



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Costal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

April 5, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Ontario Plan Amendment
DLCD File Number 008-05



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 21, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Darren Nichols, DLCD Regional Representative
Matthew Crall, DLCD Transportation Planner
Grant Young, City of Ontario

<paa> y



2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF
APR 03 2006
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Ontario Local file number: 2005-12-28CC
Date of Adoption: 3/6/2006 Date Mailed: 3/31/2006
Date original Notice of Proposed Amendment was mailed to DLCD: 12/21/2005

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Changed UGA E Zones Regulations Text to mirror City E Zones Regulations Text

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME".
If you did not give Notice for the Proposed Amendment, write "N/A".

Same

Plan Map Changed from: NA to: NA

Zone Map Changed from: NA to: NA

Location: NA Acres Involved: 103

Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals: NA

Was an Exception Adopted? YES NO

DLCD File No.: 008-05
(14898)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

ODOT; Malheur County; Rural Road District; Rural Fire Protection District

Local Contact: **Grant Young** Phone: **(541) 881-3222** Extension: _____

Address: **444 SW 4th Street** City: **Ontario**

Zip Code + 4: **97914-** Email Address: **grant.young@ontariocounty.org**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO (2) Copies of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

Inst. No. 2006-1655
I certify that the within Instrument of
writing was received for record on
the 9 day of March, 2006
at 11:05 O'clock A.M. FEE 0
STATE OF OREGON, County of Malheur

INSTRUMENT NO. 2006 - 1655
Page 1 of 3 Pages

DEBORAH R. DeLONG
County Clerk

ORDINANCE NO. 2578-2006 By: Sheryl Johnson Deputy

AN ORDINANCE AMENDING THE TEXT OF THE CITY OF ONTARIO MUNICIPAL CODE, TITLE 10, SECTIONS 10-14-11 AND 10-14-12, FOR THE PURPOSE OF PROVIDING CONSISTENCY OF LAND USE REGULATIONS FOR THE USES ALLOWED WITHIN THE URBAN GROWTH AREA, AND CITY, E-2 AND E-5 ZONES

WHEREAS, The City of Ontario's Comprehensive Plan was amended in 1999 by Ordinance No. 2417, designating approximately 103 acres in the Urban Growth Area (UGA) southwest of the North Ontario Interchange as commercial; and

WHEREAS, Per Ordinance No. 2417, formal rezoning to commercial was to take place "as soon as feasible" (p. 8, Exhibit A Findings of Fact, Ordinance No. 2417); and

WHEREAS, Ordinance No. 2548, an Ordinance amending the City of Ontario Municipal Code (Title 10 and 10-A) and zoning map was adopted in 2005 to fulfill the direction of Ordinance NO. 2417 by establishing new "hybrid" commercial/industrial zones as the UGA E-2 and UGA E-5 Zones; and rezone approximately 103 acres from UGA Residential (UGA-R) and UGA Light Industrial (UGA I-1) to the new UGA E-2 and E-5 Zones; and

WHEREAS, Ordinance No. 2561 was adopted in 2005 to create "companion" City E-2 and E-5 Zoning regulations for property annexed into the City; and

WHEREAS, The regulations for the UGA E Zones and City E Zones differed to the extent that the inconsistency was not deemed in the best interests of the City of Ontario as regards development within the 103-acre affected area by the Ontario City Council; and

WHEREAS, The Ontario City Council directed Staff to resolve the inconsistency (p. 1, Exhibit 1, Ordinance No. 2561-2005) between the UGA and City versions of the E Zones regulations;

WHEREAS, Staff has addressed the Council's Direction by initiating a formal application for the desired amendment; notified DLCD and all other required individuals and agencies; and

PASSED AND ADOPTED by the Common Council of the City of Ontario this 6th day of March, 2006 by the following vote:

AYES: Cummings, Allen, Gaskill, Cammack, Cheatham, Mosier, Jacobs

NAYS: None

INSTRUMENT NO. 2006 - 1655
Page 3 of 3 Pages

ABSENT: None

APPROVED by the Mayor this 6th day of March, 2006.

LeRoy Cammack
LeRoy Cammack, Mayor

ATTEST:

Tori Barnett
Tori Barnett, City Recorder

AGENDA REPORT

Tuesday, February 21, 2006

TO: Mayor and City Council

THRU: Scott Trainor, City Manager

FROM: Grant Young, Planning and Zoning Administrator

SUBJECT: **ACTION 2005-12-28CC:** Amendment to the text of the City of Ontario Municipal Code, Title 10, Sections 10-14-11 & 10-14-12, UGA E-2 (Urban Growth Area Employment, Two-Acre Minimum Parcel Size) and UGA E-5 (Urban Growth Area Employment, Five-Acre Minimum Parcel Size) Zones, for the purpose of making the zoning regulations for property within the City Limits, and within the Urban Growth Area, identical; Ordinance #2578-2006, first reading.

DATE: Report prepared February 9, 2006

I. SUMMARY & BACKGROUND:

Attached document(s):

- Exhibit "A": Ordinance #2548-2004 (Existing UGA E-2 & E-5 Zone Language)
- Exhibit "B": Proposed UGA E-2 & E-5 Zone Language (Same as City E Zones)
- Exhibit "C": Adopting Ordinance #2578-2006

In the spring of 2005, the City finished work on creation and implementation of two new Urban Growth Area (UGA) "hybrid" zones designed to allow a mixture of commercial and industrial uses to specifically "serve the traveling public" and targeting "big-box" type of development. These zones were implemented within an approximately 103-acre portion of a planned area designated by the Comprehensive Plan as the North Ontario Interchange Management Area (NIMA). At the conclusion of this work, the City Council directed Staff to create and implement "companion" zones within the Ontario Municipal Code (OMC) to enable annexation of that 103-acre area, or portions thereof, and retention of the underlying UGA E Zones.

After approximately 6 months of work, the City Council approved Land Use Action #2005-05-08CC and adopted Ordinance #2561-2005 to establish the companion zones in the OMC. In doing so, the Council struck two provisions from both the E-2 & E-5 Zones that exist in the UGA Zones; those that allow Mini-Storage and Mini-Warehouse facilities, and that allow Light Manufacturing, and, inserted an "Architectural Standard" applicable to all development in the Zone. The City Zones also include a few uses that the UGA Zones do not allow.

As a result of these changes, the UGA and City Zones differ from each other; at Staff's

suggestion, the Council directed an amendment be made to the UGA E Zones such that the language is identical to the City E Zones. The attached Exhibit A and B shows the existing language of both the UGA and City Zones, respectively.

II. Previous Council Action:

As noted in the above section; and, this material was presented to the Council on December 19, 2005, to keep the matter fresh for the Council, and to provide time for the Council to consider the matter. During the intervening period of time Staff has provided notice to DLCD and to the public, and placed this matter before the Planning Commission on February 13, 2006; the Planning Commission has forwarded this to the Council with a recommendation for approval and adoption.

III. DISCUSSION:

As noted above, the UGA and City versions of the E Zones differ in that the UGA Zones allow Mini-Storage and Mini-Warehouse facilities, and Light Manufacturing, and, do not contain an "Architectural Standard" applicable to all development in the Zone. The City Zones prohibit Mini-Storage and Mini-Warehouse facilities, Light Manufacturing and allow a few uses that the UGA Zones do not allow. The text of both zones as they now exist is attached to this report as Exhibit A, the UGA Zones, and Exhibit B, the City Zone. The proposal before the Planning Commission is to amend Exhibit A to be identical to Exhibit B, including the amendment to the space limits table.

The purpose of this amendment is to provide consistency of development in both areas; currently, an applicant with property within the UGA could conceivably have light manufacturing or a mini-storage or warehouse facility approved with no architectural standard applied, and then later have the property annexed into the City Limits, where his development would be a non-conforming use and inconsistent with City Zone requirements. The purpose of the Zones is to attract big-box development into an area where all development is held to a somewhat higher aesthetic standard than is the case in the Commercial or Industrial Zones, so as to provide jobs – Employment. In order to do that, the loophole allowing steel-box type, and non-job creating development, will have to be closed.

IV. APPLICABLE ORDINANCE & COMPREHENSIVE PLAN CRITERIA AND STANDARDS:

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

A. Zoning Ordinance requirements for Code text amendments:

1. **CHAPTER 10B-15 LEGISLATIVE AMENDMENT PROCEDURES**

10B-15-05 LEGISLATIVE AMENDMENT, INITIATION OF ACTION.

Amendments to Title 10A, 10B, 10C or other Titles in the development code series, or to the comprehensive plan may be initiated by the Council or Commission by motion, or by individuals by application as provided for in this Title. Amendment actions shall first be referred to the Planning Commission for the public hearing and recommendation. The Department of Land Conservation and Development shall be notified of the pending action at least 45 days before the final hearing date, unless a shorter time is authorized by Oregon administrative regulations for the type of action being taken.

2. **10B-15-20 COMMISSION HEARING, DECISION.** *The Commission shall hold a public hearing on the action and shall recommend approval, disapproval, or modification of the proposed amendment and shall make findings as appropriate to support the recommendation. Written findings and recommendations shall be forwarded to the Council by the Planning Director.*

Upon receipt of the Commission's recommendation, the Council shall set a date for a public hearing on the recommendation. If the hearing is to be the final hearing on the action, the date must be set late enough to allow the Department of Land Conservation and Development notice period to expire. The Council may approve, reverse or modify the amendment and may adopt the Commission's findings, create new findings or add to or delete from the Commission's findings. The Council may remand the action to the Commission for further consideration. A copy of the final decision shall be transmitted to the Department of Land Conservation and Development.

Findings: These requirements are procedural directions and notice requirements; this matter has been properly noticed as required, has been before the Planning Commission at a public hearing and received a recommendation for the Council.

Conclusion: Notice has been properly given and procedural requirements met; the City Council may consider the matter and *"may approve, reverse or modify the amendment and may adopt the Commission's findings, create new findings or add to or delete from the Commission's findings. The Council may remand the action to the Commission for further consideration."*

B. Comprehensive Plan Considerations:

Findings: Ordinance #2548-2004 is attached to this report as Exhibit B, and contains the text of the current UGA E Zone regulations. The Ordinance language details the fact that Ordinance #2417-1999 designated the land now under the E-2 and E-5 Zones as commercial land in the Comprehensive Plan, and that Ordinance #2548 implemented that designation with the creation of the E Zones. The City companion zones created this last fall were a continuance of that process and were consistent with the Plan designation. This process changes the original UGA Zone language to mirror the current City Zone language.

Conclusion: The area to which this amendment will apply is designated in the Comprehensive plan as commercial lands, with uses regulated by the current UGA and City regulations for UGA and annexed lands respectively. Both zones are consistent with the Comprehensive plan designation; therefore, the amendment to enable the zone regulations to mirror each other cannot be other than consistent. This proposal is consistent with the Comprehensive Plan.

V. STAFF RECOMMENDATION:

Staff recommends that the Council approve this amendment by adopting Ordinance #2578-2006. Proposed motions are set forth in Section VI below.

VI. PROPOSED MOTIONS (2):

- A. I move that the City Council approve **LAND USE ACTION 2005-12-28CC: An Amendment to the text of the City of Ontario Municipal Code, Title 10, Sections 10-14-11 & 10-14-12, UGA E-2 (Urban Growth Area Employment, Two-Acre Minimum Parcel Size) and UGA E-5 (Urban Growth Area Employment, Five-Acre Minimum Parcel Size) Zones, for the purpose of making the zoning regulations for property within the City Limits, and within the Urban Growth Area, identical; based on the information, findings and conclusions as set forth in Sections I through IV above.**

- B. I move that the City Council adopt Ordinance #2578-2006; **AN ORDINANCE AMENDING THE TEXT OF THE CITY OF ONTARIO MUNICIPAL CODE, TITLE 10, SECTIONS 10-14-11 AND 10-14-12, FOR THE PURPOSE OF PROVIDING CONSISTENCY OF LAND USE REGULATIONS FOR THE USES ALLOWED WITHIN THE URBAN GROWTH AREA, AND CITY, E-2 AND E-5 ZONES** on first reading by title only.

ORDINANCE NO. 2548-2004

AN ORDINANCE AMENDING THE CITY OF ONTARIO MUNICIPAL CODE (TITLE 10 AND 10-A) AND ZONE MAP TO INCLUDE NEW UGA E-2 AND UGA E-5 ZONES; AND ZONE APPROXIMATELY 103 ACRES OF URBAN GROWTH AREA RESIDENTIAL (UGA-R) AND LIGHT INDUSTRIAL (UGA I-1) TO UGA E-2 AND UGA E-5 ZONES;

WHEREAS, The City of Ontario's Comprehensive Plan was amended in 1999 by Ordinance No. 2417, designating approximately 103 acres in the Urban Growth Area (UGA) southwest of the North Ontario Interchange as commercial; and

WHEREAS, Per Ordinance No. 2417, formal rezoning to commercial was to take place "as soon as feasible" (p. 8, Exhibit A Findings of Fact, Ordinance No. 2417); and

WHEREAS, With the completion of Ontario Water and Sewer Master Plans and the completion of the North Ontario Interchange Area Master Plan, the formal zone change is now feasible; and

WHEREAS, This action implements the 1999 Comprehensive Plan action by zoning this area for employment uses; and

WHEREAS, The City worked closely with the Oregon Department of Transportation in the planning for the now constructed Yturri Beltline (OR-201) that bisects the area proposed for UGA E-2 and UGA E-5 zoning; and

WHEREAS, City Staff, elected officials, and appointed officials continue to work closely with the Oregon Department of Transportation in planning for future improvements to the I-84 Interchange directly northeast of the subject area, through participation on the Project Management Team and Stakeholder Advisory Committee for the North Ontario Interchange Bridge project and the development of an Interchange Area Management Plan for the vicinity, of which this 103 acres is a part; and

WHEREAS, The Oregon Department of Transportation and City Staff agreed that completing a zoning action for this area within the vicinity of the North Ontario Interchange was an important step in planning for the area and should be funded as a part of the bridge replacement project; and

WHEREAS, The Ontario City Council and Planning Commission held a joint work session April 12, 2004 to consider the goals set forth in the 1999 ordinance for this 103 acres and gave general approval to a set of "guiding principles," based on the ordinances findings, on which to formulate a new commercial zone; and

WHEREAS, The Ontario City Council, Planning Commission, and City Staff determined at the

April 12 work session that a "hybrid" zone comprised of uses currently allowed in the Heavy General Commercial Zone and some of the more restrictive uses allowed in the Light Industrial Zone would best implement the UGA E zones; and

WHEREAS, The future transportation impacts of the proposed UGA Employment Zones have been addressed in a technical memorandum developed for the North Ontario Interchange Bridge project (technical Memorandum 10.1, Preferred OR 201 Alignment & Interchange Form, June 21, 2004), considered by the Project Management Team and Stakeholder Advisory Committee for this project, and included as part of the findings for the proposed Employment Zone action; and

WHEREAS, The City has held public hearings on the proposed zone change on December 13, 2004, December 20, 2004, March 7, 2005 and April 18, 2005;

NOW, THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Based upon the Findings of Fact, the Ontario Municipal Code (Title 10) is amended to include a new Urban Growth Area - Employment 5 Zone (abbreviated as "UGA E-5") and a new Urban Growth Area - Employment 2 Zone (abbreviated as "UGA E-2").
2. The Ontario Zoning Map is amended to show that approximately 103 acres currently zoned as Urban Growth Area - Residential Zone and Urban Growth Area - Industrial I-1 Zone are changed to Urban Growth Area - Employment 5 Zone or Urban Growth Area - Employment 2 Zone, as follows:

Urban Growth Area - Employment 2 Zone:

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Section 33: All of that portion of the SW $\frac{1}{4}$ lying south of NW 18th Avenue right of way and lying northwesterly of the Tony Yturri Memorial Beltline right of way.

Urban Growth Area - Employment 5 Zone:

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E., W.M.:

Section 33: All of that portion of the SW $\frac{1}{4}$ lying south of NW 18th Avenue right of way and lying southeasterly of the Tony Yturri Memorial Beltline right of way, and all that portion of Block 31 of the Corrected Plat of Oregon Western Colonization Co Sub Second Addition.

3. The following sections will be added to Title 10A and Title 10 of the Ontario Municipal Code:

To Title 10A, add the following definition:

10A-03-49.5 DWELLING, MULTI-FAMILY MIXED-USE. A residential dwelling that is part of a mixed use commercial or employment development for or occupied by more than two (2) families living independently of each other. Such a dwelling is characterized by having living units that share common walls and/or floors and/or ceilings. Additionally, multi-family mixed-use dwellings are intended to be integrated into, and be supportive of, employment areas and are part of commercial or office developments and are not allowed on the ground floor.

To Title 10, add the following code sections 10-14-11 and 10-14-12

10-14-11 URBAN GROWTH AREA - EMPLOYMENT ZONE 2 (UGA E-2)

(A) Purpose

The purpose of the UGA E-2 district is to encourage the development of small to medium tracts of land in a manner that promotes the City of Ontario as a regional retail and employment center.

The UGA E-2 zone allows for uses that will not jeopardize the ability of the state and local transportation system to safely and effectively move freight and travelers through, to and from the city. Light industrial and manufacturing uses permitted in this district must not adversely affect adjacent businesses or residential areas, being by nature substantially clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, and whose few potentially objectionable features will be eliminated by design, complete enclosure or other appropriate measures.

This mixed-use "hybrid zone," incorporating both heavy commercial and light industrial uses, is appropriate along major highways (interstate) and their interchanges.

(B) Principal Uses

The following principal uses and their accessory uses are permitted outright in the UGA E-2 zone:

1. Shopping Centers
2. Retail Business
3. Hotel/Motels
4. Automotive Service Stations
5. Gasoline Service/Service Stations
6. Wholesale Stores (less than 3,000 sq. ft. storage)
7. Truck Stops with Motel (Truck Terminals)
8. Professional and Administrative Offices (not on ground floor)
9. Health Professional Office/Clinic (not on ground floor)

10. Contractor or Building Material Businesses
11. Horticulture/Nurseries
12. Printing and Publishing
13. Restaurants and Fast Food Restaurants
14. Grocery Stores
15. Research and development laboratories
16. Small truck/Trailer rental
17. Farm and Garden Store

(C) Conditional Uses

The following uses and their accessory uses are permitted conditionally in the UGA E-2 zone:

1. Commercial Recreation Facilities or RV Park
2. Schools & Colleges
3. Churches
4. Bars, Taverns, Cocktail Lounges
5. Dry Cleaning, Laundry
6. Bed & Breakfast
7. Dwelling, Multi-family Mixed Use [when accessory to a commercial development]
8. Public Buildings, Facilities and Services
9. Mini-warehouses
10. Distribution Centers
11. Amusement Center
12. Light Manufacturing

(D) Expressly Prohibited Uses

The following uses are listed here as expressly prohibited so as to facilitate the interpretation of the list of principal permitted uses:

1. Residential dwellings on ground floor
2. Dance & Music Studios
3. Private Clubhouses
4. Residential Care Facilities
5. Museums, Concert Halls, Auditoriums
6. Adult Foster Care
7. Mortuaries, Funeral Homes
8. Auction House
9. Nursing Home
10. Kennel
11. Veterinarian
12. Body, Fender and Paint
13. Automotive Dismantling (auto salvage)

14. Petroleum Bulk Plant
15. Animal slaughtering, stockyards or holding pens
16. Processing of carcasses and organ meat into product for human consumption

(E) Site Standards

1. Minimum Lot Size: 2 acres¹
2. Maximum Height: 50 ft
3. Yard Space Requirements:
 - a. Front Yard: None
 - b. Rear Yard: 5 ft²
 - c. Side Yard: None³
4. Maximum Lot Coverage: 90%

Note:

All minimum dimensions are subject to adequate provision for other space-using requirements of this title.

¹Lots smaller than 2 acres and existing prior to application of this zone are developable, provided such lots meet all other requirements of this Title.

²Where the rear side yard abuts a residential zone, the abutting rear yard shall be one foot for each foot by which the building height exceeds 14 feet.

³Where the side yard abuts a residential zone, the abutting side yard shall be a minimum of 15 feet plus one foot for each two feet by which the building height exceeds 28 feet.

5. General Provisions: The provisions of City of Ontario Code, Chapter 10A-57, Miscellaneous Provisions, apply to the UGA E-2 Zone.

(F) Master Plan

No Master Plan is required in this zone.

10-14-12 URBAN GROWTH AREA - EMPLOYMENT ZONE 5 (UGA E-5)

(A) Purpose

The purpose of the UGA E-5 district is to encourage the development of large tracts of land in a manner that promotes the City of Ontario as a regional retail and employment center.

The UGA E-5 zone allows for uses that will not jeopardize the ability of the state and

local transportation system to safely and effectively move freight and travelers through, to and from the city. Light industrial and manufacturing uses permitted in this district must not adversely affect adjacent businesses or residential areas, being by nature substantially clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, and whose few potentially objectionable features will be eliminated by design, complete enclosure or other appropriate measures.

This mixed-use "hybrid zone," incorporating both heavy commercial and light industrial uses, is appropriate along major highways (interstate) and their interchanges.

(B) Principal Uses

The following principal uses and their accessory uses are permitted outright in the UGA E-5 zone:

1. Shopping Centers
2. Retail Business
3. Hotel/Motels
4. Automotive Service Stations
5. Gasoline Service/Service Stations
6. Wholesale Stores (less than 3,000 sq. ft. storage)
7. Truck Stops with Motel (Truck Terminals)
8. Professional and Administrative Offices (not on ground floor)
9. Health Professional Office/Clinic (not on ground floor)
10. Contractor or Building Material Businesses
11. Horticulture/Nurseries
12. Printing and Publishing
13. Restaurants and Fast Food Restaurants
14. Grocery Stores
15. Research and development laboratories
16. Small truck/Trailer rental
17. Farm and Garden Store

(C) Conditional Uses

The following uses and their accessory uses are permitted conditionally in the UGA E-5 zone:

1. Commercial Recreation Facilities or RV Park
2. Schools & Colleges
3. Churches
4. Bars, Taverns, Cocktail Lounges
5. Dry Cleaning, Laundry
6. Bed & Breakfast
7. Dwelling, Multi-family Mixed Use [when accessory to a commercial development]

8. Public Buildings, Facilities and Services
9. Mini-warehouses
10. Distribution Centers
11. Amusement Center
12. Light Manufacturing

(D) Expressly Prohibited Uses

The following uses are listed here as expressly prohibited so as to facilitate the interpretation of the list of principal permitted uses:

1. Residential dwellings on ground floor
2. Dance & Music Studios
3. Private Clubhouses
4. Residential Care Facilities
5. Museums, Concert Halls, Auditoriums
6. Adult Foster Care
7. Mortuaries, Funeral Homes
8. Auction House
9. Nursing Home
10. Kennel
11. Veterinarian
12. Body, Fender and Paint
13. Automotive Dismantling (auto salvage)
14. Petroleum Bulk Plant
15. Animal slaughtering, stockyards or holding pens
16. Processing of carcasses and organ meat into product for human consumption

(E) Site Standards

1. Minimum Lot Size: 5 acres¹
2. Maximum Height: 50 ft
3. Yard Space Requirements:
 - a. Front Yard: None
 - b. Rear Yard: 5 ft²
 - c. Side Yard: None³
4. Maximum Lot Coverage: 90%

Note:

All minimum dimensions are subject to adequate provision for other space-using requirements of this title.

¹Lots smaller than 5 acres and existing prior to application of this zone are developable, provided such lots meet all other requirements of this Title.

²Where the rear side yard abuts a residential zone, the abutting rear yard shall be one foot for each foot by which the building height exceeds 14 feet.

³Where the side yard abuts a residential zone, the abutting side yard shall be a minimum of 15 feet plus one foot for each two feet by which the building height exceeds 28 feet.

5. General Provisions: The provisions of City of Ontario Code, Chapter 10A-57, Miscellaneous Provisions, apply to the UGA E-5 Zone.

(F) Master Plan

For any proposed development where a Master Plan has not yet been created, a Master Plan encompassing at least 5 acres of surrounding applicable (UGA E-5 zoned, undeveloped or minimally-developed, non-Master Planned) property shall be prepared prior to development. If surrounding applicable property totals less than 5 acres, then all of the surrounding applicable property shall be Master Planned.

The Master Plan shall present the following information:

- Proposed Land Uses by type;
- Proposed Traffic Circulation patterns;
- Proposed Access Locations;
- Location of Vehicle Parking Areas;
- Location of Public Facilities and Utilities;
- Location of Open Space; and
- Proposed Phasing of Land Uses and Public Facilities.

The Ontario Planning Commission shall consider and accept the Master Plan prior to allowing development to proceed. The Master Plan shall be approved for a development at the time of land division. The intent of the Master Plan is to broadly determine the future development patterns and public facility needs in each area. Future development will need to demonstrate how it implements the concepts in the Master Plan that covers the area where development is proposed.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2005 by the following vote:

AYES:

NAYS:

ABSENT:

PROPOSED URBAN GROWTH AREA E-2 & E-5 ZONE LANGUAGE10-14-11 URBAN GROWTH AREA - EMPLOYMENT ZONE 2 (UGA E-2)**(A) Purpose**

The purpose of the UGA E-2 district is to encourage the development of small to medium tracts of land in a manner that promotes the City of Ontario as a regional retail and employment center.

The UGA E-2 zone allows for uses that will not jeopardize the ability of the state and local transportation system to safely and effectively move freight and travelers through, to and from the city. Light industrial and manufacturing uses permitted in this district must not adversely affect adjacent businesses or residential areas, being by nature substantially clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, and whose few potentially objectionable features will be eliminated by design, complete enclosure or other appropriate measures.

This mixed-use "hybrid zone," incorporating both heavy commercial and light industrial uses, is appropriate along major highways (interstate) and their interchanges.

(B) Principal Permitted Commercial Uses

The following principal commercial uses and their accessory uses are permitted outright in the UGA E-2 Zone:

1. Shopping Centers
2. Retail Business
3. Hotel/Motels
4. Automotive Service Stations
5. Gasoline Service/Service Stations
6. Wholesale Stores (less than 3,000 sq. ft. storage)
7. Truck Stops with Motel (Truck Terminals)
8. Professional and Administrative Offices, not on ground floor, unless integral to a principal permitted use or office building of three or more stories.
9. Health Professional Office/Clinic (not on ground floor)
10. Contractor or Building Material Businesses
11. Horticulture/Nurseries
12. Restaurants and Fast Food Restaurants
13. Grocery Stores
14. Small truck/Trailer rental
15. Farm and Garden Store

(C) Principle Permitted Light Industrial Uses. The following principal light industrial uses and their accessory uses are permitted outright in the UGA E-2 Zone:

1. Design, prototyping, manufacture, assembly, testing and repair of electronic and/or precision components of devices, such as, but not limited to: coils, transistors, capacitors, and similar components; communication, navigation, transmission, control and guidance equipment and systems; data processing equipment and systems; metering instruments and equipment; audio/video equipment and systems; radar and sonar equipment and systems;
2. Design, prototyping, manufacture, assembly, testing and repair of optical, medical, dental, drafting, time, musical and photographic equipment except film;
3. Design, prototyping, manufacture, assembly, testing and repair of testing equipment;
4. Research, development, or experimental laboratories/facilities;
5. Printing, publishing, engraving, lithographing, blueprinting and photocopying, film processing;
6. Studio or office for industrial designing, drafting, model making, engineering, architecture, sculpture, or painting;
7. Design, prototyping, manufacture, assembly and repair of items requiring minimal processing, such as art & craft items, jewelry, fishing tackle, pre-cast concrete items such as furniture and catch basins, items formed from sheet metal such as siding and gutters (but manufacture of sheet metal is not allowed);
8. Custom manufacture or remanufacture of specialty or antique vehicles, aircraft, firearms, boats, hunting gear, boots, saddles & tack, or similar items;
9. Human and veterinary pharmaceutical manufacture & warehousing;
10. Call center;
11. Computer programming/software manufacture.

(D) Conditional Uses The following uses and their accessory uses are permitted conditionally in the UGA E-2 zone:

1. Commercial Recreation Facilities or RV Park
2. Schools & Colleges
3. Churches
4. Bars, Taverns, Cocktail Lounges
5. Dry Cleaning, Laundry
6. Bed & Breakfast
7. Dwelling, Multi-family Mixed Use [when accessory to a commercial development]
8. Public Buildings, Facilities and Services
9. Distribution Centers
10. Amusement Center
11. Utility facility necessary for the function of the utility in the area;
12. Any use which is demonstrated to be of similar character and impact to that of the listed principal Commercial Uses or Principal Light Industrial Uses.

(E) Expressly Prohibited Uses The following uses are listed here as expressly prohibited so as to facilitate the interpretation of the list of principal permitted uses:

1. Residential dwellings on ground floor
2. Dance & Music Studios
3. Private Clubhouses
4. Residential Care Facilities
5. Museums, Concert Halls, Auditoriums
6. Adult Foster Care
7. Mortuaries, Funeral Homes
8. Auction House
9. Nursing Home
10. Kennel
11. Veterinarian
12. Body, Fender and Paint
13. Automotive Dismantling (auto salvage)
14. Petroleum Bulk Plant
15. Animal slaughtering, stockyards or holding pens
16. Processing of carcasses and organ meat into product for human consumption

(F) Site Standards

1. Maximum Height: 50 ft
2. Minimum Lot Size: 2 acres¹
3. Yard Space Requirements:
 - a. Front Yard: None
 - b. Rear Yard: 5 ft²
 - c. Side Yard: None³
4. Maximum Lot Coverage: 90%

Note:

All minimum dimensions are subject to adequate provision for other space-using requirements of this title.

¹Lots smaller than 2 acres and existing prior to application of this zone are developable, provided such lots meet all other requirements of this Title.

²Where the rear side yard abuts a residential zone, the abutting rear yard shall be one foot for each foot by which the building height exceeds 14 feet.

³Where the side yard abuts a residential zone, the abutting side yard shall be a minimum of 15 feet plus one foot for each two feet by which the building height exceeds 28 feet.

(G) General Provisions. The provisions of City of Ontario Code, Chapter 10A-57, Miscellaneous Provisions, apply to the UGA E-2 Zone.

(H) Master Plan. No Master Plan is required in this zone.

(I) Basic Architectural Standard. A basic architectural standard is applicable to all structures within the UGA E-2 Zone, the purpose of which is to prevent industrial-looking "steel boxes." All structure faces visible from a public street (except signs, trim, and minor architectural features) shall be constructed of masonry, ceramics, concrete, wood frames and stucco, metal frame and stucco, or other substantial construction materials; or with veneer made to resemble masonry, ceramics, concrete, or stucco. Typical residential siding such as wood or vinyl and typical industrial siding such as galvanized or painted metal are allowed only by conditional use and only when the applicant can demonstrate to the Commission that use of such materials will be mitigated so as not to visually detract from the area. Mitigation measures may include but are not limited to additional landscaping, canopies, awnings, porticos, additional glazing, or other similar decorative architectural features. Placement of other structures which completely or substantially block all view of the face in question will also be treated by the Commission as mitigation.

10-14-12 URBAN GROWTH AREA - EMPLOYMENT ZONE 5 (UGA E-5)

(A) Purpose

The purpose of the UGA E-5 district is to encourage the development of large tracts of land in a manner that promotes the City of Ontario as a regional retail and employment center.

The UGA E-5 zone allows for uses that will not jeopardize the ability of the state and local transportation system to safely and effectively move freight and travelers through, to and from the city. Light industrial and manufacturing uses permitted in this district must not adversely affect adjacent businesses or residential areas, being by nature substantially clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare, and whose few potentially objectionable features will be eliminated by design, complete enclosure or other appropriate measures.

This mixed-use "hybrid zone," incorporating both heavy commercial and light industrial uses, is appropriate along major highways (interstate) and their interchanges.

(B) Principal Permitted Uses. The following principal uses and their accessory uses are permitted outright in the UGA E-5 zone:

1. Shopping Centers
2. Retail Business
3. Hotel/Motels
4. Automotive Service Stations
5. Gasoline Service/Service Stations
6. Wholesale Stores (less than 3,000 sq. ft. storage)
7. Truck Stops with Motel (Truck Terminals)

8. Professional and Administrative Offices (not on ground floor)
9. Health Professional Office/Clinic (not on ground floor)
10. Contractor or Building Material Businesses
11. Horticulture/Nurseries
12. Printing and Publishing
13. Restaurants and Fast Food Restaurants
14. Grocery Stores
15. Research and development laboratories
16. Small truck/Trailer rental
17. Farm and Garden Store

(C) Conditional Uses The following uses and their accessory uses are permitted conditionally in the UGA E-5 zone:

1. Commercial Recreation Facilities or RV Park
2. Schools & Colleges
3. Churches
4. Bars, Taverns, Cocktail Lounges
5. Dry Cleaning, Laundry
6. Bed & Breakfast
7. Dwelling, Multi-family Mixed Use [when accessory to a commercial development]
8. Public Buildings, Facilities and Services
9. Distribution Centers
10. Amusement Center

(D) Expressly Prohibited Uses The following uses are listed here as expressly prohibited so as to facilitate the interpretation of the list of principal permitted uses:

1. Residential dwellings on ground floor
2. Dance & Music Studios
3. Private Clubhouses
4. Residential Care Facilities
5. Museums, Concert Halls, Auditoriums
6. Adult Foster Care
7. Mortuaries, Funeral Homes
8. Auction House
9. Nursing Home
10. Kennel
11. Veterinarian
12. Body, Fender and Paint
13. Automotive Dismantling (auto salvage)
14. Petroleum Bulk Plant
15. Animal slaughtering, stockyards or holding pens
16. Processing of carcasses and organ meat into other products for any purpose

(E) Site Standards

1. Minimum Lot Size: 5 acres¹
2. Maximum Height: 50 ft
3. Yard Space Requirements:
 - a. Front Yard: None
 - b. Rear Yard: 5 ft²
 - c. Side Yard: None³
4. Maximum Lot Coverage: 90%

Note:

All minimum dimensions are subject to adequate provision for other space-using requirements of this title.

¹Lots smaller than 5 acres and existing prior to application of this zone are developable, provided such lots meet all other requirements of this Title.

²Where the rear side yard abuts a residential zone, the abutting rear yard shall be one foot for each foot by which the building height exceeds 14 feet.

³Where the side yard abuts a residential zone, the abutting side yard shall be a minimum of 15 feet plus one foot for each two feet by which the building height exceeds 28 feet.

5. General Provisions: The provisions of City of Ontario Code, Chapter 10A-57, Miscellaneous Provisions, apply to the UGA E-5 Zone.

(F) Master Plan For any proposed development where a Master Plan has not yet been created, a Master Plan encompassing at least 5 acres of surrounding applicable (UGA E-5 zoned, undeveloped or minimally-developed, non-Master Planned) property shall be prepared prior to development. If surrounding applicable property totals less than 5 acres, then all of the surrounding applicable property shall be Master Planned.

The Master Plan shall include the following information:

1. Proposed Land Uses by type;
2. Proposed Traffic Circulation patterns;
3. Proposed Access Locations;
4. Location of Vehicle Parking Areas;
5. Location of Public Facilities and Utilities;
6. Location of Open Space; and
7. Proposed Phasing of Land Uses and Public Facilities.

The Ontario Planning Commission shall consider and accept the Master Plan prior to allowing development to proceed. The Master Plan shall be approved for a development at the time of land division. The intent of the Master Plan is to broadly determine the future development patterns and public facility needs in each area. Future development

will need to demonstrate how it implements the concepts in the Master Plan that covers the area where development is proposed.

- (G) Basic Architectural Standard. A basic architectural standard is applicable to all structures within the UGA E-5 Zone, the purpose of which is to prevent industrial-looking "steel boxes." All structure faces visible from a public street (except signs, trim, and minor architectural features) shall be constructed of masonry, ceramics, concrete, wood frames and stucco, metal frame and stucco, or other substantial construction materials; or with veneer made to resemble masonry, ceramics, concrete, or stucco. Typical residential siding such as wood or vinyl and typical industrial siding such as galvanized or painted metal are allowed only by conditional use and only when the applicant can demonstrate to the Commission that use of such materials will be mitigated so as not to visually detract from the area. Mitigation measures may include but are not limited to additional landscaping, canopies, awnings, porticos, additional glazing, or other similar decorative architectural features. Placement of other structures which completely or substantially block all view of the face in question will also be treated by the Commission as mitigation.
-

CONSENT AGENDA
Monday, March 6, 2006

TO: Mayor and City Council

THRU: Scott Trainor, City Manager

FROM: Grant Young, Planning and Zoning Administrator

SUBJECT: ORDINANCE #2578-2006 AN ORDINANCE AMENDING THE TEXT OF THE CITY OF ONTARIO MUNICIPAL CODE, TITLE 10, SECTIONS 10-14-11 AND 10-14-12, FOR THE PURPOSE OF PROVIDING CONSISTENCY OF LAND USE REGULATIONS FOR THE USES ALLOWED WITHIN THE URBAN GROWTH AREA, AND CITY, E-2 AND E-5 ZONES

DATE: Report prepared February 28, 2006

I. SUMMARY:

Attached document(s):

- Exhibit "A": Adopting Ordinance #2578-2006

Proposed Ordinance #2578-2006 will amend the text of the UGA E Zones such that the language will be identical to the City E Zones.

II. Previous Council Action:

As noted in the above section; and, this material was presented to the Council on December 19, 2005, to keep the matter fresh for the Council, and to provide time for the Council to consider the matter; and, at the February 21, 2006, public hearing, where the Council adopted with a first reading by title only.

III. STAFF RECOMMENDATION:

- A. Staff recommends that the City Council adopt Ordinance #2578-2006 AN ORDINANCE AMENDING THE TEXT OF THE CITY OF ONTARIO MUNICIPAL CODE, TITLE 10, SECTIONS 10-14-11 AND 10-14-12, FOR THE PURPOSE OF PROVIDING CONSISTENCY OF LAND USE REGULATIONS FOR THE USES ALLOWED WITHIN THE URBAN GROWTH AREA, AND CITY, E-2 AND E-5 ZONES on Second and Final Reading.