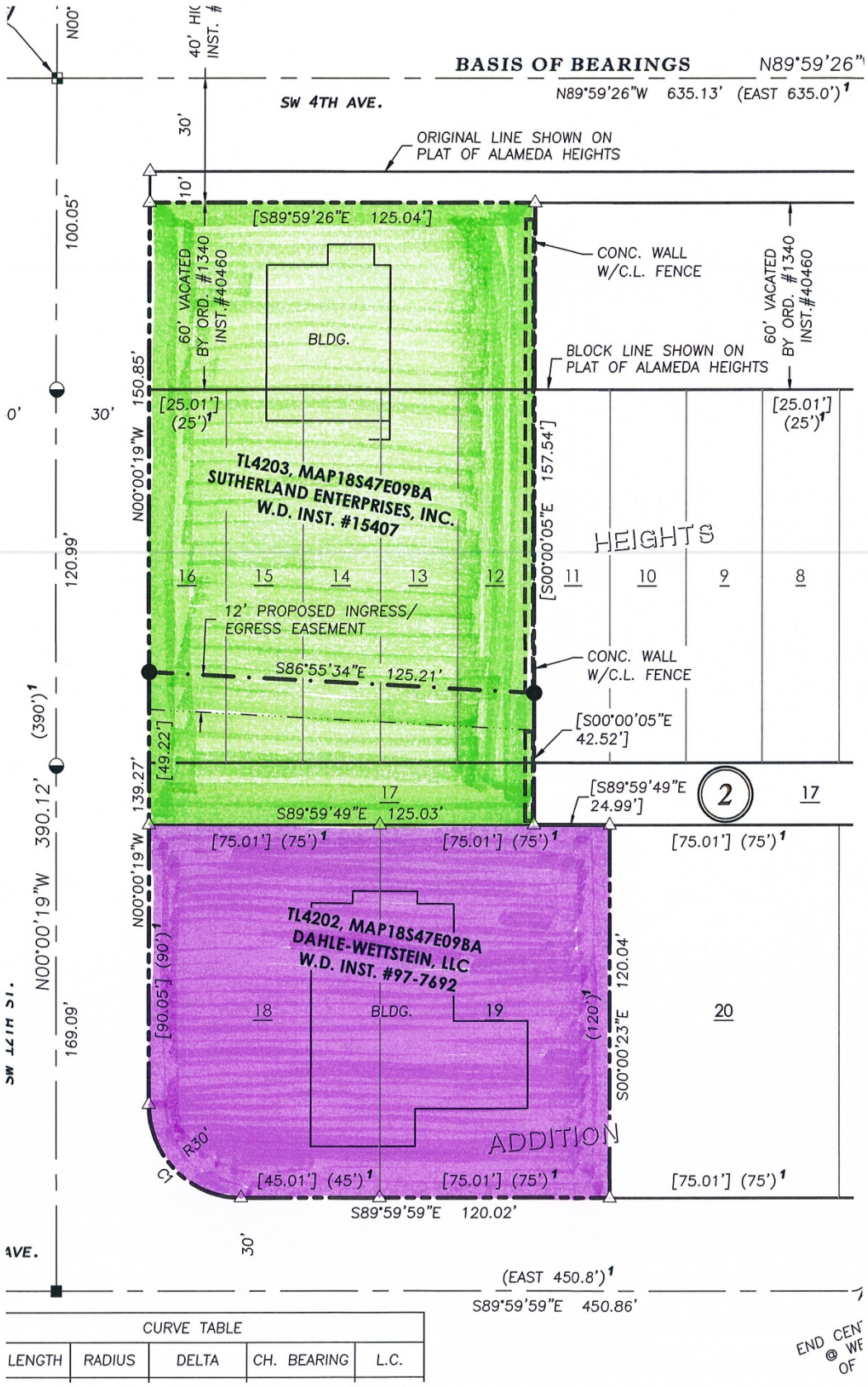
Staff recommends that the Planning Commission approve and adopt the findings of facts and send a recommendation to the City Council to approve the rezone from C-1 to C-2 of the subject property.

ATTACHMENTS:

1. Attachment 1 Parcels Before
2. Attachment 2 Parcels After
3. Attachment 3 Area Map
4. Attachment 4_Rezone Descrition
5. Attachment 5 Parcel being Rezoned

Attachment “1”

Parcels Before Rezoning



Attachment "2"

Parcels After Rezoning

CURVE TABLE				
LENGTH	RADIUS	DELTA	CH. BEARING	L.C.

Attachment “3”

Legend

- 100 ft radius
- Map Index
- Sutherland_DahleWettstein
- TL wn 100' rad fr Sutherland_DahleWettstein

100 Feet Radius Map

Sutherland_DahleWettstein

Ref # 2399_2398

0 100

Feet

Map is prepared for assessment purposes only

Attachment “4”

Rezone Parcel Description

Land in ALAMEDA HEIGHTS ADDITION, City of Ontario, Malheur County, Oregon, according to the official plat thereof, as follows:

In Block 2: That portion of Lots 12-17, inclusive, more particularly described as follows:

BEGINNING at the southwest corner of said Lot 17;

thence along the west lines of said Lots 17 and 16, N. 00° 00' 19” W. 49.22 feet, to a set #5 rebar with red plastic cap stamped “ATLAS LS PLS 65687”, hereinafter referred to as “capped rebar”;

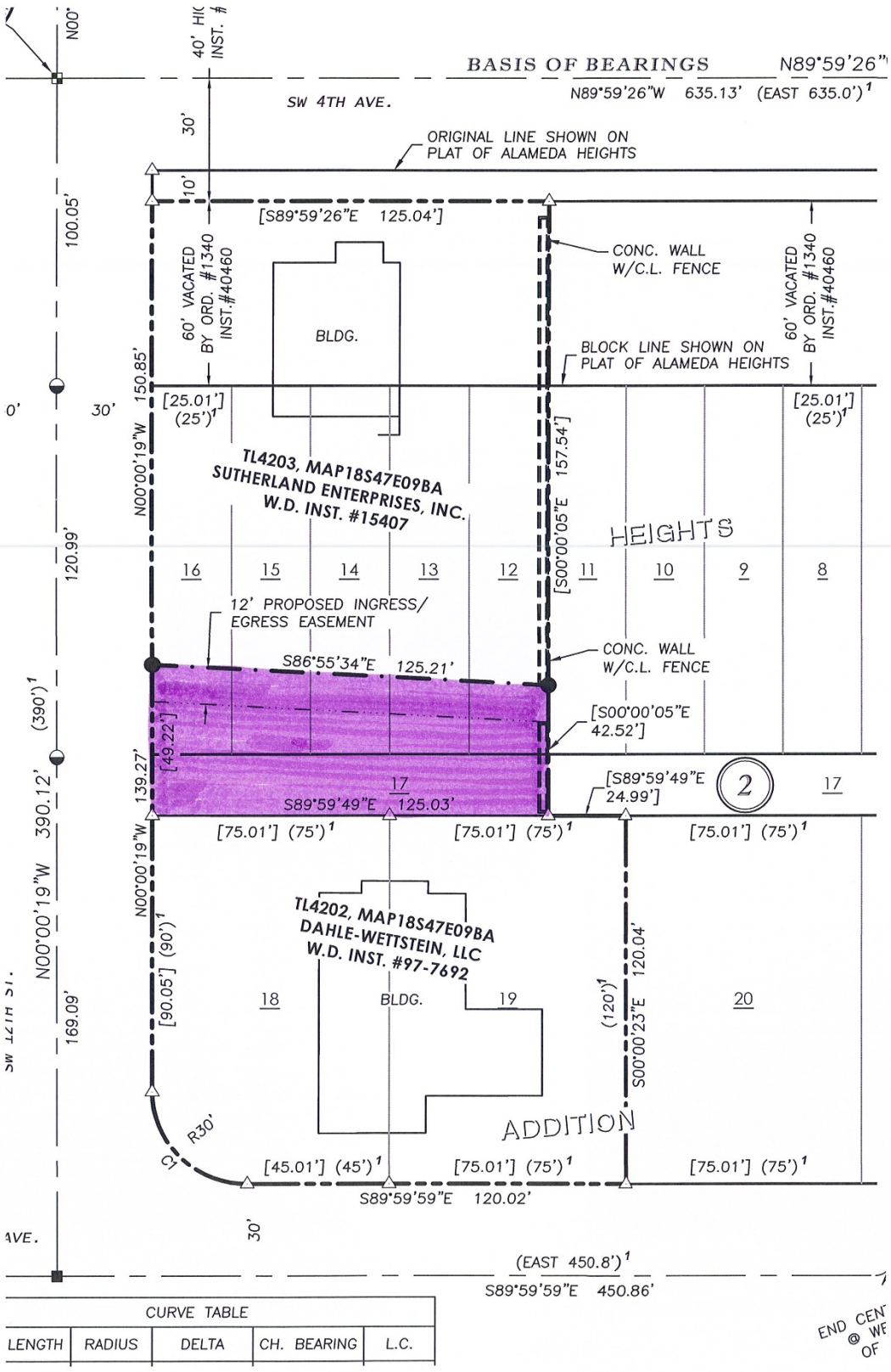
thence S. 86° 55' 34” E. 125.21 feet, to a point on the east line of said Lot 12, being monumented by a capped rebar;

thence along the east line of said Lot 12 and its southerly extension, S. 00° 00' 05” E. 42.52 feet, to the south line of said Lot 17;

thence along the south line of said Lot 17, N. 89° 59' 49” W. 125.03 feet, to the **POINT OF BEGINNING**.

Attachment “5”

Rezoned Parcel



AGENDA REPORT
PUBLIC HEARING
January 11, 2021

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND OF MANUFACTURED HOMES.**

DATE: December 28, 2020

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE PLANNING COMMISSION ACCEPT THE FINDS OF FACTS AS OUTLINED IN ATTACHMENT 1 FOR THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE; AS SET FORTH IN PLANNING ACTION 2020-01-02 CPAMD.

2. I MOVE THAT THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN ATTACHMENT 2 SUBJECT TO THE CONDITIONS OF APPROVAL AS SET FORTH IN PLANNING ACTION 2020-01-02 CPAMD.

B. DENIAL:

1. I MOVE THAT THE REQUEST TO AMEND THE MUNICIPAL ZONING AND DEVELOPMENT CODE WITHIN TITLE 10A SUBSTANTIVE ZONING REGULATIONS OF THE ONTARIO MUNICIPAL CODE, AS SET FORTH IN PLANNING ACTION 2020-01-02 CPAMD, BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS STATED HEREIN (ATTACH FINDING).

SUMMARY:

In 2019, Oregon legislators approved House Bill 2001 (HB 2001), requiring Oregon cities with a population over 10,000 to amend their municipal codes by the summer of 2021 with the following specifics:
a) Meet the "middle housing" (duplex) needs within their zoning regulations.
b) Address infrastructure deficiencies related to otherwise buildable residential land.

When Planning Action 2020-01-02CPAMD-ZCA is approved, the municipal code will have been amended to appropriately meet the requirements of HB 2001.

BACKGROUND:

Ontario has grown more slowly than projected in our 2007 Housing Needs Analysis. Concurrently, cities in nearby Idaho counties (e.g. Fruitland) are experiencing high population growth. As it now stands, our city limits keep adequate buildable land supplies to meet long-term housing needs. Yet, Ontario continually struggles to attract development for a larger range of housing options for our residents. Our housing demand consistently remains high, but comparable housing production remains low.

The city has been labeled as "rent burdened." 29% of all rental households here will pay over half of their respective incomes on rent. Without the types of housing in demand by these middle-income households, economic development gets stifled by continuously low housing production. We have seen business ventures reject Ontario as an investment opportunity; one reason being the lack of housing choices.

In an effort to address our housing needs, the city has received a grant from the Oregon Department of Land Conservation and Development (DCLD). In cooperation with the Portland contractors Winterbrook Planning, we are in the process of evaluating the effectiveness of Ontario's existing housing programs. We are also seeking options to increase the supply of housing for all income levels.

As a necessary step. we propose to revise and amend our city's zoning ordinances, in order to meet the local housing objectives. This proposal will conform with the Oregon Legislative Assembly Enrolled House Bill 2001 (HB 2001) on duplex housing provisions, which carries with it a June, 2021 deadline.

State Law requires an Ordinance be adopted by the local governing body (i.e. Ontario City Council) to accomplish code changes via adoption of a city ordinance.

Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

CURRENT SITUATION:

PLANNING ACTION 2020-01-02 CPAMD-ZCA: A request for amended changes to Title 10A – Substantive Zoning Regulations of the Ontario Municipal Code of the City of Ontario, Oregon; in accordance with the provisions of Oregon Revised Statutes and the ordinances from which these development standards derive; codified under Title 10 of the city code. Duplex code audit/amendments and statutory requirements will revise zoning ordinances to meet local housing objectives that comport with HB 2001 duplex provisions. These amendments shall comply with accessory dwelling unit requirements (ORS 197.312) and requirements for siting of manufactured homes on individual lots (ORS 197.314).

As proposed, the amended code changes would:
• Amend Title 10A Substantive Zoning Regulations of the Ontario Municipal Code of the City of Ontario, Oregon
• Conform city codes to updated Oregon housing laws, including compliance with accessory dwelling unit requirements (ORS 197.312) and requirements for siting of manufactured homes on individual lots (ORS 197.314)
• Adjust and simplify housing definitions, such as “dwelling,” “ADU,” “apartment,” “cottage cluster,” “duplex,” “manufactured home,” “attached,” “single-family dwelling,” etc.
• Simplify the options and availability, in regard to manufactured housing
• Recognize where state statutes allow for certain dwellings within the city’s various zoning codes
• Meet local housing objectives that comport with HB 2001 duplex provisions before statutory deadline of June 30, 2021.

On May 22, 1985, Oregon Land Conservation and Development Commission (LCDC) acknowledged the City of Ontario's Comprehensive Plan.

The plan was then revised in April and May 1988 when the implementing sections and policies supporting the plan were severed from the original document. The City received its periodic review notice on August 31, 1988 and was granted a six months extension on February 6, 1989.

On January 30, 1990 the city received notice from LCDC of the acceptance and termination of the periodic review order. This new revision would better reflect the intent of the Statewide Planning Goals, as well as combine those segments left in the severed 1985 plan.

In 2007, the City made substantial amendments to the Ontario Comprehensive Plan to address the implications of new population and employment projections, and the Ontario Urbanization Study.

In May of 2020, the Ontario City Council approved resolution 2020-119, supporting the DLCD awarded Planning Assistance grant; to assist in the Ontario Housing Needs Analysis and municipal code changes.

FOR CRITERIA AND FINDINGS OF FACTS REFER TO ATTACHMENT #1 FINDING OF FACTS BY WINTERBROOK PLANNING GROUP MADE A PART HEREOF:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

Conclusion: All criteria and standards applicable to a change in municipal code have been met. A request for the code amendments may be recommended for approval or denial by the Planning Commission to the City Council, if all applicable decision criteria and standards are able to be met through appropriate review.
This request presented to the Planning Commission infer the criteria and standards have been met in order for the request to be recommended for approval.

Conditions of Approval: (List Conditions)

1. . NONE

ANALYSIS:

A. **STRATEGIC PLAN** This action is consistent with the City Council Strategic Plan by providing land use codes allowing for affordable housing to the City of Ontario.

B. **FINANCIAL** DLCD provided a grant to aid in the development of these codes and the City Council approved a budget amount as matching funds for these code changes as well as other changes to the City Code.

C. **TIMING** These code changes must be met before June 30, 2021

D. **POLICY/LEGAL** The recommended Code amendments attached herein are in Compliance with House Bill 2001 (HB 2001).

ALTERNATIVES:

1. The planning commission could table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.

2. Deny the action by determining it is not in the best interest of the public to recommend the changes.

RECOMMENDATION:

Staff recommends the Planning Commission approve the action.

ATTACHMENTS:

1. ATTACHMENT 1_Findings of Facts
2. ATTACHMENT 2_Proposed Code Changes
3. ATTACHMENT 3_Draft Ordiance

ATTACHMENT 1
Findings of Facts
Planning Action 2020-01-02CPAMD-ZCA

ONTARIO HB 2001 & HB 2003 UPDATES
Winterbrook Planning | September 9, 2020

Statutory Code Audit and Proposed Code Amendments

The following code changes address state requirements that require:
(a) A duplex be allowed on a lot subject to the same development standards as detached single-family dwelling (HB 2001);
(b) An accessory dwelling unit (ADU) be allowed on a lot that has only one existing single-family dwelling (ORS 197.312(5));
and
(c) A manufactured home be allowed on any lot zoned for detached stick-built single-family residences – subject to statutory design standards (ORS 197.314.(1)).

Code Section	Revised Code Text in Legislative Format	*Commentary*
CHAPTER 10A-03 DEFINITIONS		
10A-03-74 DWELLING	Any room or group of rooms located in a residential building forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation of one family, not including motel or hotel units. The installation of an additional gas, electric or water meter or separate sewer service is evidence of establishment of an additional dwelling unit. **A dwelling may be constructed on-site (site-built) or off-site (manufactured dwelling). Dwelling unit types are defined below.**	*The definitions of "dwelling" and "dwelling unit" are combined for simplicity. Types of dwelling units are listed immediately below. Several new definitions are suggested. Most are based on statutory or state administrative rule definitions.*
10-03-74-A NEW: DWELLING, ACCESSORY UNIT (ADU)	**An interior, attached, or detached site-built dwelling unit that is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is (a) 1,200 square feet or less and (b) less than the primary single-family dwelling on the lot or parcel. (See also duplex dwelling definition.)**	*New definition of accessory dwelling unit to meet statutory requirement that ADUs be allowed as of right on lots with one detached single-family dwelling. (Definition reflects statutory definition for accessory dwelling unit – adapted to Ontario conditions.) In a sense, an ADU is a duplex dwelling that is smaller than (accessory to) the primary dwelling – whereas duplex dwellings must be a primary use in zones that allow single-family detached dwellings.*
10-03-74-B NEW: DWELLING, APARTMENT	**A structure with three or more site-built dwelling units that share common walls, floors or ceilings.**	*This definition is based on the existing definition of multi-family dwelling found in 10-03-77. The definition of multi-family dwelling*

	• **A "tri-plex" is a three-unit apartment.** • **A "four-plex" is a four-unit apartment.** • **A "courtyard apartment" is centered around a common courtyard of at least 30 feet in width.**	*below (draft 10-03-74-F) has been broadened to include three or more dwelling units of any type on a lot or parcel.*
10-03-74-C NEW: DWELLNG, COTTAGE CLUSTER.	**A grouping of four to eight small, site-built detached dwelling units on a lot or parcel with (a) a common courtyard of at least 30 feet in width, (b) a footprint of 900 square feet per unit or less, and (c) a gross floor area of 1,800 square feet per unit or less.**	*New definition for cottage cluster, a type of multi-family housing that consists of small single-family detached homes, on a single lot, with a common courtyard. (Definition reflects State Statute – adapted to Ontario conditions.)*
10-03-~~76~~74-D DWELLING, DUPLEX	~~A residential building of any configuration containing two~~ **Two primary site-built** dwelling units in any configuration **on a lot or parcel**.~~ or two single-family dwellings attached~~**. (See also ADU definition.)**	*Revised definition distinguishes between a duplex dwelling (two primary dwellings on a lot), an attached single-family dwelling (one dwelling connected unit on a lot), and an accessory dwelling unit (a unit that is smaller than and therefore accessory to the primary dwelling on a lot). See related definitions..*
10A-03-~~134~~ –74-E DWELLING, MANUFACTURED HOME	A **single-family detached dwelling** ~~structure~~ **constructed off-site** that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.	*Revision makes it clear that a manufactured home is a type of single-family dwelling. (Definition reflects State Statute) Manufactured dwellings on individual lots must meet special design standards as authorized by state statute.*
10A-03-~~75~~-74-F DWELLING, MULTI-FAMILY	A **group of three or more site-built dwelling units of any type and in any configuration on a lot or parcel.** ~~designed for or occupied by more than two (2) families living independently of each other.~~	*Revision includes all housing types except manufactured dwellings. This change allows flexibility to develop any type of site-built housing based on market demand.*
10A-03-~~75~~ -74-G DWELLING, SINGLE- FAMILY, ATTACHED.	A row of two or more adjoining **site-built** dwelling units~~, each of which is separated from the others by one or more unpierced walls extending from the ground or roof. Such dwellings are often known as townhouses.~~ **where each dwelling unit is located on an individual lot and shares at least one common wall with an adjacent unit. (Also known as a "rowhouse".)**	*This change recognizes that attached single-family dwellings typically are located on separate lots which allows greater opportunity for affordable homeownership. (Definition reflects State Statute – adapted to Ontario conditions.)*
10A-03-~~78~~ –74-H DWELLING, SINGLE FAMILY, DETACHED	~~A residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other dwelling unit~~. **A detached, dwelling unit on a lot or parcel, either site-built or a manufactured home.**	*Revision simplifies definition. Note that the new definition of detached single-family home – includes either a site-built or a non-site-built (manufactured off site) home on a lot or parcel – which is consistent with state administrative rules. (See also definitions of "cottage cluster" which includes size limitations.)*

CHAPTER 10A-11 - RS-50, SINGLE-FAMILY RESIDENCE ZONE		
10A-11-01 - PURPOSE.	To provide and maintain residential areas of predominantly ~~owner-occupied~~ single-family ~~detached~~ **and duplex** dwellings at relatively high densities for these housing types.	*Revision includes duplexes. Oregon law does not allow cities to regulate dwelling unit tenure (ownership vs. rental). However, homeownership is encouraged by allowing both single-family detached and attached dwellings. (See space limits table below.)*
10A-11-05 - PRINCIPAL PERMITTED USE.	The following principal uses are permitted as of right in the RS-50 Zone: 1. Single-family detached, **attached and duplex** dwellings.	*Revision adds a duplex dwelling as a permitted use on a 5,000 square foot lot in the RS-50 zone, as required by HB 2001.* ***The revision would also allow attached single-family dwellings at the same density as duplex dwellings (one unit per 2,500 square feet.)***
10A-11-10 - CONDITIONAL USES.	The following are permitted conditionally in the RS-50 Zone: 1. Private stables, corrals and paddocks which meet the standards set forth in RS-80 Zone. 2. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility. 3. ~~Duplex dwelling as defined herein~~.	*Revision removes duplex as a conditional use as required by HB 2001 which requires "clear and objective" approval standards for duplexes.*
CHAPTER 10A-13 - RD-40, DUPLEX RESIDENCE ZONE		
10A-13-10 - CONDITIONAL USES.	The following uses are permitted conditionally in the zone: 1. Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility. 2. **Two additional <u>site-built</u>** ~~multiple-family~~ dwellings ~~containing not more than four dwelling units~~ **on a lot or parcel.** ~~, or not more than four single-family dwellings, attached, or two-family structures, attached, or any combination thereof.~~ 3. Rooming house as defined herein.	*Revision makes it clear that two additional site-built dwelling units may be approved through the conditional use process to provide more market flexibility. Two dwellings are allowed outright on a RD-40 lot. No more than 4 dwelling units total are allowed conditionally on a lot in the RD-40 zone. (Note that four or more manufactured dwellings are allowed in a mobile home park in the Manufactured Home Residential Zone.*

CHAPTER 10A-19 - R-MH, MANUFACTURED HOME RESIDENCE ZONE		
10A-17-05 - PRINCIPAL PERMITTED USES.	The following principal uses are permitted as of right in R-MH Zone: 1. Single-family detached, **attached and duplex** dwellings constructed to RD-40 Zone standards. 2. Home occupations meeting the standards herein. 3. Manufactured or mobile home parks.	*Revision includes single-family attached duplex dwellings as permitted uses. Duplexes must be allowed outright per HB 2001. Attached single-family dwellings provide a homeownership option on smaller lots. See Space Limits Table below.*

	4. Manufactured or mobile home subdivisions.	
CHAPTER 10A-21 - R-MHO, MANUFACTURED HOME RESIDENCE OVERLAY ZONE		
PURPOSE 10A-21-01	To provide an overlay zone **that allows one detached manufactured home on an individual lot** ~~designed to apply~~ ~~concurrently with~~ **in all** residential zones that ~~to~~ allow **site-built single-family detached homes.** ~~manufactured homes~~ on **Manufactured homes on individual lots are subject to objective design standards**. ~~random single development sites.~~	*Revision provides makes it clear that the manufactured housing overlay zone applies to all residential zones where a single-family detached home is allowed outright.*
CHAPTER 10A-25 RESIDENTIAL ZONES, SPACE LIMITS TABLE		
10A-25-01 - PURPOSE AND APPLICABILITY.	The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.	*Revisions in the tables below result in the same area requirement for duplexes as single-family detached and allowed for single-family attached (row houses on individual lots) to be constructed at the same density as duplexes in Ontario's residential zones.*

Item Regulated	**Residential Zones**			***Commentary***
	RS-50	**RD-40**	**RM-10**	
Maximum height in feet	38	38	None	
Minimum **lot size** ~~site area~~ ~~per dwelling unit~~ in square feet				*The proposed change addresses minimum lot sizes required for detached and attached single-family and duplex dwelling types. The change is necessary because HB 2001 and its administrative rule focus on dwelling units allow on lots and parcels.*
Single-family detached **and duplex dwellings**	5,000	4,000	5,000	*HB 2001 requires that duplexes be allowed under the same development standards as detached single-family dwellings.*

Item Regulated	**Residential Zones**			***Commentary***
	RS-50	**RD-40**	**RM-10**	
				The existing 4,000 square-foot standard is applied on a per unit basis, requiring 8,000 sq. ft. for a duplex in the duplex zone.
~~Duplex~~	~~5,000~~	~~3,000~~	~~3,000~~	*HB 2001 requires that local governments allow duplex dwellings subject to the same development standards as single-family detached dwellings.*
Single-family attached **dwellings**	~~5,000~~ **2,500**	~~3,000~~ **2,250**	2,000	*Single-family attached housing provides an option for home ownership on smaller lots than typically required for single-family detached units. Since duplexes are allowed on lots of 4,000 to 5,000 sq. ft. (2,000 to 2,500 sq. ft. per unit) it makes sense to allow single-family rowhouses (attached single-family) on lot sizes typical of rowhouse developments.*
~~Multi-family (3+)~~ M**inimum lot area required for each additional dwelling unit (3+)**	**N/A**	~~3,000~~ **2,000**	1,000	*Up to four units (two more than allowed as of right) are allowed in the RD-40 zone through the conditional use process. To create a gradual transition from RD-40 to RM-*

Item Regulated	**Residential Zones**			***Commentary***
	RS-50	**RD-40**	**RM-10**	
				10, we recommend decreasing the minimum area for units 3 and 4 in the RS-40 zone from 3,000 sq. ft. to 2,000 sq. ft.

Minimum yard requirement in feet (setback)				
Front yard **or any yard with primary entrance**	15	15	15	*Revision takes into consideration the siting of duplexes on corner lots.*
Front Yard with Rear Parking	**10**	**10**	**10**	*This standard encourages parking in the rear of a lot, which reduces the visual impact of higher density housing from the street.*
Side yard*****	7	5	5	*"*" prevision allows exemptions for single-family attached (rowhouses).*
Rear yard******	10	10	10	*"**" prevision allows exemption for parking with alley access.*
Minimum lot width in feet	50	50	50	*No change.*
Minimum lot width in feet for attached single family (row house) dwellings	**25**	**22.5**	**20**	*To allow the potential for owner-occupied attached single-family (rowhouses) we*

				recommend allowing narrower lot widths for this type of housing. Note that this change is not required by statute – but does allow more opportunity for single-family home ownership.
Maximum dwelling units per gross acre* **	**14**	**18**	**31**	*This is a new calculation based on information in the table above. The formula for determining gross density assumes that 20% of the site will be dedicated for public right-of-way and that the first two units consume 5000 square feet.*

*** Side yard requirement reduced to zero where single-family dwellings are attached.**

**** Parking allowed in rear yard with alley access.**

*****Assumes 20% public ROW dedication.**

~~The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:~~		***Commentary*** *This table is no longer needed because minimum site/lot area requirements are addressed in the table above.*
~~Single-family detached dwelling~~	~~4,000~~	
~~Two or more family dwelling~~	~~6,000~~	
~~Single-family attached dwellings~~	~~6,000 initial project~~	

Chapter 10A-53 ACCESSORY USES AND STRUCTURES

10A-53-10 - ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED	Permitted accessory uses and structures include but are not limited to the following: 1. Private garages, parking lots, loading docks and driveways. **2. An accessory dwelling unit (ADU as defined in 10A-03 Definitions). An ADU must be constructed on-site and is not permitted if two dwelling units already exist on a lot or parcel.**	*Revision allows ADUs on all lots that contain a detached single-family dwelling. This revision applies to City zones and URA zones, as required by state statute.*
10A-57-60 - OFF-STREET PARKING AND LOADING REQUIREMENTS		
10A-57-65 - APPLICABILITY, INTERPRETATION.	5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. **Exception:** ~~except that the required~~ parking for a single-family **or duplex dwellings** ~~structure may~~ **shall** have a single access **unless an additional access is approved by the Community Development Director.** ~~controlled by the single-family occupants.~~	*Revision allows duplexes the same access exceptions as single-family dwellings, limits access to public street and allows the community development director to make an exception where warranted.*
10A-57-65 - APPLICABILITY, INTERPRETATION.	9. ~~Required parking spaces shall not be a required front yard except that both spaces for a single-family residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard.~~ **Parking spaces shall not be allowed in a front yard except where approved by the Community Development Director for single-family and duplex dwellings**.	*Revision applies the same standard for duplexes and single-family dwellings related to required parking spaces may be allowed within front yard setbacks. To maintain an attractive street appearance, parking would not be allowed in front yards between the primary residential building or buildings and a public street. However, the Community Development Director has the discretion to exemptions to this standard.*
10A-57-75 - PARKING SPACES	USE 1. Dwelling, single-family **or duplex.** 2. Dwellings, ~~duplex or~~ multi-family.	*Revision creates the same parking requirements for*

REQUIRED, GROUP A USES.		*duplexes as single-family dwellings (2 spaces).*

ONTARIO COMPREHENSIVE PLAN - PLAN CLASSIFICATIONS

Plan Classification	Purpose	*Commentary*
Low Density Residential An average of 7**-14** ~~or fewer~~ ~~less~~ dwelling units per acre.*****	To provide areas suitable for single-family **and duplex** residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.	*Revision includes duplexes in plan purpose and recognizes that existing zoning allows more than 7 dwelling units per acre.*
NEW: Medium Density Residential An average of 8-18 dwelling units per acre.*	**To provide areas suitable for single family, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.**	*This is a new classification that corresponds with to the RD-40 zone.*
High Density Residential An average of 8-**31** ~~or more~~ ~~or more~~ dwelling units per acre.*****	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.	*Existing RD-10 zone allows up to 31 dwelling units per gross acre.*

***Assumes 20% public ROW dedication.**

ATTACHMENT 2

Section 1. Ontario City Code Section 10A-03-74 is hereby amended by adding that portion that is underlined and deleting the portion lined out and Sections 10A-03-74.1 through 10A-03-74.3 are hereby added to Chapter 10A-03 ("Definitions") of Title 10A of the Ontario City Code:

CHAPTER 10A – 03 DEFINITIONS

10A–03–74 DWELLING

Any ~~structure~~ room or ~~portion thereof which is designed or used for~~ group of rooms located in a residential ~~purposes;~~ building forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, eating, and sanitation of one family; not including motel or hotel units. The installation of an additional gas, electric, water meter, or separate sewer service is evidence of establishment of an additional dwelling unit. A dwelling may be constructed on-site (site-built) or off-site (manufactured dwelling). Dwelling unit types are defined in Sections 10A-03-74.1 to 10A-03-74.8.; provided, however, that the following are not dwellings:

1. Transient accommodations;
2. Institutional care facilities such as hospitals, hospices, rest homes and homes for the aged.

10A–03–74.1 DWELLING, ACCESSORY UNIT (ADU)

An interior, attached, or detached site-built dwelling unit that is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is

a) 1,200 square feet or less and
b) less than the primary single-family dwelling on the lot or parcel.

(see also Duplex Dwelling definition)

10A–03–74.2 DWELLING, APARTMENT

A structure with three or more site-built dwelling units that share common walls, floors or ceilings.

- A "tri-plex" is a three-unit apartment
- A "four-plex" is a four-unit apartment
- A "courtyard apartment" is centered around a common courtyard of at least 30 feet in width

10A–03–74.3 DWELLNG, COTTAGE CLUSTER

A grouping of four to eight small, site-built detached dwelling units on a lot or parcel with

a) a common courtyard of at least 30 feet in width,
b) a footprint of 900 square feet per unit or less, and
c) a gross floor area of 1,800 square feet per unit or less.

Section 2. Ontario City Code Section 10A-03-75 is hereby amended by renaming to 10A-03-74.4 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~75~~74.4 DWELLING, SINGLE– FAMILY, ATTACHED

A row of two or more adjoining site-built dwelling units, ~~each of which is separated from the others by~~ where each dwelling unit is located on an individual lot and shares at least one common ~~or more unpierced~~ wall ~~s extending from the ground or roof.~~ with an adjacent unit (also ~~Such dwellings are often~~ known as townhouse~~s~~ or "rowhouse").

Section 3. Ontario City Code Section 10A-03-76 is hereby amended by renaming to 10A-03-74.5 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~76~~74.5 DWELLING, DUPLEX

~~A residential building of any configuration containing~~ Two primary site-built dwelling units ~~or two single-family dwellings attached~~ in any configuration on a lot or parcel. (see also ADU definition).

Section 4. Ontario City Code Section 10A-03-77 is hereby amended by renaming to 10A-03-74.6 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~77~~74.6 DWELLING, MULTI-FAMILY

A ~~dwelling designed for or occupied by more than two (2) families living independently of each other. Such a~~ group of three or more dwelling units of any type on a lot or parcel ~~is and characterized by having living units which share common walls and/ or floors and/or ceilings~~.

Section 5. Ontario City Code Section 10A-03-78 is hereby amended by renaming to 10A-03-74.7 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~78~~74.7 DWELLING, SINGLE FAMILY, DETACHED

A detached, ~~residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other~~ dwelling unit either site-built or a manufactured home.

Section 6. Ontario City Code Section 10A-03-134 is hereby amended by renaming to 10A-03-74.8 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~134~~74.8 DWELLING, MANUFACTURED HOME

A single-family detached dwelling structure constructed off-site that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.

CHAPTER 10A-11 RS – 50, SINGLE–FAMILY RESIDENCE ZONE

Section 7. Ontario City Code Section 10A-11-01 Purpose is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–01 PURPOSE.

To provide and maintain residential areas of predominantly ~~owner-occupied~~ single-family ~~detached~~ and duplex dwellings at relatively high densities for ~~this type of~~ these housing types.

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice since March 12, 1989, the effective date of the 1988 Amendments of the Federal Fair Housing Act, it has been a matter of law. Those amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single-family dwelling.

Section 8. Ontario City Code Section 10A-11-05 Principal Permitted Use is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–05 PRINCIPAL PERMITTED USE.

The following principal uses are permitted as of right in the RS-50 Zone:

1. Single-family detached, attached, and duplex dwellings.

(2 through 7 remain as written)

8. Oxford Houses as defined by the Federal Fair Housing Act of the 1988 Amendments.

Section 9. Ontario City Code Section 10A-11-10 Conditional Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–10 CONDITIONAL USES.

The following are permitted conditionally in the RS-50 Zone:

1. Private stables, corrals and paddocks which meet the standards set forth in RS-80 Zone.
2. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility.

~~3. Duplex dwelling as defined herein.~~

~~4~~ 3 Schools or seminaries public or private.

~~5~~ 4 Churches.

~~6~~ 5 Day care center with 13 or more children or if not in a private home.

~~7~~ 6 Cemeteries and crematoria when located in or on property adjacent to a cemetery.

CHAPTER 10A-13 RD-40, DUPLEX RESIDENCE ZONE

Section 10. Ontario City Code Section 10A-13-10 Conditional Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–13–10 CONDITIONAL USES

The following uses are permitted conditionally in the zone:

1. Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility.
2. Two additional site-built ~~Multiple-family~~ dwellings ~~containing not more than four dwelling units,~~ on a lot or parcel. ~~or not more than four single-family dwellings, attached, or two-family structures, attached, or any combination thereof.~~

(3 through 11 remain as is)

CHAPTER 10A-19 R-MH, MANUFACTURED HOME RESIDENCE ZONE

Section 11. Ontario City Code Section 10A-19-05 Principal Permitted Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–~~17~~19–05 PRINCIPAL PERMITTED USES

The following principal uses are permitted as of right in the R-MH Zone:

1. Single-family ~~detached~~ and duplex dwellings constructed to RD-40 Zone standards.

(2 to 6 remain as written)

CHAPTER 10A-21 R – MHO, MANUFACTURED HOME RESIDENCE OVERLAY ZONE

Section 12. Ontario City Code Section 10A-21-01 Purpose is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–21–01 PURPOSE

To provide an overlay zone that applies to all residential zones that ~~to~~ allow single-family detached homes, shall allow manufactured homes on individual lots subject to objective design standards. ~~random single development sites.~~

CHAPTER 10A – 25 RESIDENTIAL ZONES, SPACE LIMITS TABLE

Section 13. Ontario City Code Section 10A-25-01 Purpose and Applicability is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–25–01 PURPOSE AND APPLICABILITY

The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.

Item Regulated	Residential Zones		
	RS-50	**RD-40**	**RM-10**
Maximum height in feet	38	38	None
Minimum lot size ~~site area per dwelling unit~~ in square feet			
Single-family detached and duplex dwellings	5,000	4,000	5,000
~~Duplex~~	~~5,000~~	~~3,000~~	~~3,000~~
Single-family attached dwellings	~~5,000~~ 2,500	~~3,000~~ 2,250	2,000
~~Multi-family~~ Minimum lot area required for each additional dwelling unit (3+)	~~X~~ N/A	~~3,000~~ 2,000	1,000
Minimum yard requirement in feet (setback)			
Front yard or any yard with primary entrance	15	15	15
Front Yard with Rear Parking	10	10	10
Side yard *	7	5	5
Rear yard **	10	10	10
Minimum lot width in feet	50	50	50

Minimum lot width in feet for attached single family (row house) dwellings	25	22.5	20
Maximum dwelling units per gross acre***	14	18	31

* Side yard requirement reduced to zero where single-family dwellings are attached.

** Parking allowed in rear yard with alley access.

***Assumes 20% public ROW dedication.

~~The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:~~

~~Single family detached dwelling 4,000~~
~~Two or more family dwelling 6000~~
~~Single-family attached dwellings 6,000 initial project~~

Note: All minimum dimensions are subject to adequate provision for other space-using requirements of this Title. In some cases, innovative building design may be required to use a minimum size lot.

CHAPTER 10A – 53 ACCESSORY USES AND STRUCTURES

Section 14. Ontario City Code Section 10A-53-10 Accessory Uses or Structures, Specifically Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–53–10 ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED

Permitted accessory uses and structures include but are not limited to the following:

Private garages, parking lots, loading docks and driveways.

1. An accessory dwelling unit (ADU as defined in 10A-03 Definitions). An ADU must be constructed on-site and is not permitted if two dwelling units already exist on a lot or parcel.

~~2~~ 3 A structure for storage incidental to a permitted use, provided no such structure accessory to a residential building shall exceed 150 square feet gross floor area, and further provided, no structure accessory to any other type of principal building may have a ground coverage exceeding ten percent of the ground coverage of such principal building.

~~3~~ 4 Child's playhouse, gazebo, pavilion or similar structure.

~~4~~ 5 Tennis or other game courts accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, providing any fixed lighting shall be so arranged that beams will not fall on adjoining property.

~~5~~ 6 Swimming pool and bathhouse accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, provided such pool is fenced to control access and any lighting is arranged so that beams will not fall on adjoining property.

~~6~~ 7 Fallout and storm shelters.

~~7~~ 8 Outdoor storage, not in the front yard, of a boat or recreational vehicles, provided no boat or recreational vehicle shall be used for living, sleeping or housekeeping and further provided the boat or recreational vehicle is in usable condition or actively in the process of reconditioning.

~~8~~ 9 Building management offices, clubhouses, laundry houses and the like when associated with a housing complex.

~~9~~ 10 Vending machines other than newspaper vending machines not visible from a street are allowed in multi-family residential, commercial and industrial zones.

~~10~~ 11 Solar or wind energy collectors and associated heat storage units.

~~11~~ 12 Decorative fountains or sculpture.

~~12~~ 13 Signs as authorized by the sections on signs of this Title or in the provisions of a zone.

CHAPTER 10A-57-60 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 15. Ontario City Code Section 10A-57-65 Applicability, Interpretation is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–57–65 APPLICABILITY, INTERPRETATION

The following provisions shall be used in interpreting the applicability of parking and loading provisions:

1. The parking and loading requirements for buildings and uses not set forth herein shall be determined by the Planning Official and such determination shall be based on the requirements for the most comparable building or use specified herein. Comparability shall be primarily based on the environmental operating characteristics and neighborhood compatibility of the buildings or uses.
2. When several uses occupy a single building or development site, the total required parking shall be the sum of the requirements of each use. However, the Planning Official may partially reduce such combined parking requirements if it is clearly evident that part of the usage will occur at different times, such as a church sharing parking with business offices, and such joint use if secured by contractual arrangements.
3. When building or use is constructed so that a choice of parking requirements could be made, the uses which requires the greater number of parking spaces shall govern.
4. Required parking or loading spaces shall be available for the parking of vehicles of residents, customers, patrons, service vehicles, delivery vehicles and employees only and shall not be used for storage, sale, repair or servicing of vehicles or materials.

5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. Exception: ~~, except that the required p~~Parking for a single-family or duplex dwellings ~~structure may~~ shall have a single access unless an additional access is approved by the Community Development Director. ~~controlled by the single-family occupants.~~
6. In the case of an existing structure being altered or enlarged and said alteration does not increase the use of the structure (with the exception of changing a non-conforming use and structure from vacant to occupied), nor be of a nature as to require additional parking and loading area, and the enlargement is of a minor nature meaning the area of the addition would require no more than six additional parking spaces, given the parking requirements of the use, additional parking space need not be provided except that the Planning Official has the authority to require the use or structure being altered or enlarged to provide additional parking and loading area up to the specified requirements of this Section if, in the judgment of the Planning Official, such additional parking and loading area is needed to address a public safety or traffic circulation problem.
7. Site plans showing the layout of required parking or loading facilities shall be a part of each application for a building permit.
8. In a shopping center development where parking cannot reasonably be assigned to individual uses, two square feet of gross parking lot shall be provided for each square foot of gross floor area in the buildings.
9. Required ~~p~~Parking spaces shall not be allowed in a ~~required~~ front yard except ~~that both spaces~~ where approved by the Community Development Director for ~~a~~ single-family and duplex dwellings. ~~residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard.~~
10. On-street parking credits. In commercial zoning districts (C zones), the minimum requirement of off-street parking spaces may be reduced by the number of on-street parking spaces available along the street frontage of a proposed development site, provided these spaces are available for general public use at all times. Signs or other actions that limit general public use of the on-street spaces are prohibited.

    The number of on-street parking spaces to be credited shall be determined by the City standards for the amount of uninterrupted curb needed for on-street parking spaces, for either parallel parking or angled parking as identified in Section 10A-57-100.

Section 16. Ontario City Code Section 10A-57-75 Parking Spaces Required, Group A Uses Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–57–75 PARKING SPACES REQUIRED, GROUP A USES

All uses of land or buildings enumerated under group A shall provide off street parking and loading, as specified, on the same development site as such use or building and the parking space shall have convenient and unobstructed pedestrian access across the development site to a principal entrance to the building or use.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED

1. Dwelling, single-family or duplex.	Two	None
2. Dwellings, ~~duplex or~~ multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.

(REMAINING OF THE GROUP TABLE STAYS THE SAME (3 TO 15))

Section 17. Ontario City Code Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

TITLE 10 – COMPREHENSIVE PLAN

THE PLAN Plan Classifications

The land use element of Ontario's Comprehensive Plan is intended to provide a general guide to the future use of land within the City and its urban growth boundary. In addition to the goals, policies, and recommendations, the land use element consists of a map, indicating the proposed location, intent and pattern of the various defined land uses relating to the orderly physical development of Ontario.

The land use plan is based on the existing land use pattern and its relationship to such factors and natural land features; accessibility with respect to the existing and proposed transportation network; the nature, amount and direction of projected future growth; the location with respect to existing and proposed public facilities and utilities; relationship to nuisance factors, and the desirability of the location for future major uses.

The land use classifications are indicated on the Plan for the area within the City of Ontario. The City applies the following designations: two Residential; one Industrial; one Commercial; one Manufactured Housing Park, and one Manufactured Home Overlay. More specific separation of the uses within each plan classification are defined by the zoning map and related ordinance provisions.

Plan Classification	Purpose
Low Density Residential An average of 7–14 ~~or less~~ dwelling units per acre. *	To provide areas suitable for single family and duplex residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.
Medium Density Residential An average of 8–18 dwelling units per acre. *	To provide areas suitable for single family, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.
High Density Residential An average of 8–31 ~~or more~~ dwelling units per acre.	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.

Plan Classification	Purpose
Commercial	To provide areas suitable and desirable for retail, ~~whole sale~~ wholesale, service, office, tourist and their similar commercial activities which are needed by the City and surrounding areas. Zone classification between commercial activities.
Industrial	To provide areas suitable and desirable for those activities that are involved in processing or reprocessing materials and/or resources. These activities are needed to maintain or improve the City's economy and employment. Industrial areas are generally located where services and transportation improvements are available, and development is compatible with surrounding area uses. Zone classifications will be used to differentiate between heavy and light industrial activities.
Public Facilities	To indicate areas desired to be used for existing or anticipated public uses such as schools and other local public, State or Federal activities or facilities.
* Assumes 20% public ROW dedication.	

Section 18. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 19. This ordinance shall become effective 30 days after passage or upon the effective date of any ballot measure or ordinance that has the effect of repealing Section 3-23-1, whichever is later.

-End of Attachment 1 -

Attachment 3

ORDINANCE #_____-2021

AN ORDINANCE TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. THE FOLLOWING CODE CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND SITING OF MANUFACTURED HOMES ON INDIVIDUAL LOTS.
SET FORTH BY PLANNING ACTION 2020-01-02CPAMD-ZCA.

WHEREAS, The City of Ontario has received a grant from the State of Oregon Department of Land Conservation and Development (DLCD); to address housing needs, encourage economic development, and improve residential development that meets the needs of Ontario households; and

WHEREAS, Ontario will complete an updated housing needs analysis and buildable lands inventory, assisted by several Technical Advisory Committee meetings throughout the year; and

WHEREAS, The 2007 Ontario Urbanization Report was the most recent housing needs analysis, buildable land inventory, and comparison of residential land need and supply. These results were included in the Ontario Comprehensive Plan; and

WHEREAS, Both the Comprehensive Plan and Oregon Statewide Planning Goal 10 (as implemented by OAR 660-016-008) call for facilitation to residential development, via these requested amendments to Title 10 City Municipal Code; and

WHEREAS, Oregon Revised Statue 197.312 Limitation on city and county prohibitions states:
1) A city…may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city…may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing; and

WHEREAS, Oregon Revised Statue 197.314 Required siting of manufactured homes; minimum lot size; approval standards states:
1) Within urban growth boundaries each city…shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes.
2) Cities…shall adopt and amend comprehensive plans and land use regulations according to the provisions of ORS 197.610 to 197.651.
3) This section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.
4) Manufactured homes on individual lots zoned for single-family residential use…shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city…shall not adopt a minimum lot size for a manufactured dwelling park that is larger than one acre.
6) A city…may adopt standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:
7) This section shall not be construed as abrogating a recorded restrictive covenant; and

WHEREAS, Oregon Legislative Assembly Enrolled House Bill 2001 (HB 2001) requires Oregon cities over 10,000 to (a) amend zoning regulations to meet "middle housing" (duplex) needs, and (b) address infrastructure deficiencies related to otherwise buildable residential land; and

WHEREAS, State Law requires an ordinance be adopted by the local governing body (i.e. Ontario City Council) to accomplish code changes via adoption of a city ordinance; and

WHEREAS, Having given notice required by law, to the Oregon Department of Land Conservation and Development (DLCD), and to the Ontario City Council, the above findings have met the criteria of the city municipal code.

NOW THEREFORE, the Common Council for the City of Ontario ordains as follows:

Section 1. Ontario City Code Section 10A-03-74 is hereby amended by adding that portion that is underlined and deleting the portion lined out and Sections 10A-03-74.1 through 10A-03-74.3 are hereby added to Chapter 10A-03 ("Definitions") of Title 10A of the Ontario City Code:

CHAPTER 10A – 03 DEFINITIONS

10A–03–74 DWELLING

Any ~~structure~~ room or ~~portion thereof which is designed or used for~~ group of rooms located in a residential ~~purposes;~~ building forming a single habitable unit with facilities, which are used or intended to be used for living, sleeping, cooking, eating, and sanitation of one family; not including motel or hotel units. The installation of an additional gas, electric, water meter, or separate sewer service is evidence of establishment of an additional dwelling unit. A dwelling may be constructed on-site (site-built) or off-site (manufactured dwelling). Dwelling unit types are defined in Sections 10A-03-74.1 to 10A-03-74.8.; provided, however, that the following are not dwellings:

1. Transient accommodations;
2. Institutional care facilities such as hospitals, hospices, rest homes and homes for the aged.

10A–03–74.1 DWELLING, ACCESSORY UNIT (ADU)

An interior, attached, or detached site-built dwelling unit that is accessory to the primary single-family detached dwelling on a lot or parcel. An ADU has a gross floor area that is

a) 1,200 square feet or less and
b) less than the primary single-family dwelling on the lot or parcel.

(see also Duplex Dwelling definition)

10A–03–74.2 DWELLING, APARTMENT

A structure with three or more site-built dwelling units that share common walls, floors or ceilings.

- A “tri-plex” is a three-unit apartment
- A “four-plex” is a four-unit apartment
- A “courtyard apartment” is centered around a common courtyard of at least 30 feet in width

10A–03–74.3 DWELLNG, COTTAGE CLUSTER

A grouping of four to eight small, site-built detached dwelling units on a lot or parcel with

a) a common courtyard of at least 30 feet in width,
b) a footprint of 900 square feet per unit or less, and
c) a gross floor area of 1,800 square feet per unit or less.

Section 2. Ontario City Code Section 10A-03-75 is hereby amended by renaming to 10A-03-74.4 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~75~~74.4 DWELLING, SINGLE– FAMILY, ATTACHED

A row of two or more adjoining site-built dwelling units, ~~each of which is separated from the others by~~ where each dwelling unit is located on an individual lot and shares at least one common ~~or more unpierced~~ wall ~~s extending from the ground or roof.~~ with an adjacent unit (also ~~Such dwellings are often~~ known as ~~townhouses~~ a “rowhouse”).

Section 3. Ontario City Code Section 10A-03-76 is hereby amended by renaming to 10A-03-74.5 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~76~~74.5 DWELLING, DUPLEX

~~A residential building of any configuration containing~~ Two primary site-built dwelling units ~~or two single-family dwellings attached~~ in any configuration on a lot or parcel. (see also ADU definition).

Section 4. Ontario City Code Section 10A-03-77 is hereby amended by renaming to 10A-03-74.6 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~77~~74.6 DWELLING, MULTI-FAMILY

A ~~dwelling designed for or occupied by more than two (2) families living independently of each other. Such a~~ group of three or more dwelling units of any type on a lot or parcel ~~is and characterized by having living units which share common walls and/ or floors and/or ceilings~~.

Section 5. Ontario City Code Section 10A-03-78 is hereby amended by renaming to 10A-03-74.7 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~78~~74.7 DWELLING, SINGLE FAMILY, DETACHED

A detached, ~~residential building designed for and occupied by not more than one family and surrounded by open space or yards and having no roof, wall or floor in common with any other~~ dwelling unit either site-built or a manufactured home.

Section 6. Ontario City Code Section 10A-03-134 is hereby amended by renaming to 10A-03-74.8 and adding that portion that is underlined and deleting the portion lined out:

10A–03–~~134~~74.8 DWELLING, MANUFACTURED HOME

A single-family detached dwelling structure constructed off-site that has a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended; has plumbing and cooking facilities, is intended for human occupancy, and is intended for use as a residence.

CHAPTER 10A-11 RS – 50, SINGLE–FAMILY RESIDENCE ZONE

Section 7. Ontario City Code Section 10A-11-01 Purpose is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–01 PURPOSE.

To provide and maintain residential areas of predominantly ~~owner-occupied~~ single-family ~~detached~~ and duplex dwellings at relatively high densities for ~~this type of~~ these housing types.

Oxford Houses are considered single family residences for purposes of zoning. This has always been true in practice since March 12, 1989, the effective date of the 1988 Amendments of the Federal Fair Housing Act, it has been a matter of law. Those amendments make it unlawful for any jurisdiction to discriminate against congregate living for the disabled. Therefore, Oxford Houses are not subject to zoning laws regulating the number of unrelated individuals who may live in a single-family dwelling.

Section 8. Ontario City Code Section 10A-11-05 Principal Permitted Use is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–05 PRINCIPAL PERMITTED USE.

The following principal uses are permitted as of right in the RS-50 Zone:

1. Single-family detached, attached, and duplex dwellings.

(2 through 7 remain as written)

8. Oxford Houses as defined by the Federal Fair Housing Act of the 1988 Amendments.

Section 9. Ontario City Code Section 10A-11-10 Conditional Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–11–10 CONDITIONAL USES.

The following are permitted conditionally in the RS-50 Zone:

1. Private stables, corrals and paddocks which meet the standards set forth in RS-80 Zone.
2. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility.

~~3. Duplex dwelling as defined herein.~~

~~4~~ 3. Schools or seminaries public or private.
~~5~~ 4. Churches.
~~6~~ 5. Day care center with 13 or more children or if not in a private home.
~~7~~ 6. Cemeteries and crematoria when located in or on property adjacent to a cemetery.

CHAPTER 10A-13 RD-40, DUPLEX RESIDENCE ZONE

Section 10. Ontario City Code Section 10A-13-10 Conditional Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–13–10 CONDITIONAL USES

The following uses are permitted conditionally in the zone:

1. Utility facilities other than distribution lines at a specific location necessary for the functioning of that utility.

2. Two additional site-built ~~Multiple-family~~ dwellings ~~containing not more than four dwelling units,~~ on a lot or parcel. ~~or not more than four single-family dwellings, attached, or two-family structures, attached, or any combination thereof.~~

(3 through 11 remain as is)

CHAPTER 10A-19 R-MH, MANUFACTURED HOME RESIDENCE ZONE

Section 11. Ontario City Code Section 10A-19-05 Principal Permitted Uses is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–~~17~~19–05 PRINCIPAL PERMITTED USES

The following principal uses are permitted as of right in the R-MH Zone:

1. Single-family ~~detached~~ and duplex dwellings constructed to RD-40 Zone standards.

(2 to 6 remain as written)

CHAPTER 10A-21 R – MHO, MANUFACTURED HOME RESIDENCE OVERLAY ZONE

Section 12. Ontario City Code Section 10A-21-01 Purpose is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–21–01 PURPOSE

To provide an overlay zone that applies to all residential zones that ~~to~~ allow single-family detached homes, shall allow manufactured homes on individual lots subject to objective design standards. ~~random single development sites.~~

CHAPTER 10A – 25 RESIDENTIAL ZONES, SPACE LIMITS TABLE

Section 13. Ontario City Code Section 10A-25-01 Purpose and Applicability is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–25–01 PURPOSE AND APPLICABILITY

The specifications for minimum yard space, height, lot dimensions and other attributes, pertaining to structures or permitted uses, in the following table shall apply to all developments in the applicable zone.

Item Regulated	Residential Zones		
	RS-50	RD-40	RM-10
Maximum height in feet	38	38	None
Minimum lot size ~~site area per dwelling unit~~ in square feet			
Single-family detached and duplex dwellings	5,000	4,000	5,000
~~Duplex~~	~~5,000~~	~~3,000~~	~~3,000~~

Single-family attached dwellings	~~5,000~~ 2,500	~~3,000~~ 2,250	2,000
~~Multi-family~~ Minimum lot area required for each additional dwelling unit (3+)	~~X~~ N/A	~~3,000~~ 2,000	1,000
Minimum yard requirement in feet (setback)			
Front yard or any yard with primary entrance	15	15	15
Front Yard with Rear Parking	10	10	10
Side yard *	7	5	5
Rear yard **	10	10	10
Minimum lot width in feet	50	50	50
Minimum lot width in feet for attached single family (row house) dwellings	25	22.5	20
Maximum dwelling units per gross acre***	14	18	31
* Side yard requirement reduced to zero where single-family dwellings are attached. ** Parking allowed in rear yard with alley access. ***Assumes 20% public ROW dedication.			

~~The minimum development site for a building project in any zone shall be as set forth below, provided, however, greater lot area may be required to comply with the minimum lot area per housing unit set forth for the zone in which the project is located:~~

~~Single family detached dwelling 4,000~~
~~Two or more family dwelling 6000~~
~~Single-family attached dwellings 6,000 initial project~~

Note: All minimum dimensions are subject to adequate provision for other space-using requirements of this Title. In some cases, innovative building design may be required to use a minimum size lot.

CHAPTER 10A – 53 ACCESSORY USES AND STRUCTURES

Section 14. Ontario City Code Section 10A-53-10 Accessory Uses or Structures, Specifically Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–53–10 ACCESSORY USES OR STRUCTURES, SPECIFICALLY AUTHORIZED

Permitted accessory uses and structures include but are not limited to the following:

1. Private garages, parking lots, loading docks and driveways.

2. An accessory dwelling unit (ADU as defined in 10A-03 Definitions). An ADU must be constructed on-site and is not permitted if two dwelling units already exist on a lot or parcel.

~~2~~ 3 A structure for storage incidental to a permitted use, provided no such structure accessory to a residential building shall exceed 150 square feet gross floor area, and further provided, no structure accessory to any other type of principal building may have a ground coverage exceeding ten percent of the ground coverage of such principal building.

~~3~~ 4 Child's playhouse, gazebo, pavilion or similar structure.

~~4~~ 5 Tennis or other game courts accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, providing any fixed lighting shall be so arranged that beams will not fall on adjoining property.

~~5~~ 6 Swimming pool and bathhouse accessory to a residential building and limited to use by the occupants of the building and their non-paying guests, provided such pool is fenced to control access and any lighting is arranged so that beams will not fall on adjoining property.

~~6~~ 7 Fallout and storm shelters.

~~7~~ 8 Outdoor storage, not in the front yard, of a boat or recreational vehicles, provided no boat or recreational vehicle shall be used for living, sleeping or housekeeping and further provided the boat or recreational vehicle is in usable condition or actively in the process of reconditioning.

~~8~~ 9 Building management offices, clubhouses, laundry houses and the like when associated with a housing complex.

~~9~~ 10 Vending machines other than newspaper vending machines not visible from a street are allowed in multi-family residential, commercial and industrial zones.

~~10~~ 11 Solar or wind energy collectors and associated heat storage units.

~~11~~ 12 Decorative fountains or sculpture.

~~12~~ 13 Signs as authorized by the sections on signs of this Title or in the provisions of a zone.

CHAPTER 10A-57-60 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 15. Ontario City Code Section 10A-57-65 Applicability, Interpretation is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–57–65 APPLICABILITY, INTERPRETATION

The following provisions shall be used in interpreting the applicability of parking and loading provisions:

1. The parking and loading requirements for buildings and uses not set forth herein shall be determined by the Planning Official and such determination shall be based on the requirements for the most comparable building or use specified herein. Comparability shall be primarily based on the environmental operating characteristics and neighborhood compatibility of the buildings or uses.
2. When several uses occupy a single building or development site, the total required parking shall be the sum of the requirements of each use. However, the Planning Official may partially reduce such combined parking requirements if it is clearly evident that part of the usage will occur at different times, such as a church sharing parking with business offices, and such joint use if secured by contractual arrangements.
3. When building or use is constructed so that a choice of parking requirements could be made, the uses which requires the greater number of parking spaces shall govern.
4. Required parking or loading spaces shall be available for the parking of vehicles of residents, customers, patrons, service vehicles, delivery vehicles and employees only and shall not be used for storage, sale, repair or servicing of vehicles or materials.
5. Every parking or loading space counted toward a requirement shall have independent access to a clear driveway, alley or street. Exception: ~~, except that the required p~~Parking for a single-family or duplex dwellings ~~structure may~~ shall have a single access unless an additional access is approved by the Community Development Director. ~~controlled by the single-family occupants.~~
6. In the case of an existing structure being altered or enlarged and said alteration does not increase the use of the structure (with the exception of changing a non-conforming use and structure from vacant to occupied), nor be of a nature as to require additional parking and loading area, and the enlargement is of a minor nature meaning the area of the addition would require no more than six additional parking spaces, given the parking requirements of the use, additional parking space need not be provided except that the Planning Official has the authority to require the use or structure being altered or enlarged to provide additional parking and loading area up to the specified requirements of this Section if, in the judgment of the Planning Official, such additional parking and loading area is needed to address a public safety or traffic circulation problem.
7. Site plans showing the layout of required parking or loading facilities shall be a part of each application for a building permit.
8. In a shopping center development where parking cannot reasonably be assigned to individual uses, two square feet of gross parking lot shall be provided for each square foot of gross floor area in the buildings.
9. Required ~~p~~Parking spaces shall not be allowed in ~~a required~~ front yard except ~~that both spaces~~ where approved by the Community Development Director for ~~a~~ single-family and duplex dwellings. ~~residence may be in a required front yard, and one required parking space for a two-family residence may be in a required front yard.~~
10. On-street parking credits. In commercial zoning districts (C zones), the minimum requirement of off-street parking spaces may be reduced by the number of on-street parking spaces available along the street frontage of a proposed development site, provided these spaces are available for general public use at all times. Signs or other actions that limit general public use of the on-street spaces are prohibited.

    The number of on-street parking spaces to be credited shall be determined by the City standards for the amount of uninterrupted curb needed for on-street parking spaces, for either parallel parking or angled parking as identified in Section 10A-57-100.

Section 16. Ontario City Code Section 10A-57-75 Parking Spaces Required, Group A Uses Authorized is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A–57–75 PARKING SPACES REQUIRED, GROUP A USES

All uses of land or buildings enumerated under group A shall provide off street parking and loading, as specified, on the same development site as such use or building and the parking space shall have convenient and unobstructed pedestrian access across the development site to a principal entrance to the building or use.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Dwelling, single-family or duplex.	Two	None
2. Dwellings, ~~duplex or~~ multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.

(REMAINING OF THE GROUP TABLE STAYS THE SAME (3 TO 15))

Section 17. Ontario City Code Section 10 Comprehensive Plan is hereby amended by adding that portion that is underlined and deleting the portion lined out:

TITLE 10 – COMPREHENSIVE PLAN

THE PLAN Plan Classifications

The land use element of Ontario's Comprehensive Plan is intended to provide a general guide to the future use of land within the City and its urban growth boundary. In addition to the goals, policies, and recommendations, the land use element consists of a map, indicating the proposed location, intent and pattern of the various defined land uses relating to the orderly physical development of Ontario.

The land use plan is based on the existing land use pattern and its relationship to such factors and natural land features; accessibility with respect to the existing and proposed transportation network; the nature, amount and direction of projected future growth; the location with respect to existing and proposed public facilities and utilities; relationship to nuisance factors, and the desirability of the location for future major uses.

The land use classifications are indicated on the Plan for the area within the City of Ontario. The City applies the following designations: two Residential; one Industrial; one Commercial; one Manufactured Housing Park, and one Manufactured Home Overlay. More specific separation of the uses within each plan classification are defined by the zoning map and related ordinance provisions.

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Plan Classification	Purpose
Low Density Residential An average of 7–14 ~~or less~~ dwelling units per acre. *	To provide areas suitable for single family and duplex residential uses, including manufactured dwellings on individual lots, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.
Medium Density Residential An average of 8–18 dwelling units per acre. *	To provide areas suitable for single family, duplex and limited multi-family residential uses, which have or will need public water and sewage services, commercial and educational support facilities and employment opportunities.
High Density Residential An average of 8–31 ~~or more~~ dwelling units per acre.	To provide areas suitable and desirable for all types of high-density residential development including apartments, manufactured dwelling parks, planned developments, and other multifamily dwelling units. Business offices may be allowed as a non-residential use, when approved by the Planning Commission, as a conditional use.
Commercial	To provide areas suitable and desirable for retail, ~~whole sale~~ wholesale, service, office, tourist and their similar commercial activities which are needed by the City and surrounding areas. Zone classification between commercial activities.
Industrial	To provide areas suitable and desirable for those activities that are involved in processing or reprocessing materials and/or resources. These activities are needed to maintain or improve the City's economy and employment. Industrial areas are generally located where services and transportation improvements are available, and development is compatible with surrounding area uses. Zone classifications will be used to differentiate between heavy and light industrial activities.
Public Facilities	To indicate areas desired to be used for existing or anticipated public uses such as schools and other local public, State or Federal activities or facilities.
* Assumes 20% public ROW dedication.	

Section 18. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 19. This ordinance shall become effective 30 days after passage or upon the effective date of any ballot measure or ordinance that has the effect of repealing Section 3-23-1, whichever is later.

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PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2021 by the following vote:

AYES:
NAYS:
EXCUSED:
ABSTAINED:
ABSENT:

APPROVED by the Mayor this _____day of _____, 2021.

ATTEST:

_____ _____

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

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