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TITLE 10A - SUBSTANTIVE ZONING REGULATIONS

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TITLE 10A, ONTARIO CITY CODE
SUBSTANTIVE ZONING REGULATIONS

10A-01-01 SHORT TITLE. This Title of the Ontario City Code shall be cited as the "Development Regulations of the City of Ontario." This Title shall also be known as "Title 10 of the City Code of the City of Ontario, Oregon."

10A-01-03 PURPOSE AND SCOPE. In accordance with the provisions of Oregon Revised Statutes Chapters 197 and 227, this ordinance codified as Title 10 of the City Code, sets forth the standards and procedures governing the development and use of land, and the interrelated functional and natural systems and activities relating to the use of land in the City. Furthermore, the purpose of this ordinance shall be to promote the general health, safety, and welfare of the public by providing for:

1. Opportunities for citizens to be involved in all phases of the community planning process;
2. Guide and regulate the orderly growth, development and redevelopment of Ontario in accordance with a well-considered plan and planning process consisting of long-term objectives, policy statements and standards deemed beneficial to the to the interest and welfare of the people;
3. Protect the established character and the social and economic well-being of both public and private property;
4. Promote, in the public interest, the utilization of land for the purpose for which it is most desirable and best adapted as part of an overall land use plan;
5. Regulate and limit the height, bulk and location of [buildings](#) so as to conserve the attributes of all land and for other objectives including the preservation of solar access, light, air and freedom from adverse congestion;
6. Establish, regulate and limit the building or setback lines on or along public rights-of-way in the city;
7. Regulate and limit the density of population and intensity of uses of lot areas so that infrastructure can be designed and constructed to approximate the existing and future demands on it;
8. Conserve open space, and protect natural and scenic resources;
9. Maintain and improve the quality of the air, water, and land resources of the community;

10. Protect life and property from natural disasters and hazards;
11. Satisfy the recreational needs of the community's citizens and its visitors;
12. Diversify and improve the economy of the community;
13. Satisfy the housing needs of the citizens of the community;
14. Plan and develop a safe, convenient, and economic transportation system;
15. Conserve energy, and develop renewable energy resources; and
16. Promote an orderly and efficient transition from rural to urban land-use in areas surrounding the community.

10-01-15 APPLICABILITY, STREETS AND HIGHWAYS. Street, highway, bridge, bikeway or walkway construction and right-of-way for streets, highways, [alleys](#), dedicated bikeways, or dedicated walkways are allowed principal land uses in all zones by virtue of their inclusion in the City's Comprehensive Plan, acceptance of a subdivision or partition plat, or other official acceptance of right-of-way. Right-of-way acquisition for approved projects shall be exempt from minor partitioning, yard space and minimum lot area requirements of this Title.

10-01-19 APPLICABILITY, UTILITIES. Water mains, sanitary sewer mains and small pumping plants, storm drainage facilities, power distribution lines and small transformers, telephone lines, gas lines and small regulators and cable television lines are allowed principal uses in all zones by virtue of their inclusion in the City's Comprehensive Plan, acceptance of a subdivision or partition plat or other official acceptance of right-of-way or easements, or the granting of a franchise by the City Council. Larger facilities necessary for the functioning of the utilities are subject to the provisions of individual zones, possibly as conditional uses, except that any larger utility facilities appearing in the Comprehensive Plan are allowed as principal uses in any zone.

10A-01-25 APPLICABILITY, TERRITORIAL APPLICATION. All [buildings](#) and structures erected hereafter, all uses of land or buildings occurring hereafter, and all enlargements of, additions to, changes in and relocation of existing uses occurring hereafter shall be subject to all regulations of this Title which are applicable to the zones in which such buildings, structures, uses or land are located. Existing buildings, structures or uses which do not comply with the regulation of this Title shall be allowed to continue subject to provisions of Sections [10A-05-30](#) through [50](#) relating to non-conformities, Sections [10A-57-145](#) through [148](#), relating to nonconforming signs, or other sections relating to specific non-conformities.

10A-01-29 APPLICABILITY, GENERAL PROHIBITION. No [building](#) or structure; no use of any building, structure or land; and no lot of record or development site, now or hereafter existing, shall hereafter be established, altered, moved, divided or maintained, in any manner, except as authorized by the provisions of this Title.

10A-01-33 APPLICABILITY, PRIVATE AGREEMENTS. This Title is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulation of this Title are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Title shall govern.

10A-01-37 APPLICABILITY, EXISTING VARIANCES AND CONDITIONAL USE PERMITS. Any variance or conditional use permit lawfully issued prior to the effective date of this Title, or any amendment thereof, which could be lawfully issued pursuant to the provisions in effect after such effective date shall be deemed to be and continued valid after such effective date. Any structure or use lawfully authorized by any such variance, conditional use permit or other permit which could not be issued after such effective date shall be allowed to continue subject to the provisions of Sections of this Title dealing with lawfully existing non-conformities.

10A-01-41 APPLICABILITY, EXISTING USES OF RIGHT TO CONDITIONAL USES. Any existing structure or use established as of right under any previous regulations and which is listed as a conditional use under this Title shall be a lawful conditional use upon adoption of this Title.

10A-01-45 SEVERABILITY, PROVISIONS DECLARED INVALID The several provisions of this Title shall be separable in accordance with the following rules:

1. If any court of competent jurisdiction shall find any provision of this Title to be invalid, such judgement shall not effect any other provisions of this Title.
2. If any court of competent jurisdiction shall find invalid the application of any provision of this Title to a particular property, [building](#) or structure, such judgement shall not effect the application of said provision to any other property, building or structure.

10A-01-50 ENFORCEMENT. The City Manager shall appoint an employee or employees who shall have the power and duty to enforce the provisions of this Title. An appeal from a ruling by such appointee regarding the requirement of this Title may be made only to the City Council.

10A-01-51 INSPECTION AND RIGHT OF ENTRY. Whenever they shall have cause to suspect a violation of any provision of this Title, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures described in this Title, officials responsible for enforcement or administration of this Title or the duly authorized representative, may enter into any site or into any structure for the purpose of investigation, provided they do so in a reasonable manner. No secured [building](#) shall be entered without the consent of the owner or occupant unless a warrant authorizing entry and inspection for a zoning violation is first obtained from the Court. A warrant shall not be issued unless good and sufficient grounds based on reliable evidence is shown by the officials responsible for enforcement and administration of this Title. A secured building means a building having doors and windows capable of locking, fully enclosed, and occupied. No owner or occupant or agent thereof, shall, after reasonable notice and opportunity to comply, refuse to permit such entry.

10A-01-52 ENFORCEMENT OFFICIAL, DUTIES. It shall be the duty of the designated City official to enforce the provisions of this Title pertaining to land use and the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment use, height, area, and maintenance of [buildings](#) or structures. The enactment of this Title shall not invalidate any prior, existing, or future prosecutions for violation of the zoning regulations committed under previous applicable city ordinance then in effect.

10A-01-53 ENFORCEMENT BY CHIEF OF POLICE. The Chief of Police and his authorized representatives shall have the power, upon request of the City Manager, to assist in the enforcement of the provisions of this ordinance.

10A-01-54 LEGAL PROCEEDINGS BY CITY ATTORNEY. The City Attorney, upon request of the City Manager, shall institute any necessary legal proceedings to enforce the provisions of this ordinance.

10A-01-55 VIOLATION PROCEDURE, PENALTY.

1. A uniform complaint, or citation to appear, may be issued to the owner or occupier of property being used in violation of this Title, requiring said owner or occupier to appear in court regarding a violation of zoning ordinance;
2. A trial shall be heard before the City Judge without a jury. The standard of proof required shall be by a preponderance of the evidence;

3. A person convicted of violating a provision of this Title shall, upon conviction, be punished by a fine of not more than \$500 for each day that the violation continues;
4. A violation of this Title shall be considered a separate offense for each day the violation continues;
5. In the event the owner or occupier fails to pay any fine imposed upon conviction of a violation, the court may issue a show cause order to the individual so charged and require his presence in court to set forth the reasons for said failure to pay. If good and sufficient reasons do not exist, the Court may request the City Council to adopt an ordinance making the amount a lien against the property.

10A-01-56 LEGAL PROCEEDINGS AS ALTERNATIVE REMEDY. In case a [building](#) or other structure is, or is proposed to become a located, constructed, maintained, repaired, altered, or used, or land is or proposed to be, used in violation of this Title, the building or land thus in violation shall constitute a nuisance, and the City may, as an alternative to other remedies that are legally available for enforcing this Title, institute an injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.

In the event the City establishes a violation of this Title in such action, the City shall be entitled to recover its attorney fees and other expenses incurred in addition to costs and disbursements allowed by statute both at trial and appeal.

10A-01-57 REMEDIES, CUMULATIVE. It is the intent of this ordinance that the remedies provided for be cumulative and not mutually exclusive.

10A-01-58 VIOLATIONS, UTILITY SERVICE DENIED. The Director of Public Works or any official under his control shall not issue a permit, service order, or provide utility service to any use or structure found by the Enforcement Official to be in violation of this Title. Agreements may be negotiated to supply service pending correction of deficiencies within a reasonable time.

10A-01-62 ZONING CERTIFICATE. A certificate of occupancy issued by the Building Inspector shall imply a certificate of zoning compliance. An application for a building permit shall imply an application for a certificate of zoning compliance.

CITATIONS. (To be supplied by the City Attorney.)

10A-01-80 INTERPRETATION, PROVISIONS ARE MINIMUM REQUIREMENTS, CONFLICT. In their interpretation and application, the provisions of this Title shall be the minimum requirements for the promotion of the public health, safety, comfort, morals and general welfare, as set forth in the provisions hereof establishing the intent and purpose of this Title in general and its various chapters in particular. Wherever the provisions of this Title require a greater width or size of yards, other open spaces, or require a lower height of [building](#) or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or administrative regulation or local ordinance or regulation, the provisions of this Title shall govern. Wherever the provisions of any other statute, administrative regulation, local ordinance or regulation require a greater width or size of yards or other open spaces, require a lower height of building or a less number of stories, or require a greater percentage of lot left unoccupied, or impose other higher standards than are required by this Title, the provisions of such statute or administrative regulation or local ordinance or regulation shall govern. If another chapter or section of the City Code covers the same subject matter as a chapter or section of this Title, then the provision with the latest enactment date shall govern.

10A-01-82 CONFORMITY, COMPREHENSIVE PLAN AND POLICY PLAN AND POLICY STATEMENTS. The provision of this Title are developed with the intention that they be and they are, as nearly as feasible, consistent with the adopted Comprehensive Plan and policy statements of the City of Ontario. Said plan and statements and amendments thereto, shall be a guide to the applicable city officials in determining the appropriateness of any proposed amendments of this Title. In any case in which a question is raised of the compatibility of a proposed amendment to this Title with the Comprehensive Plan

and policy statements, the planning official shall prepare advisory written findings in support of a recommendation of compatibility or incompatibility.

10A-01-84 USES NOT LISTED. It is recognized that in the development of a comprehensive zoning and land development ordinance:

1. Not all uses of land can be listed, nor can all future uses be anticipated; or
2. A "use" may have been inadvertently omitted from the list of those specified as permitted or conditional in each of the various zoning districts designated; or
3. Ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of this ordinance.

Therefore, the phrase "plus such other uses deemed to be similar, and not more obnoxious or detrimental to the public health, safety and welfare" shall be unmentioned, but included in the respective lists of "Permitted Uses" and "Conditional Uses" in each district.

In the regulations for some zones, specific excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses. Moreover, this subsection shall not be interpreted to allow uses which are specifically addressed as permitted in other areas.

The classification of a new permitted or conditional use may be approved by the Planning Director. Should a conflict over the classification of the proposed use arise, an interpretation by the Planning Commission shall be requested at a regularly scheduled zoning and land development hearing. Newly classified uses shall be subject to all other substantive requirements of this ordinance.

10A-01-86 GENERAL INTERPRETATION, WORD USAGE. In the interpretation of this Title, the provisions of this subsection shall be observed and applied, except when the context clearly requires otherwise.

1. Words used or defined in on tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular.
3. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
4. The word "shall" is mandatory.
5. The word "may" is permissive.
6. The word "person" includes individuals, firms, corporations, associations and other entities.
7. The word "county" means the County of Malheur, Oregon.
8. In case of any difference in meaning or implication between the text of this Title and any caption or illustration, the text shall control.

CHAPTER 10A-03 DEFINITIONS

10A-03-01 DEFINITIONS. When used in this Title, the following terms shall have meaning herein ascribed to them except when the context clearly requires otherwise.

10A-03-02 ACCESSORY USE OR STRUCTURE. A structure or use which:

1. Is subordinate to and serves a principal [building](#) or principal structure or principal use served;
2. Is subordinate in area, extent and purpose to the principal structure or principal use served;
3. Contributes to the comfort, convenience or necessity of the occupants, business or industry in the principal structure or principal use served;
4. Is located on the same development site as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Title.
5. Is a structure such as a garage, storage shed, sign, dog run, antenna, statue, fountain, mail boxes or similar feature, which is not attached to the principal structure such as driveways, sidewalks, patios and similar features at ground level are not considered [accessory](#) structures.

10A-03-03 ADULT BOOK STORE. Any premises from which minors are excluded because of age in which the dissemination, sale, or rental of books, magazines, newspapers, movie films, video tapes, devices, slides, or other drawn, photographic or written reproduction is conducted as some other business activity, but which constitutes the primary or a major attraction to the premises. Such a use is to be regarded as a principal use for the business of this Title.

10A-3-04 ADULT MOTION PICTURE THEATER. Any premises in which motion pictures, slides, videotapes, or similar drawn or photographic reproductions are shown to an audience of one or more persons; and wherein fees of any kind are charged; and wherein minors are excluded because of an age on a regular basis, whether or not they are accompanied by an adult. Such a use is to be regarded as a principal use for the purpose of this Title.

10A-03-05 ADULT PERFORMANCE BUSINESS. Any premises from which minors are excluded and in which entertainment consists of the actions or performances of actors, employees or other persons portraying conduct described in the O.R.S. 167.060, and in which such entertainment is the principal use of such premises or an adjunct to some other business activity but which constitutes the primary or major attraction to the premises, and wherein fees of any kind are charged, and where such use is regarded as the principal use for the purposes of regulations contained in this Title.

10A-03-06 AIRPORT. An area of land set aside for the landing and taking off of an aircraft, and utilized or to be utilized in the interest of the public for such purposes, and commonly known as the Ontario Municipal Airport and including taxiways, tie down areas, terminals and supporting uses.

10A-03-07 AIRPORT ELEVATION. The highest point of an airport's usable landing area measured in feet above mean sea level. This is 2189 feet above mean sea level for the Ontario Municipal Airport.

10A-03-08 AIRPORT OPERATOR. The authority designated by the City of Ontario whose responsibility it is to maintain and operate the Ontario Municipal Airport.

10A-03-09 AIRPORT RUNWAY. See Runway.

10A-03-10 ALLEY. A way or thoroughfare, dedicated to public use, but not more than 20 feet wide which is platted or

dedicated for the purpose of or in use provides a secondary access to property otherwise served by a street.

10A-03-11 AMUSEMENT ARCADE. A structure or portion of a structure within which are maintained, for amusement, entertainment, recreation or patronage of the public, six or more mechanical, electrical or electronic amusement machines or devices, the operation of which is governed or controlled by the deposit of a coin or token.

10A-03-12 APARTMENT. See definition of "dwelling, multi-family."

10A-03-13 APARTMENT HOTEL. A hotel not primarily for the use of transients.

10A-03-14 APPROACH SURFACE. A surface longitudinally centered on the extended runway centerline, extending outward and upward at a slope of 20:1 from the end of the primary surface for runway 14 and a slope of 34:1 from the end of the primary surface for Runway 32. The perimeter of the approach surface coincides with the dimensions of the approach overlay surfaces.

10A-03-15 AS GRADED. The surface conditions extant on completion of grading.

10A-03-16 AUTOMobile REPAIR, MAJOR. General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, such as collision service, body repair and frame straightening; painting and upholstery steam cleaning; undercoating; machining of parts and tire recapping.

10A-03-17 AUTOMobile REPAIR, MINOR. The replacement of minor assemblies or parts and tuneup of automobiles, or trucks of less than fifteen thousand pounds gross license weight, but not including any operation included in "major automobile repair."

10A-03-18 AUTOMobile SERVICE ESTABLISHMENT. A store, shop or service facility engaged in the sale, rental, storage, towing, service or [major automobile repair](#), as defined herein, of: vehicles, including automobiles, trucks, farm machinery, buses, trailers recreational vehicles, boats and motorcycles; vehicle parts and accessories, mobile home, modular buildings.

10A-03-19 AUTOMobile WRECKING. The dismantling or disassembling of motor vehicles, farm machinery or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or machinery and their parts.

10A-03-20 AUTOMOTIVE VEHICLE DISMANTLING. The removal of parts of vehicles or machinery for sale when carried on entirely within a [building](#) and with no outside storage either temporarily or extended.

10A-03-21 BALCONY. A platform enclosed by a parapet or a railing, projecting from the wall of a [building](#) above grade and open on at least two sides.

10A-03-22 BEDROCK. In place solid rock.

10A-03-23 BENCH A relatively level step excavated into earth material on which fill is to be placed.

10A-03-24 BORROW. Earth material acquired from an off-site location for use in grading on a site.

10A-03-25 BASEMENT. A portion of a [building](#) located partially underground, but having more than half of its clear floor-to-ceiling height above the grade of the adjoining ground.

10A-03-26 BLOCK. A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, etc. or a combination thereof. There may be more than one numbered block as shown on plats, falling within a single block as herein defined.

10A-03-27 BUILDING. Any structure having a roof or partial roof supported by columns, posts, or walls for the enclosure of persons, animals, equipment or chattels of any kind. A residential [building](#), within the meaning of this Title, includes a building enclosed by a continuous wall, regardless of the existence of un-pierced party walls within such continuous walls or the existence of platted lot lines through the area occupied by such building. A commercial or industrial building may, within the meaning of this Title, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate intent that they be separate buildings. A tent or an air supported structure is a building for the purpose of this Title.

10A-03-28 BUILDING LINE. A line on a plat or map or site plan indicating the limit beyond which [buildings](#) or other structures may not be erected.

10A-03-29 BUILDING SITE ENVELOPE. See "Construction Site Envelope."

10A-03-30 BUSINESS ESTABLISHMENT. A place of business carrying on operations the ownership of management of which are separate and distinct from any other business located on the same development site. The direct and immediate access to each business establishment is separate and distinct from the direct and immediate access to any other business establishment. Several business establishments may be located under one roof or have a common general entrance and still be separate and distinct business establishments.

10A-03-31 BUSINESS GOODS AND SERVICES ESTABLISHMENT. A shop, store or office engaged in the sale of specialized commodities and goods to other businesses, industries or institutions, or one providing specialized services to such business, industries and institutions, including but not limited to:

- Architect, engineer;
- Building supplies, indoor sales;
- Business or commercial sales;
- Catering establishments;
- Contractor's offices without accessory storage;
- Credit bureaus;
- Data processing;
- Employment agencies;
- Hospital equipment and supplies;
- Janitor service and supplies;
- Job printing;
- Manufacturer's agents;
- Medical and dental laboratories;
- Motion picture production;
- Office machine sales and service;
- Radio and television studios;
- Sign painting;
- Technical schools.

10A-03-32 BUSINESS OFFICE. An office which provides as its primary and major function non-retail services such as insurance, real estate, finance, travel and the like.

10A-03-33 CARPORT. A permanent roofed structure with not more than two enclosed sides used, or intended to be used for vehicle, boat or major equipment storage. When attached to the principal structure, it is part of the principal structure. When separated from the principal structure, it is an [accessory structure](#).

10A-03-34 CELLAR. A portion of a [building](#) located partially or completely underground and having more than half of its

clear floor-to-ceiling height below the average grade of the adjoining ground. Such space is not used as living space.

10A-03-35 CLINIC, MEDICAL. A medical clinic is a [building](#) or portion of a building containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for outpatients only, with or without shared or common spaces and equipment. A pharmacy or drug dispensary available to persons other than patients being treated therein are not a permitted part of a medical clinic for purposes of this Title.

10A-03-36 CLUB. A voluntary association of persons organized for fraternal, cultural, recreational, civic, charitable or similar purpose, but not including an organization engaged primarily in a service or activity customarily conducted as a business.

10A-03-37 CLUBHOUSE. A premises occupied by a club.

10A-03-38 COMPACTION. The densification of a fill by mechanical means.

10A-03-39 CONICAL SURFACE. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4000 feet.

10A-03-40 CONSTRUCTION SITE ENVELOPE. A boundary on a site plan designated by the applicant as the limit within which a [building](#) or other feature of a planned development or other site plan will be placed. This device is intended to allow minor adjustments in building siting without submitting a revised plan for approval.

10A-03-41 CONSUMER SERVICE ESTABLISHMENT. A store, shop or office providing personal, financial, professional, technical or repair services, assistance or advice to individual customers, including but not limited to:

- Accountants;
- Answering services;
- Appliance repair and rental;
- Architects;
- Arts and crafts studios;
- Attorneys;
- Banks, savings and loans, and credit unions;
- Barber or beauty shops;
- Broker, securities;
- Dressmakers or tailors;
- Duplicating shop;
- Insurance agencies;
- Laundry and dry cleaning pick-up station.
- Loan offices;
- Locksmiths;
- Management consultants;
- Medical, dental or other health professional offices or clinic for people;
- Musical instrument repair shop;
- Photographer's studio;
- Print shops employing not more than three persons;
- Real estate offices, sales and management;
- Rental, household and small equipment;
- Restaurants without beer or liquor license;
- Self service automatic laundry or dry cleaning establishment with fewer than fifteen dry cleaning machines and fewer than fifty laundry machines;
- Shoe repair;

Taxidermist;
Television, electronics, computer, small appliance repair;
Travel agencies;
Upholstery shop, household furniture;
Watch repair.

10A-03-42 DAY CARE FACILITY. Any facility that provides day care to children including a day nursery, nursery school group, family day care provider or similar unit operating under any name; but not including pre-school attended for four hours or less per day, cultural or athletic facilities.

10A-03-42A CONGREGATE HOUSING FACILITY. A structure which offers an independent living environment for elderly, disabled or handicapped persons who may be functionally impaired, but in good health (not acutely ill).

Congregate housing facilities are characterized by having independent living quarters, sharing common walls and/or floors, and/or ceilings, and providing central dining facilities where optional meals are provided on a daily basis. Such a facility may also provide support services (located within the same structure), such as scheduled medical consultations, barber shops and hair salons.

Congregate housing facilities shall meet the off-street parking requirements for multi-family dwellings (except congregate housing facilities in the [C-3](#), Central Commercial zone shall not be required to establish off-street parking facilities on premises). The space limits of [RM-10](#) zone shall govern when establishing a proposed congregate housing facility.

10A-03-43 DAY CARE CENTER. A day care facility for more than twelve children in a family home or for six or more children if not located in a family home. Such a facility shall not be considered a residential use. Day care for six or more elderly persons shall be considered a day care center.

10A-03-44 DAY CARE PROVIDER, FAMILY. A day care facility where day care is regularly provided in the home of the provider for fewer than 13 children including the children of the provider. Such a facility shall be considered a single-family residential use. The day care of not more than five elderly persons shall be considered family day care.

10A-03-45 DEVELOPMENT. The construction of a [building](#) or other structure or the establishment of a land use; making a material change in the use or appearance of a structure or land; dividing land into two or more parcels, including partitions and subdivisions as provided in [ORS 92.010 to ORS 92.285](#); creating or terminating a right of access; mining, dredging, drilling, grading, paving, excavation or drilling.

10A-30-45.1 DEVELOPMENT SITE. A Parcel of ground declared on the application for a building permit or certificate of occupancy to be the site for a principal [building](#), or group of buildings and [accessory buildings](#), together with such open spaces, street frontage and setbacks as are required by this Title. A development site shall consist of one or more platted lots or tax lots which together create a site which meets the requirements of this Title for the zone, and for the use provided.

10A-03-46 DWELLING. Any structure or portion thereof which is designed or used for residential purposes; 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-03-47 DWELLING, ATTACHED. A row of two or more adjoining dwelling units, each of which is separated from the others by one or more un-pierced walls extending from the ground or roof. Such dwellings are often known as town-houses.

10A-03-48 DWELLING, DUPLEX. A residential [building](#) of any configuration containing two dwelling units or two single-family dwellings attached.

10A-03-49 DWELLING, MULTI-FAMILY. A dwelling designed for or occupied by more than two (2) families living independently of each other. Such a dwelling is and characterized by having living units which share common walls and/ or floors and/or ceilings.

10A-03-50 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.

10A-03-51 DWELLING UNIT. 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.

10A-03-52 EARTH MATERIAL. Any rock, natural soil or fill or any combination thereof.

10A-03-53 ENLARGEMENT. An addition to the floor area of an existing [building](#), an increase in the size of any other existing structure, or an increase in that portion of a tract of land occupied by an existing use.

10A-03-54 EROSION. The wearing away of the ground surfaces as a result of movement of wind, water or ice.

10A-03-55 EXCAVATION. The mechanical removal of earth material.

10A-03-56 EXTENSION. An increase in the amount of existing floor area used for an existing use within an existing [building](#).

10A-03-57 EXTERIOR WALL. Any wall which defines the exterior boundaries of a [building](#) or its courts, or of a structure.

10A-03-58 FAMILY. One or more persons related by blood, marriage, common law marriage, adoption, guardianship, or not more than five persons not so related or up to five unrelated persons living with a family. A family, as defined in the preceding sentence, may include domestic servants, gratuitous guests, boarders, roomers or lodgers, but shall not exceed ten persons when all are not related by blood, marriage, adoption or guardianship.

10A-03-59 FENCE. A structure constructed of materials such as masonry, ornamental iron, woven wire (chain link), wood pickets, solid wood, or any other material forming a physical barrier which is so constructed as to be impenetrable to persons and animals, or to mark a boundary.

10A-03-60 FENCE, SIGHT OBSCURING. A fence or evergreen planting, seventy percent or more opaque, arranged in such a way as to obstruct vision.

10A-03-61 FILL. A deposit of earth material placed by artificial means.

10A-03-62 FLOOD. A general and temporary condition of partial or complete inundation of normally dry areas from:

1. The overflow of inland or tidal waters;
2. The unusual and rapid accumulation or runoff of surface waters from any source.

10A-03-63 FLOOD, BASE. The flood having a one percent (1%) chance of being equaled or exceeded in any given year, which is considered to be a 100-year flood.

10A-03-64 FLOOD PLAIN or FLOOD PRONE AREA. Land area designated as being the intermediate regional flood plain by the Corps of Engineers, May 1974 Flood Plain Information Report, Snake and Malheur Rivers.

10A-03-65 FLOOD PROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

10A-03-66 FRONTAGE. All property fronting on one side of a street, measured along such street between an intersecting or intercepting street and another intersecting or intercepting street, a right-of-way in excess of thirty feet, an end of a dead-end street, a river, a lake or a city boundary.

10A-03-67 GARAGE, PRIVATE. An attached or detached structure used for the parking of automobiles or other vehicles for the tenants, or owners of the property for which the parking spaces contained in on said garage are permitted by this Title.

10A-03-68 GRADE. The vertical location of the ground surface. Existing grade is the grade prior to grading. Rough grade is the stage which the grade approximately conforms to an approved plan. Finished grade is the final grade of the site which conforms to the approved plan. Finished grade is measured as the lowest elevation of the finished surface of the ground paving or sidewalk within the area between the [building](#) and the property line or when the property lines is more than five feet from the building between the building and a line five feet from the building.

10A-03-69 GRADING. Any excavating or filling or combination thereof.

10A-03-70 GROUP HOME. See "Residential Care Facility."

10A-03-71 GUEST HOUSE. Living quarters within an [accessory building](#) located on the same premises with a main [building](#) and occupied solely by members of the family of the property owner or temporary guests. Such quarters shall have no kitchen and shall not be rented or otherwise used as a separate dwelling unit and shall be classified as a building in determining lot coverage.

10A-03-72 HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage purposes is not a "habitable floor."

10A-03-73 HAZARD TO AIR NAVIGATION. A obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace in the airport vicinity.

10A-03-73.10 HEALTH HARDSHIP. Circumstances where the placement of a temporary residence to accommodate a seriously ill person or their attendant is justified by the absence of a reasonable alternative.

10A-03-74 HEIGHT, BUILDING. The distance measured from the grade, as defined herein, at the front face of [building](#) to the highest point on the roof or parapet of the building.

10A-03-75 HOME OCCUPATION. A business, profession, occupation or trade conducted for gain or support entirely within a residential [building](#), or a structure [accessory](#) thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building, and which meets the performance standards of this title pertaining to home occupations.

10A-03-76 HORIZONTAL SURFACE. A horizontal plane 150 feet above the established airport elevation (this is 2339 feet above mean sea level for the Ontario Municipal Airport).

10A-03-77 HOTEL. A [building](#) in which lodging is provided for transients in a room or group of rooms forming a single habitable unit used or intended to be used for short term living and sleeping and containing five or more units.

10A-03-78 HOTEL, BED AND BREAKFAST. A [building](#) in which lodging is provided for transients in a room or group of rooms forming a single habitable unit used or intended to be used for sleeping, but not for cooking of meals and containing up to four units.

10A-03-79 JUNK YARD. A lot, land or structure, or part thereof, used for the purchase, collection, storage, recycling or sale of wastepaper, rags, scrap metal or other scrap or discarded goods, secondary metals, materials, machinery or vehicles. Such activities, when conducted entirely within enclosed [building](#) and meeting performance standards of this title may be other than a junk yard.

10A-03-80 KENNEL. A [building](#) or lot on which four or more domesticated animals more than six months of age are housed, bred, boarded, trained or sold.

10A-03-81 KEY. A designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

10A-03-82 LAND DEVELOPMENT. The subdividing or partitioning of land for any purpose into lots or parcels, or the creation of lots, units or parcels, for the purposes of sale or lease for a term of more than one year, and including the creation of a planned development. The term also includes the intent to dispose of any land, whether contiguous or not, including any land divided into lots, parcels, or units, which are offered as part of a common promotional plan of advertising, and disposition of land where the land development is offered for disposition by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated, or advertised as a common unit, or by a common name, the land shall be presumed, without regard to the number of lots covered by an individual offering, to be offered for land disposition as part of a common promotional plan.

10A-03-82.1 LAND USE DECISION. A land use decision includes a final decision or determination by the City Council that concerns the adoption, amendment or application of:

- a. The Statewide Planning Code;
- b. The Comprehensive Plan Provision;
- c. A land use regulation; or
- d. A new Land Use Regulation.

A land use decision does not include a decision of a local government:

1. Which is made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgement;
2. Which approves, approves with conditions or denies a subdivision or partition, as described in [ORS Chapter 92](#), located within an urban growth boundary where the decision is consistent with land use standards; or
3. Which approves or denies a building permit made under land use standards which do not require interpretation or the exercise of factual, policy or legal judgement;

10A-03-83 LANDSCAPING. The planting and continuous maintenance of some combination of trees, scrubs, vines

decorative ground covers, flowers, or lawns. In addition, landscaping combinations or designs may include natural features such as rock and stone, and architectural or structural features such as fountains, reflecting pools, art works, screens, fences, and benches; so long as such natural features or architectural or structural features do not comprise more than 35% of an area required to be landscaped under the provisions of this Title. Continuous maintenance shall mean necessary watering through the installation of a permanent irrigation system; and weeding, pruning, and replacement upon loss, of all required landscaping decorative materials.

10A-03-84 LOADING SPACE, OFF-STREET. An unobstructed, dust free, hard surface area no part of which is located in any street or other public right-of-way and the principal use of which is for the standing, loading or unloading of trucks and trailers.

10A-03-85 LOT. A unit of land that is created by a subdivision of land, unless the context clearly indicates a lot of record, in which case a "lot" is a lot of record.

10A-03-86 LOT AREA. The total horizontal area included within the lot lines.

10A-03-87 LOT, CORNER. A development site abutting on two or more sides at their intersection or junction or a lot bounded on two or more sides by a curving street where the angle of intersection of such street right-of-way lines, or in the case of curved right-of-way lines, the extension of tangents drawn from each of the points of intersection of the side lot lines and the street right-of-way line, intersect with each other to form an interior angle of less than one hundred thirty five degrees.

10A-03-88 LOT COVERAGE. The percentage of development site area occupied by the ground area of principal and [accessory buildings](#) on such a site.

10A-03-89 LOT, FLAG. An interior lot having access to a street through the use of a private right-of-way, and having less than the minimum required frontage on a dedicated street right-of-way.

10A-03-90 LOT INTERIOR. A development site other than a corner lot.

10A-03-91 LOT LINE. The boundaries of a development site unless the context clearly indicates a lot of record.

10A-03-92 LOT LINE, REAR. The lot line which is opposite and most distant from the front lot line.

10A-03-93 LOT LINE, SIDE. Any lot line other than a front or rear lot line. For the purpose of this title, on corner lots, the lot lines intersecting the front lot lines shall be considered side lot lines even though there is then no rear lot lines.

10A-03-94 LOT OF RECORD. Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the County Clerk of Malheur County, Oregon, or a parcel of land, the deed to which was recorded in the office of the County Clerk of Malheur County prior to the adaption of this Title. In parts of the city where platted lots, individually, are not legal building sites, Tax Lots are shown on the records of the Malheur County Assessor, of legal size for building, shall be a development site of record.

10A-03-95 LOT, THROUGH. A development site having frontage on two streets, which streets do not intersect, or do not intersect adjacent to or abutting the lot in question, but not including a corner lot.

10A-03-96 LOT WIDTH. The distance between side lot lines measured at the rear of the front yard on a line parallel with a line tangent to the street right-of-way.

10A-03-97 LOT, ZONING A single tract of land, located within a single [block](#), which at the time of filing for a building permit or a certificate of occupancy is designated by the owner or developer as a tract to be used, developed or built upon as a

unit, under single or unified ownership or control, and assigned to the particular use, [building](#) or structure for which the building permit or certificate of occupancy is issued, and including such area of land as may be required by the provisions of this title for such use, building or structure. The designated zoning lots, which may or may not coincide with platted lots, conforms with the dimensional and area provisions of this Title.

10A-03-98 LOWEST FLOOR. The lowest floor of the lowest enclosed area, including [basement](#). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a [basement](#) area, is not considered a [building's](#) lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodable area design standards of this Title.

10A-03-99 MANUFACTURED HOME: A structure 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."

10A-03-101 Mobile HOME PARK (MANUFACTURED HOME PARK). A plot of ground upon which two or more mobile homes are parked within 500 feet of one another on a lot, tract, or parcel of land under the same ownership or control, the primary purpose of which is to rent space or keep space for rent to any persons for a charge or fee paid, or to be paid for the rental or use of facilities, or to offer space free in connection with securing the trade or patronage of such persons.

10A-03-102 MODULAR HOUSING OR BUILDING. A prefabricated [building](#) or structure which has been in whole or substantially part manufactured at an off-site location to be wholly or partially assembled on site and which complies with the specifications of the Uniform Building Code.

10A-03-103 MOTEL. A group of attached or detached hotel units with individual toilet facilities operated for transients and so constructed that transients' vehicles may be parked at or near the unit.

10A-03-104 NONCONFORMING LOT OF RECORD. A lot of record which does not comply with the lot requirements of any permitted use in the zone in which it is located.

10A-03-105 NONCONFORMING STRUCTURE OR USE. A [building](#) or structure or portion thereof, or use of land or a structure, lawfully existing as of the effective date of this title, or an amendment thereto, which does not meet the use, space limits, parking, loading, landscaping or other requirements of this Title or any amendments thereto.

10A-03-106 NURSING HOME. An establishment which provides full time convalescent or chronic care, or both, for two or more individuals who are not related by blood or marriage to the operator and who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No care of the acutely ill or surgical or obstetrical services are provided in such establishment. A hospital shall not be construed to be included in this definition.

10A-03-107 OPEN SPACE. A portion of a development site required by this title to be landscaped and kept free of structures, driveways and paved walks.

10A-03-108 OWNER. The holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by this Title, full disclosure of all legal and equitable interests in the property is required.

10A-03-109 PARCEL. A unit of land created by partitioning of land.

10A-03-110 PARTITION LAND. To divide land into two or three parcels of land within a calendar year but does not include:

1. A division of land resulting from a lien foreclosure of a recorded contract for the sale of real property.
2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with all the applicable provisions of this ordinance (See Chapter 10B-52 PROPERTY LINE ADJUSTMENT).
3. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with all the applicable provisions of this ordinance and [ORS 215.213 \(2\) \(q\) to \(s\) and 215.283 \(2\) \(p\) to \(r\)](#).

10A-03-110.5 PROPERTY LINE ADJUSTMENT. The relocation of a common property line where an additional parcel is not being created and the existing parcel is not being reduced in size below the minimum standards applicable to the existing zoning.

10A-03-111 PARTITION, MAJOR. A partition which involves the creation of a street.

10A-03-112 PARTITION, MINOR. A partition which does not involve the creation of a street.

10A-03-112.1 PARTITION PLAT. A final map and other writing containing all the descriptions, locations, specifications, provisions, and information concerning a major or minor partition.

10A-03-112.5 PAVING, HARD SURFACE.

10A-03-113 PERSON. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

10A-03-114 PLANNING OFFICIAL. The City of Ontario Planning Director or a City employee so designated by the City Manager.

10A-03-114.5 PLANNING DIRECTOR. The City of Ontario Planning Director.

10A-03-116 PRIMARY SURFACE. A surface longitudinally centered on a runway. The primary surface extends 200 feet beyond the end of the hard surface of the runway.

10A-03-117 PRIMARY ZONE. A zoning classification which is intended to be mapped independently of any other zone. Overlay zones may be superimposed (appended) upon a primary zone.

10A-03-118 PRINCIPAL PERMITTED USE. That use of a development site which is among the uses allowed as a matter of right under the zoning classification.

10A-03-119 PRIVATE RECREATION CLUB. A club operating such facilities as a golf course, swimming pool, tennis courts and neighborhood clubhouses, open only to membership subscribing for the use of the facilities for a term of not less than one year, and member's guests. Clubs operating as restaurants, cocktail lounges, card rooms, beer taverns, bars, bowling [alleys](#), pool and billiard parlors shall not be interpreted as being private recreation clubs.

10A-03-120 RECREATION VEHICLES. Recreation vehicles include travel trailers, motor homes and similar devices. These vehicles are designed for recreational purposes, but not as a domicile.

10A-03-120.1 REPLAT. A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information

concerning a recorded partition or subdivision.

10A-03-121 RESIDENTIAL CARE FACILITY. An authorized or licensed residence operated by a public or private agency duly authorized by the Oregon Department of Human Resources or other State agency having authority to license and approve such facilities which house individuals deemed by the agency to be capable of living and functioning in the community when being cared for by the agency and receiving continuous professional guidance.

A "group home" is a subclass of residential care facilities provided as a place of residence for mentally disabled or handicapped persons who do not require specialized care and where such persons are provided with room, board, ordinary care, and supervision in a family environment. Such persons are not likely to own or drive automobiles and are thus deemed a special class in the administration of off street parking requirements of this Title.

10A-03-122 RETAIL SHOPPING ESTABLISHMENT. A store or shop engaged in the sale of commodities or goods to individual customers for personal use rather than for resale, including but not limited to:

- Antique store;
- Appliance, television and electronics sales;
- Art gallery, commercial;
- Art and craft supplies, drafting and architecture or engineering supplies and equipment;
- Auto parts and accessory stores, but not including machine shops or installation facilities;
- Bakery;
- Bicycle sales and repair shop;
- Bookstore, except adult bookstore;
- Building supplies, primarily retail;
- Candy and ice cream store;
- Clothing, accessories and dry goods;
- Computer store;
- Cosmetics store;
- Department Store;
- Drug and Drug-variety store;
- Fabric store;
- Floor coverings store;
- Florist shop;
- Furniture store;
- Greenhouse;
- General merchandise store;
- Gift and card shop
- Grocery, delicatessen and specialty store;
- Hardware, paint and wallpaper;
- Jewelry store;
- Lawn and garden supply (including plant materials) store;
- Leather goods and luggage store;
- Meat, fish market, retail, provided that no killing, eviscerating, skinning, plucking or smoking of food products occurs on the premise;
- Medical supplies and equipment;
- Music instrument and record store;
- News and tobacco store;
- Pet Shop;
- Photographic equipment and supplies store;
- Record sales or rental store;
- Rental of small tools, household and sickroom equipment;
- Shoe store;

Sporting goods store;
Stationary store;
Television sales or rental store;
Toy and hobby store;
Variety store;
Video recordings sales and rentals, except adult

10A-03-123 ROOMING-HOUSE. A dwelling containing one or more lodging rooms that accommodate three but not more than eight roomers who are not transients, for compensation by prearrangement for definite periods. The letting of rooms for hire, to the extent permitted by this Title as a home occupation, does not in itself cause a dwelling to be a rooming house.

10A-03-124 RUNWAY. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

10A-03-125 RUNWAY, LARGER THAN UTILITY. A runway that is constructed for and intended to be used by propeller drive aircraft of greater than 12,500 pounds maximum gross weight and Jet-powered aircraft.

10A-03-126 RUNWAY, NON-PRECISION INSTRUMENT. A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

10A-03-127 SEMINARY. A school or institution of secondary or higher education or an institution for training of candidates for the priesthood, ministry, or rabbinate, all of which are religiously oriented or supported by religion.

10A-03-128 SCHOOL. An institution conducting regular academic instruction at elementary, secondary and college levels, but not including trade, technical or business schools conducted for profit.

10A-03-129 SIGN. An identification, description, illustration or device which is affixed to or represented directly or indirectly upon a [building](#), structure or land, and which directs attention to a product, place, activity, person, institution or business. Signs shall be considered [accessory uses](#), except that outdoor advertising signs shall always be considered a principal land use.

10A-03-130 SIGN, OUTDOOR ADVERTISING. A sign which advertises:

1. Goods, products or services which are not sold, manufactured or distributed on or from the premises on which the sign is located, or
2. Facilities not located on the premises on which the sign is located.

Real estate for sale signs of moderate size, or bus stop benches or shelters with advertising on them, shall not be considered outdoor advertising signs.

10A-03-131 SIGN, PORTABLE. A sign which is not affixed to the ground or to another structure.

10A-03-132 SLOPE. An inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

10A-03-133 SOIL. Naturally-occurring surface deposits overlying bedrock.

10A-03-134 START OF CONSTRUCTION. For flood plain management purposes, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of permit date. The actual start means either the first placement of permanent

construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation of a [basement](#), footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of [accessory buildings](#), such as garages or shed not occupied as dwelling units or not part of the main structure.

10A-03-135 STREET. The area within the right-of-way lines of a way of place, other than an [alley](#), dedicated or acquired for public use for vehicular traffic or access whether open or un-open to such traffic or access.

10A-03-136 STREET, ARTERIAL. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.

10A-03-137 STREET COLLECTOR. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.

10A-03-138 STREET, CUL DE SAC. A short street having one end open to traffic and being terminated by a vehicle turn-around.

10A-03-139 STREET, DEAD END. A street having one end open to traffic and the other end temporarily terminated until a later extension.

10A-03-140 STREET, HALF. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision or parcel.

10A-03-141 STREET, MARGINAL ACCESS. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

10A-03-142 STREET, MINOR OR LOCAL. A street intended primarily for access to abutting properties.

10A-03-143 STREET PLUG. Land reserved for future extension of a street.

10A-03-144 STRUCTURAL ALTERATION. A change to the supporting members of structure including foundations, bearing walls, or partitions, columns, beams, girders, or any structural change in the roof or exterior walls.

10A-03-145 STRUCTURE. Anything constructed or built, any edifice or [building](#) of any kind or any place artificially built up or composed of parts joined together in some definite manner which requires location above or below the grade of the ground, or is attached to something having a location above or below grade including swimming and wading pools, covered patios and gas or liquid storage tanks. This definition does not include outdoor areas such as paved areas, walks, tennis courts and similar recreation areas.

10A-03-145.1 STRUCTURE, PRINCIPAL. A structure housing the use listed as a principal permitted use, conditional use, or a legal non-conforming use.

10A-03-146 SUBDIVIDED LAND. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under unified ownership at the beginning of such year.

10A-03-147 SUBDIVISION. Either an act of subdividing land or an area or tract of land subdivided as defined in this Section.

10A-03-147.1 SUBDIVISION PLAT. A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

10A-03-148 SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling floor or other structural part of the [building](#) commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with the existing state or local health, sanitary or safety code specifications solely necessary to assure safe living conditions, or to any otherwise lawful alteration of a structure listed on the National Register of Historic Places or a state or local officially adopted register of inventory of historic places.

10A-03-148.1 TECHNICAL REVIEW COMMITTEE (TRC). A committee established to act in a Technical Review capacity for the City of Ontario and shall have the responsibility to examine all land partitions, including subdivision and planned development plats. The Technical Review Committee shall assist the Planning Director in rendering a decision relating to approval, conditional approval or disapproval of said applications. The TRC shall not limit its authority to land divisions only, but shall also assist in reviewing other issues requiring technical review.

10A-03-148.10 TENTATIVE PLAN. A plat setting forth the proposed plan of any minor or major land partition, subdivisions, or planned development that is in conformance with the provisions of this ordinance and is subject to review by the Planning Director and/or the Technical Review Committee.

10A-03-149 TERRACE. A relatively level step constructed in the face of a graded surface for drainage and maintenance purposes.

10A-03-150 TRANSITIONAL SURFACES. These surfaces extend outward at 90-degree angles to the runway centerline extended at a slope of 7 feet horizontally for each foot vertically (7:1) from the sides of the primary and approach surfaces to where they intersect the horizontal land conical surfaces.

10A-03-151 TRUCK STOP. A parcel of ground used primarily for the fueling of transient trucks. Other services commonly associated with a truck stop include personnel services for truckers, cargo broker's offices, restaurants, sleeping accommodations for truckers only, wash racks and servicing bays and facilities for fueling passenger vehicles.

10A-03-152 USE. The purpose for which land or a structure is designed or arranged, or for which it is occupied or maintained.

10A-03-152.0 UTILITY TRAILER. A device used for hauling or transporting and is designed to be pulled by a motorized vehicle. For the purpose of this ordinance, a utility trailer shall include, but not be limited to the following: Boat trailers, golf cart trailers, horse trailers, open or closed trailers designed to haul wood or garbage, etc., trailers designed to transport recreational vehicles or any other similar piece of equipment which cannot be moved under its own power.

10A-03-152.1 WAREHOUSE. A structure or [building](#) rented, leased or owner occupied, un-partitioned or open partition whose primary function is for storage and whose gross floor area exceeds 1500 square feet.

10A-03-152.2 MINI STORAGE FACILITY. A structure or [building](#), the interior of which has been partitioned or sectioned off into individual storage units or compartments which do not exceed 1000 square feet in gross floor area per unit (may also include three or more individually constructed units) and are individually rented or leased for a specified amount of time.

10A-03-153 YARD. A required open space on a lot between a lot line and a [building](#) or structure which is occupied and unobstructed from grade to the sky, except for permitted encroachments.

10A-03-154 YARD, FRONT. A required yard between the principal [building](#) and the front lot line, the depth of which is measured as the least distance between the front lot line and the principal building.

10A-03-155 YARD, REAR. A required yard extending the full width of the development site, the depth of which is measured as the least distance between the rear lot line and the rear of the principal [building](#).

10A-03-156 YARD, SIDE. A required yard between the principal [building](#) and the side lot lined extending from the front yard to the rear yard, the depth of which is measured as the least distance between the side lot line and the side of the principal building.

CHAPTER 10A-05, ZONES, ZONING MAPS, DEVELOPMENT SITES, NON-CONFORMITIES

10A-05-01 ZONES, PURPOSE. In order to carry out the purposes and provisions of this Title, the Comprehensive Plan and City policies, the City of Ontario, Oregon, is divided into zones.

10A-05-03 ZONES, LIST. The following zones are established for application to lands within the City of Ontario, Oregon:

Residential Zones:

[RS-80](#), Single Family Residence Zone;
[RD-75](#), Duplex Residential Zone;
[RS-50](#), Single Family Residence Zones;
[RD-40](#), Duplex residence Zones;
[RM-28](#), Low Density, Multi-Family Residence Zones;
[RM-10](#), High Density, Multi-Family Residence Zone;
[R-MH](#), Manufactured Homes Residence Zones;
[R-MHO](#), Manufactured Home Residence Overlay Zone;
TRO, Transitional Residential Overlay Zone

Commercial Zones:

[C-1](#), Neighborhood Commercial Zone;
[C-2](#), General Commercial Zone;
[C-2-H](#), Heavy General Commercial Zone;
[C-3](#), Central Commercial Zone;

Industrial Zones:

[BP](#), Business Park Zone;
[I-1](#), Light Industrial Zone;
[I-2](#), Heavy Industrial Zone;

Specialized Zones:

[AD](#), Airport Development Zone;
[FHO](#), Flood Hazard Overlay Zone;
[PD](#), Planned Development Zone; and

10A-05-15 OFFICIAL ZONING MAP. The location, size, shape, and boundaries of the zones established shall be indicated on the atlas of maps entitled "official zoning map." The official zoning map and all notations, references and other information shown there on shall have the same force and effect as if fully set forth or described herein and by this reference made a part of this Title and such maps, after being adopted by reference as part of this Title, and so certified by the City Recorder, together with the text shall be maintained in the office of the planning official, and such atlas shall be the official zoning map for purposes of enforcement of this Title. Any amendment to the zoning classifications on the official zoning map shall include the legal description to the land involved, including appropriate adjacent public rights-of-way or public property, and such amendments shall be properly and permanently noted, along with the ordinance and date of enactment on the face of the maps in the custody of the planning official.

10A-05-20 ZONING MAP, OMITTED LAND. It is the intent of this Title that the entire area of the city, including all land and water areas, rivers, streets, [alleys](#), railroads and other rights of way, be included in the zones established by this Title. Any area not shown on the official zoning map as being included in a specific zone shall not be deemed to be, and is hereby included in a specific zone shall be deemed to be, and is hereby classified in the [RS-80](#), Single Family residential Zone.

10A-05-25 ZONING MAP, BOUNDARY INTERPRETATION. Wherever any uncertainty exists as to the boundary of a zone as shown on the Official Zoning Map, the following regulation shall control:

1. Where a boundary line is indicated as following a street or [alley](#), it shall be construed as following the center line of such street or [alley](#).
2. Where a boundary line follows or approximately coincides with a lot or property ownership lines, it shall be construed as following such line.
3. Where a boundary line is not indicated as following or approximately coinciding with a street, [alley](#), lot line or property ownership line, the boundary line shall be determined by the use of the scale designated on the Zoning Map.
4. Where the boundary line of a zone divides a lot in single ownership, then the boundary line shall be considered as the lot line for purposes of computing area and setback for uses which are permitted in the less restrictive zone. For uses which are permitted in the more restrictive zones, the ownership lines may be used in applying the area and setback regulations.

10A-05-30 NONCONFORMING LOTS AND USES, PURPOSE: There exist lots, structures, and uses of structures, and land which were lawful before this Title was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Title. It is the intent of this Title to permit these non-conformities to continue until they are removed, except where amortization periods for specific uses are set forth in this Title, but not to encourage their survival. Such non-conformities shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

10A-05-40 NONCONFORMING LOT OF RECORD, TAX LOT. If two or more platted lots or combination of platted lots or portions of platted lots with continuous frontage in single ownership are on record as a single tax lot at the time of passage of this Title, and if all or part of the platted lots do not meet the requirements for lot width and area as established by this Title, no portion of said parcel shall be used or sold which does not meet lot width and area requirement established by this Title, nor shall any division of a parcel be made which leaves remaining any lot with width areas below the requirements stated in this Title.

10A-05-45 NONCONFORMING USES. If a use of a [building](#), structure, or land exists at the effective date of adaption or amendment of this Title and such use is not allowed in the zone under the terms of this Title, the uses may continue so long as it remains otherwise lawful, subject to the following provisions:

1. A nonconforming use or structure may continue but may not be altered or extended to another part of the structure or site without approval by the commission of a nonconforming use exception.
2. The discontinuance of a nonconforming use of land for six months out of any twelve consecutive months or change of nonconforming use of land to some other kind of nonconforming use constitutes abandonment and termination of the nonconforming use, and thereafter the use of the land must conform to the regulations of the zone in which it is located.
3. A nonconforming use may be changed to any use of the same or a lesser degree of nonconformity, or a use permitted in the zone in which the use is located. When a nonconforming use has been changed to more nearly conforming use or to a permitted use, it shall not thereafter be changed back to a use with a greater degree of nonconformity. For purposes of this subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a use with a lesser degree of nonconformity or a permitted use shall have commenced and continued for a period of seven days. The principal permitted uses listed under a specific zone shall be interpreted to have the same degree of nonconformity for purposes of this section.
4. If a nonconforming structure containing a nonconforming use is destroyed by any cause to an extent exceeding 60 percent of its true cash value as indicated by the records of the Malheur County Assessor, a future structure or use on the site shall conform to this Title, or approval for restoration to the prior nonconforming use is obtained through application and commission approval of a nonconforming use exception. Application for a nonconforming use exception must be made within one year of occurrence of the fire or other natural disaster.
5. Nothing contained in this Title shall require any change in the plans, construction, alteration, or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this Title; provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

10A-05-50 TERMINATION OF CERTAIN USES AND STRUCTURES IN ACCORDANCE WITH AMORTIZATION SCHEDULES. Certain uses involving a high degree of incompatibility and a low amount of investment shall be terminated, or altered, as herein prescribed:

1. Fences, walls and foliage which impair sight distances at a curve or intersection and thereby constitute a hazard to pedestrian or vehicular traffic shall be made conforming within one calendar year of notification of the nonconformity by the planning official, however, this procedure shall not preclude the abatement of acutely dangerous conditions through other powers of the city.
2. Nonconforming open storage operations, such as truck parking, [automobile wrecking](#), salvage material storage and similar uses not involving structures shall be terminated or made conforming within two calendar years of the effective date of this title.
3. All uses in business and manufacturing zones shall be altered so as to comply with all provisions of this title setting forth specifications for fencing or screening within one calendar year of the effective date of this Title.
4. Provisions of the abatement of certain nonconforming signs are found in the sections of this Title dealing with signs.

10A-05-55 DEVELOPMENT SITE TO BE DESIGNATED. Every [building](#) hereafter erected or modified, or every use established, shall be located on a development site which has been declared on the application for a building permit as the site for the proposed use. Such site shall meet the area, dimension and street frontage requirements of this Title and be adequate in size and shape to accommodate all proposed structures, yard spaces, off-street parking and loading, and corner visibility.

Only one principal structure may be built upon a single development site, except as may be otherwise specified in this Title.

10A-05-60 DEVELOPMENT SITE STREET FRONTAGE. Each development site shall front upon a public street for a minimum width of 50 feet; except that a development site on the outside radius of a curved street or a circular end of a cul de sac shall have a frontage of not less than 40 feet upon the abutting street, and further except that in a zone where multiple family residential structures are allowed, attached single-family housing units may have a lot width conforming to the provisions of the zone in which the development is located.

10A-05-65 DEVELOPMENT SITE PRESERVATION. No sale, conveyance, transfer or use of any portion of a development site for other than a public purpose, shall leave a structure or use on the remainder of the site with less than the minimum site area, dimensions, yards, parking or loading, or resulting in a site with less than the minimum buffering of screening requirement of this Title. No yard or other space provided about any [building](#) for the purpose of complying with this Title shall be considered as providing a yard or other space for any other building or any other development site.

10A-05-70 DEVELOPMENT SITE, UTILITIES REQUIRED. No development site shall be used for a [building](#) unless it is served by municipal water and sewer, unless the director of public works finds that providing one or both such services is impractical at the time of application for a building permit.

CHAPTER 10A-07, RS-80, SINGLE FAMILY RESIDENCE ZONE

10A-07-01 PURPOSE. To provide and maintain residential areas of predominantly owner-occupied single family detached dwellings at relatively low densities to accommodate the demand for housing with relatively large yard space.

10A-07-05 PRINCIPAL PERMITTED USE. The following principal uses are permitted as of right in the [RS-80](#) Zone:

1. Single Family detached dwellings.
2. Family day care provider.
3. Home occupations meeting the standards herein.
4. Parks and recreation facilities, public.
5. Horticulture and growing of field crops or hay.

10A-07-10 CONDITIONAL USES. The following uses are conditionally allowed in the [RS-80](#) Zone:

1. Private stables, corrals and paddocks when located no closer than forty feet from a street line and no closer than forty feet from any dwelling on the same or adjoining development site. No farm animal shall be kept on a lot of less than one acre in area and no more than two farm animals may be kept on a one acre development site, but for each additional animal above two kept there shall be an additional twenty thousand square feet of lot area.
2. Utility facilities other than distribution lines, at a specific location necessary for the functioning of that utility.
3. Schools or seminaries, public or private.
4. Churches.
5. Cemeteries and crematoria when located in or on property adjacent to a cemetery.

6. Guest houses on lots of 12,000 square feet or more.

10A-07-15 [ACCESSORY USES](#). [accessory uses](#) and structures common to all zones as listed in chapter [10A-53](#) are allowed in the [RS-80](#) Zone.

10A-07-20 SPACE LIMITS. The [building](#) height, lot, open space and yard dimension applicable to the [RS-80](#) Zone are found on the Residential Zones Space Limits Table, Chapter [10A-25](#).

10A-07-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [RS-80](#) Zone.

CHAPTER 10A-09, RD-75, DUPLEX RESIDENTIAL ZONE

10A-09-01 PURPOSE. To provide and maintain residential areas of relatively low density single family and duplex residences to accommodate the portion of the housing market demanding usable yards spaces.

10A-09-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as a right in the [RD-75](#) zone:

1. Single family detached dwellings.
2. Duplex or single family attached dwellings.
3. Family day care providers.
4. Home occupations meeting the standards herein.
5. Parks and recreation facilities, public.
6. Horticulture and the growing of field crops or hay.

10A-09-10 CONDITIONAL USE. The following uses are conditionally allowed in the [RD-75](#) zone:

1. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility,
2. School or seminaries, public or private.
3. Churches.
4. Cemeteries and crematoria when located in or on property adjacent to a cemetery.

10A-09-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [RD-75](#) zone.

10A-09-20 SPACE LIMITS. The [building](#) height, lot, open space and yard dimensions applicable to the [RD-75](#) zone are found on the Residential Zones Space Limits Table, Chapter [10A-25](#).

10A-09-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [RD-75](#) zone.

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 dwellings at relatively high densities for this type of housing.

10A-11-05 PRINCIPAL PERMITTED USE. The following principal uses are permitted as of right in the [RS-50](#) Zone:

1. Single family detached dwellings.
2. Home occupations meeting the standards herein.
3. Family day-care provider.
4. Parks and recreation facilities, public.
5. Horticulture and the growing of field crops or hay.
6. Residential care facility housing not more than eight clients.
7. Adult foster care for not more than five patrons.

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. Schools or seminaries, public or private.
5. Churches.
6. Day Care Center with 13 or more Children or if not in a private home.
7. Residential care facility.
8. Cemeteries and crematoria when located in or on property adjacent to a cemetery.

10A-11-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in chapter [10A-53](#) are allowed in the [RS-50](#) Zone.

10A-11-20 SPACE LIMITS. The [building](#) height, development site, open space and yard dimensions applicable to the [RS-50](#)

Zone are found on the Residential Zones Space Limits Table, Chapter [10A-25](#).

10A-11-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous provisions, apply to the [RS-50](#) Zone.

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

10A-13-01 PURPOSE. To provide and maintain residential areas of medium density with a choice of housing type. Density regulations tend to maintain the scale and appearance of the lower density zones.

10A-13-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [RD-40](#) Zone:

1. Single family detached dwellings.
2. Duplex dwelling as defined herein.
3. Parks and recreation facilities, public.
4. Horticulture and the growing of field crops or hay.
5. Residential care facility housing not more than eight clients.
6. Day care center as defined herein or family day care provider.
7. Adult foster care for not more than five patrons.
8. Home occupations meeting the standards herein.

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. Multiple-family dwellings containing not more than four dwelling units, or not more than four single family dwellings, attached, or two-family structures, attached, or any combination thereof.
3. Roominghouse as defined herein.
4. Hotel, Bed and Breakfast, as defined herein.
5. Residential care facility.
6. Nursing Home. (Day Care Center)
7. Museums, concert halls, auditorium and similar cultural facilities.
8. Cemeteries and crematoria when located in or on property adjacent to a cemetery,

9. Fair, rodeo or stadium grounds on sites of more than three acres and operated by public or publicly sponsored nonprofit agencies.

10. Churches.

11. Schools or seminaries, public or private.

10A-13-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in [RD-40](#) Zone.

10A-13-20 SPACE LIMITS. The [building](#), development site, open space and yard dimensions applicable to the [RD-40](#) Zone are found on the Residential Zones Space Limits Table, Chapter [10A-25](#).

10A-13-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [RD-40](#) Zone.

CHAPTER 10A-15, RM-28, LOW DENSITY, MULTI-FAMILY RESIDENCE ZONE

10A-15-01 PURPOSE. To provide and maintain residential areas of medium density which may include a mixture of housing types from single family detached to multi-family dwellings.

10A-15-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [RM-28](#) Zone:

1. Single-family detached dwellings.
2. Duplex dwellings.
3. Multi-family dwellings, and single family or duplex dwellings, attached, provided there shall be no more than five single-family attached dwelling units in a continuous [building](#).
4. Home occupations meeting the standards herein.
5. Day care center, as defined herein, or family day care provider.
6. Park and recreation facility, public.
7. Residential care facility housing not more than eight clients.
8. Horticulture and the growing of field crops or hay.
9. Adult foster care for not more than five patrons.

10A-15-10 CONDITIONAL USES. The following uses are permitted conditionally in the [RM-28](#) Zone:

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

2. Roominghouse, as defined herein.
3. Hotel, Bed and Breakfast, as defined herein.
4. Museums, concert halls, auditoriums and similar cultural facilities.
5. Private clubs as defined herein.
6. Residential care facility.
7. Nursing home.
8. Cemeteries and crematoria when located in or on property adjacent to cemetery.
9. Churches.
10. Schools, or seminaries, public or private.
11. Congregate Housing Facility.

10A-15-15 **ACCESSORY USES.** [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [RM-28](#) Zone.

10A-15-20 **SPACE LIMITS.** The [building](#), development site, open space and yard dimensions applicable to the [RM-28](#) Zone are found on the Residential Zones Space Limits Table, Chapter [10A-25](#).

10A-15-25 **GENERAL PROVISIONS.** The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [RM-28](#) Zone.

CHAPTER 10A-17, RM-10, HIGH DENSITY, MULTI-FAMILY RESIDENCE ZONE

10A-17-01 **PURPOSE.** To provide and maintain relatively high density residential area containing a variety of family and institutional housing types and limited nonresidential uses.

10A-17-05 **PRINCIPAL PERMITTED USES.** The following principal uses are permitted as of right in the RN-10 Zone:

1. Single family, duplex dwellings, and single-family attached dwellings, provided there shall be no more than five single-family attached dwellings in a continuous [building](#).
2. Multi-family dwellings.
3. Home occupations meeting the standards herein.
4. Day care center or family day care provider.
5. Park and recreation facilities, public.

6. Private clubs and clubhouses as defined herein.
7. Residential care facilities not limited as to number of clients.
8. Mortuaries or funeral homes.
9. Roominghouses as defined herein.
10. Hotel, Bed and Breakfast, as defined herein.
11. Museums, concert halls, auditoriums and similar cultural facilities.
12. Nursing homes.
13. Medical, dental or other health professional office or clinic for humans.
14. Adult foster care for not more than five patrons.

10A-17-10 CONDITIONAL USES. The following are permitted conditionally in the [RM-10](#) Zone:

1. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility.
2. [Apartment hotel](#).
3. Business office.
4. Churches.
5. Schools or seminaries, public or private.
6. Congregate Housing Facility.

10A-17-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones listed in Chapter [10A-53](#) are allowed in the [RM-10](#) Zone.

10A-17-20 SPACE LIMITS. The [building](#), development site, open space and yard dimensions applicable to the [RM-10](#) Zone are found on the Residential Zones, Space Limits Table, Chapter [10A-25](#).

10A-17-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [RM-10](#) Zone.

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

10A-19-01 PURPOSE. To provide for manufactured or mobile home parks and mobile home subdivisions.

10A-17-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in [R-MH](#) Zone:

1. Single family detached dwellings constructed to [RD-40](#) Zone standards.
2. Home occupations meeting the standards herein.
3. Manufactured or mobile home parks.
4. Manufactured or mobile home subdivisions.
5. Day care center or family day care provider.
6. Offices, manager's quarters, laundry rooms, recreation rooms, park and playground areas, and other structures customarily associated with or required in manufactured or mobile home parks, except that manufactured home sales and repair enterprises and other commercial enterprises are not permitted.

10A-19-10 **CONDITIONAL USE.** The following uses are permitted conditionally in the [R-MH](#) zone:

1. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility.
2. General stores of not more than 2000 square feet and designed primarily to serve the manufactured or mobile home park.

10A-19-15 **ACCESSORY USES.** [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [R-MH](#) Zone.

10A-19-20 **SPACE LIMITS.** The [building](#), development site, open space and yard dimensions applicable to the [R-MH](#) Zone are as follows:

1. The space limits for licensed manufactured or mobile home parks shall meet the requirements of Oregon Administrative Rules Chapter 814, Division 28.
2. Manufactured or mobile homes installed in Manufactured or mobile home subdivisions shall meet the space limits of the [RD-40](#) Zone as found on the Residential Space Limits Table, Chapter [10A-25](#).
3. Corner Lots in manufactured or mobile home subdivisions shall be sufficiently wider than interior lots to allow for required corner visibility and additional front yards.

10A-19-25 **GENERAL PROVISIONS.**

1. The provisions of chapter [10A-57](#), Miscellaneous Provisions, apply to manufactured or mobile home subdivisions in the [R-MH](#) zone.
2. The provisions of Chapter [10A-57](#), Miscellaneous Provisions shall apply to manufactured or mobile home parks unless such provisions conflict with the provisions of Oregon Administrative Rules, Chapter 814, Division 28, in which case the Administrative rule shall govern; and further provided that any general provisions clearly non appropriate to manufactured or mobile home parks shall not apply.

10A-19-40 **TRANSITIONAL RECREATIONAL VEHICLE PARKS.** It has been found that it is reasonable to and allowed to use parts of a manufactured home subdivision on an interim basis or transitional use as a recreational vehicle park under the

following standards:

1. The recreational vehicle park shall be established on a portion of the subdivision where it will not interfere with the sale of lots for mobile home occupancy, will not be intermingled with, nor be immediately adjacent to permanent residences.
2. When providing utilities to recreational vehicle spaces, they will be installed so as to facilitate their use by mobile homes.
3. Each recreational vehicle space shall be provided with piped potable water, sanitary sewer hook-up and electrical outlet.
4. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity there is no uncovered accumulation of trash at any time.
5. No recreational vehicle shall refrain in the park for more than 30 days in any 60 day period.
6. Street and utility improvements in the recreational vehicle park portion of a mobile home subdivision shall comply with the standard specifications for a subdivision as provided by city code.
7. The city planning commission may require covenants running with the land to be attached with future mobile home subdivisions to assure compatibility of a possible Recreational Vehicle park with the surrounding community.
8. At two year intervals after the establishment of a transitional recreational vehicle park, the planning commission may require the owner or operator to demonstrate that the recreational vehicle park is not interfering with the normal market absorption rate of sale of lots for the installation of mobile homes.
9. In addition to other legal signs announcing the availability of lots for sale or identifying the development, there shall be allowed on (1) non-moving sign, not over 38 feet in height, and which may be illuminated by a internal non-flashing light to identify the recreational vehicle park. Such sign shall be removed immediately upon cessation of the recreational vehicle park operation. Any sign shall be placed where it will have minimal impact upon lots used for mobile homes.
10. The above standards shall not replace any state regulations or licensing requirement.
11. A management office or trailer to serve and supervise the Recreational Vehicle Park is permitted.

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

10A-21-01 PURPOSE. To provide an overlay zone designed to apply concurrently with residential zone to allow manufactured homes on random single development sites.

10A-21-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [R-MHO](#) Zone:

1. All uses allowed in the primary zone.
2. Manufactured Homes which meet the standards as set forth in this Chapter."

10A-21-06 PLACEMENT STANDARDS. The Manufactured Home placed in the [R-MHO](#) Zone shall:

1. Be multi-sectional (double wide or wider) and enclose a floor area of not less than 1,000 square feet;
2. Be located not more than 12 inches above grade on an excavated and/or back filled foundation which is enclosed at the perimeter and the open area under the home enclosed with pressure treated wood, masonry, or concrete walls. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home;

If the manufactured home is placed on a [basement](#), the twelve inch limitation shall not apply.

3. Have a roof with a nominal pitch of three (3') feet in height for each twelve (12') feet in width;
4. Be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single-family dwellings constructed under the state building code;
5. Not have bare metal siding or roofing; and
6. Not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts."

10A-21-10 CONDITIONAL USES. There are no additional conditional uses associated with the [R-MHO](#) Zone.

10A-21-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [R-MHO](#) Zone.

10A-21-20 SPACE LIMITS. The [building](#), development site, open space and yard dimensions applicable to the [R-MHO](#) Zone are those applicable to the primary zone.

10A-21-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [R-MHO](#) Zone.

CHAPTER 10A-23, TRO, TRANSITIONAL RESIDENTIAL OVERLAY ZONE

10A-23-01 PURPOSE. To provide for the placing of manufactured homes on a long term, but temporary, basis in areas zoned [C-2-H](#) or ML where is presently a dominant residential presence, but so located that in the long term, and with an adequate market, the land will be in demand and suitable for heavy commercial or light industrial use.

10A-23-05 PRINCIPAL PERMITTED USES. The following principal uses as of right in the TRO Zone:

1. All uses allowed in the primary zone.
2. Manufactured or mobile homes on individual lots, even when listed as prohibited use in the primary zone.

10A-23-10 CONDITIONAL USES. There are no additional conditional uses associated with the TRO Zone.

10A-23-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the TRO Zone.

10A-23-20 SPACE LIMITS. The space limits for manufactured or mobile homes shall be the same as for the [RS-50](#) Zone.

10A-23-25 GENERAL PROVISIONS. The provisions of Chapter [10A-7](#), Miscellaneous Provisions, apply to manufactured or mobile homes located in the TRO zone. The application of the TRO does not permit the construction of permanent residential [buildings](#) unless specifically allowed in the primary zone.

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.

<u>ITEM REGULATED</u>	<u>ZONE</u>					
	RS-80	RD-75	RD-50	RD-40	RM-28	RM-10
1. Maximum height in feet:	38	38	38	38	38	NONE
2. Minimum development site area per housing unit in square feet:						

Single family detached	8,000	7,500	5,000	4,000	5,000	5,000
Duplex	n/a	6,000	5,000	3,000	3,000	3,000
Single family detached	n/a	6,000	5,000	3,000	3,000	2,000
Three or more family	n/a	n/a	n/a	3,000	2,800	1,000

3. Minimum yard requirement in feet:

Front yard	15	15	15	15	15	15
Side yards	7	7	7	5	5	5
Rear yard	10	10	10	10	10	10

4. Minimum lot width in feet: 65 60 50 50 50 50

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 6,000
 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-27, C-1, NEIGHBORHOOD COMMERCIAL ZONE

10A-27-01 PURPOSE. To provide for areas for retail and office establishments in neighborhoods that are primarily residential without harming the residential character of those neighborhoods.

10A-27-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [C-1](#) Zone:

1. Dwellings when constructed according to the space limits of [RM-28](#) Zone;
2. Home occupations meeting standards herein;
3. Retail shopping establishments as defined herein;
4. [Consumer service establishments](#) as defined herein;
5. Dance and music studios;
6. Churches;
7. Schools and colleges, public or private, including commercial business or vocational schools or colleges;
8. Park and recreation facilities, public;
9. private clubs and clubhouses as defined herein;
10. Residential care facilities housing not more than eight clients;
11. Roominghouse as defined herein;
12. Hotel, Bed and Breakfast, as defined herein;
13. Museums, concert halls, auditoriums and similar cultural facilities;
14. Horticulture and the growing of field crops or hay.
15. Public [buildings](#), none of which may be of industrial character.
16. Business offices and general office [buildings](#).
17. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items with fewer than 10 employees. Fabrication of art or crafts objects, bakery goods, or ice cream for on premises sale or as custom orders for delivery.
18. Recreational vehicle park.
19. Medical, dental or other health professional office or clinic for humans.
20. Adult foster care for not more than five patrons.

10A-27-07 SPECIAL USE LIMITATIONS. The following limitations or conditions shall apply in addition to any conditions or limitations applying to all zones, to all uses permitted or permissible in the [C-1](#) zone:

1. All operations shall be conducted within a completely enclosed [building](#), except for nursery stock consisting of green plants and shrubs, for the temporary outdoor display of merchandise located within five feet of principal [building](#), patio or sidewalk restaurant service, railroad operations, and play yards of day care centers.
2. All products produced, kept, handled or offered for sale shall be sold only at retail on the premises.
3. No nonresidential use shall continue normal operations past the hour of eleven P.M. or earlier than seven A.M. except pursuant to a conditional use permit.
4. Not more than two delivery or service vehicles shall be used in the operation of any business.
5. No permitted or permissible separate business establishment shall occupy a floor area greater than five thousand square feet to conduct its operations and to store its wares, products, inventory and materials, except that grocery stores may occupy a floor area of fifteen thousand square feet.
6. Screening shall be provided along all lot lines abutting residentially zoned or developed property, sufficient to block substantially any view of the nonresidential use and its operation, stored materials and equipment from all points located on or not more than eight feet above the lowest elevation of such residential property, in the event such screening is not sufficient to block totally any view of stored waste or waste receptacles. In no event shall this section be deemed to require more than full enclosure (including roof) of stored waste including waste receptacles and an opaque fence not more than seven feet in height extending the full length of not more than three sides of the subject property. The required front yard shall be landscaped to the standards set forth under the miscellaneous provisions of this Title.
7. No use shall be established by the conversion of a [building](#) or premises originally designed for use as a gasoline service station or drive-in establishment unless the paved area on the lot in question shall have been reduced, by the addition of natural landscaping, to an area not greater than two hundred percent of the area required by this Title for Off-street parking, loading and access thereto.
8. No nonresidential use shall be established in any structure or premises originally designed for a residential use unless the existing residential character or the [building](#) shall be retained. Any design or structural change, additions or extensions shall be consistent with the architectural character of the original building.
9. No [building](#) designed and intended for a business use shall be constructed or established on a development site occupied by a residential building.
10. No permitted or permissible use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
11. Space lighting shall be shielded so as to prevent the direct glare of beams onto any adjacent residentially zoned or used property.
12. Signs may project into any required front or rear yard as set forth in table 6-B of the Uniform Sign Code as adopted in this Title. Signs may project into a required side yard not more than 18 inches. One pole sign for each development site or [building](#) shall be allowed in each required front or rear yard.

10A-27-09 EXPRESSLY PROHIBITED USES. The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principle permitted uses:

1. [Automobile service establishment](#) as defined herein;
2. Gasoline service stations;
3. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage.
4. Warehousing, storage and distributing establishments or mini-warehouses;
5. Wholesale establishments with stock on the premises.
6. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor for the consumption on the premises, except for restaurants where such beverages are served incidental to meals.
7. Auction house;
8. Manufactured or mobile home parks or subdivisions.
9. Uses not specifically enumerated as permitted uses in the [C-1](#) zone, but listed as permitted in another zone or as a conditional use in the [C-1](#) or other zone.

10A-27-10 CONDITIONAL USES. The following uses are permitted conditionally in the [C-1](#) Zone:

1. Dry-cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
2. Any permitted or permissible non residential use that operates later than eleven P.M. or earlier than seven A.M.;
3. Mortuaries or funeral homes;
4. Nursing Home;
5. Residential care facility housing more than eight clients; and
6. Utility facilities, other than distribution lines, at specific location necessary for the functioning of that utility.

10A-27-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [C-1](#) Zone.

10A-27-20 SPACE LIMITS. The [building](#), zoning lot, open space and yard dimensions applicable to the [C-1](#) Zone are found on the Commercial Space Limits Table, Chapter [10A-35](#).

10A-27-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [C-1](#) Zone, except that signs may project into any required front or rear yard as set forth in Table No. 6-B (projection of signs) of the Uniform Sign Code. Signs may project into a required side yard not more than 18 inches. One pole sign for each lot or [building](#) shall be allowed in any required front or rear yard.

CHAPTER 10A-29, C-2, GENERAL COMMERCIAL ZONE

10A-29-01 PURPOSE. The [C-2](#) Zone is intended to provide business locations for retail and service uses serving a region-wide clientele. The zone is intended to be located in areas characterized by good accessibility, including those areas which are exposed to heavy automobile traffic.

10A-29-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [C-2](#) Zone:

1. All principal uses allowed in the [C-1](#), Neighborhood Commercial Zone shall be allowed in the [C-2](#) Zone except that dwellings shall be constructed to the space limits of the [RM-10](#), Multi-Family Residence Zone;
2. [Automobile service establishments](#) as defined herein when all repairs or another work are performed within a [building](#), where all refuse and scrap parts are stored in closed containers when possible and screened from view at all points on any public or private property or street and when all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
3. Gasoline service stations, truck stops, minor [automotive repair](#) as defined herein;
4. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor;
5. Mortuaries or funeral homes;
6. Dry Cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
7. Hotel, motel;
8. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items;
9. Outdoor advertising sign;
10. Residential care facility not limited as to number of clients;
11. Commercial recreation facilities or Recreation Vehicle Park;
12. Rental of small trucks and small trailers only when accessory to a gasoline service station or [automobile service establishment](#);
13. Farm and garden store;
14. Wholesalers with stock involving less than 3,000 square feet of storage space;
15. Auction house;
16. Nursing home;

17. Amusement arcade;
18. Kennel; or
19. Veterinarian.

10A-29-09 EXPRESSLY PROHIBITED USES. The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Warehouses;
2. Wholesalers with stock involving over 3000 square feet of storage space;
3. Mobile home or manufactured home parks or subdivisions; or
4. Rental of large tools or construction equipment, trucks or other equipment requiring outdoor storage.

10A-29-10 CONDITIONAL USES. The following uses are permitted conditionally in the [C-2](#) Zone:

1. Utility Facilities, other than distribution lines, at a specific location necessary for the functioning of that utility;
2. Fair, rodeo, stadium, race track or similar facility on a site of more than three acres;
3. Mini-warehouses;
4. Congregate Housing Facility.

10A-29-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [C-2](#) Zone.

10A-29-20 SPACE LIMITS. The [building](#), development site, open space and yard dimensions applicable to the [C-2](#) Zone are found on the Commercial Space Limits Table, Chapter [10A-35](#).

10A-29-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [C-2](#) Zone.

CHAPTER 10A-31, C-2-H, HEAVY GENERAL COMMERCIAL ZONE

10A-31-01 PURPOSE. To provide a zone to accommodate a wide range of retail, service and wholesale activities short of industrial usage.

10A-31-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [C-2-H](#) Zone:

1. All principal uses allowed in the [C-1](#) and [C-2](#) commercial zones, except that dwellings shall be constructed to the space limits of the [RM-28](#), Low Density Multi-Family Zone;
2. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage;

3. Wholesale stores with stock;
4. Body, fender and paint shops, major [automotive repair](#) and [automotive dismantling](#) where all work is performed within a [building](#), where all refuse and scrap parts are stored in closed containers, when possible, and screened from view at all points on any public or private property or street, and where all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
5. Farm store, farm equipment dealer;
6. Truck stop with transient motel;
7. Printing and publishing;
8. Petroleum bulk plant with no more than 150,000 gallons of above ground storage and with no more than 25,000 gallons in any one above ground tank; and
9. Mini-warehouses.

10A-31-10 **CONDITIONAL USES.** The following uses and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [C-2-H](#) Zone.

1. Utility Facilities, other than distribution lines, necessary for the functioning of that utility.

10A-31-15 **ACCESSORY USES.** [Accessory uses](#) and structures common to all zones as listed in chapter [10A-53](#) are allowed in the [C-2-H](#) Zone.

10A-31-20 **SPACE LIMITS.** The [building](#), development site, open space and yard dimensions applicable to the [C-2-H](#) Zone are found on the Commercial Space Limits Table, Chapter [10A-35](#).

10A-31-25 **GENERAL PROVISIONS.** The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [C-2-H](#) Zone.

CHAPTER 10A-33, C-3, CENTRAL COMMERCIAL ZONE

10A-33-01 **PURPOSE.** To provide a business zone specifically designed to foster the continuation and improvement of the historic central business district of the city. Off street parking is provided at central locations rather at each business site so as to encourage compact pedestrian oriented development.

10A-33-05 **PRINCIPAL PERMITTED USES.** The following principal uses are permitted as of right in the [C-3](#) Zone:

1. All principal uses allowed in the [C-1](#), Neighborhood Commercial Zone and the [C-2](#), General Commercial Zone, Except outdoor advertising signs, shall be allowed in the [C-3](#) zone, provided that dwellings shall be constructed to the space limits of the [RM-10](#), Multi-family Residence zone.

10A-33-09 **EXPRESSLY PROHIBITED USES.** The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Warehouses, including mini-warehouses;
2. Wholesalers with stock involving over 3,000 square feet of storage space;
3. Outdoor advertising signs;
4. Petroleum bulk plant; and
5. Major [automotive repair](#).

10A-33-10 **CONDITIONAL USES**. The following uses are permitted conditionally in the [C-3](#) Zone:

1. Light manufacturing involving noiseless and award fabrication and minimal truck traffic;
2. Utility facilities, other than distribution lines, necessary for the functioning of a utility; and
3. Congregate Housing Facility.

10A-33-15 **ACCESSORY USES**. [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [C-3](#) Zone.

10A-33-20 **SPACE LIMITS**. The [building](#), development site, open space and yard dimensions applicable to the [C-3](#) Zone are found on the Commercial Space Limits Table, Chapter [10A-35](#).

10A-33-25 **GENERAL PROVISIONS**. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [C-3](#) Zone, except that vision clearance, Section [10A-57-15](#), off street parking, Section [10A-57-60](#) through [100](#), and landscaping, section [10A-57-35](#) through [55](#), shall not apply.

CHAPTER 10A-35, COMMERCIAL ZONES, SPACE LIMITS TABLE

10A-35-01 **PURPOSE AND APPLICABILITY**. The specification 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.

<u>ITEM REGULATED</u>	<u>ZONE</u>			
	C-1	C-2	C-2-H	C-3
1. Maximum height in feet.	26	50	50	None
2. Minimum development site in square feet:				
Lot area	6,000	3,000	3,000	None
Lot width	None	None	None	None
3. Yard requirements in feet:				
Front yard	15	None	None	None
Rear yard	5 ¹	5 ¹	5 ¹	None
Side Yard	5 ²	None ²	None ²	None

4. Maximum lot coverage:	40%	90%	90%	100%
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Note:

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

¹ Where 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.

² Where 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.

CHAPTER 10A-37, BP, BUSINESS PARK ZONE

10A-37-01 PURPOSE. To promote the development of certain industrial and commercial uses which will provide employment and contribute to the economic base and general welfare of the City; to protect adjacent residential and commercial areas from the detrimental effects of general industrial uses by the development of a restrictive zone which will be used as a buffer between said area; to encourage uses in this zone to conform to high property development and performance standards and to create an open attractive park like setting.

10A-37-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [BP](#) Zone:

1. Administrative offices of commercial or industrial firms;
2. Scientific research, development, or experimental laboratories;
3. Manufacture, assembly, testing and repair of components, devices, such as, but not limited to: coils, tubes, transistors, capacitors, and similar components; communication, navigation, transmission, control and guidance equipment and systems; data processing equipment and systems; metering instruments and equipment; phonographs and other audio units; radar and sonar equipment; and television and radio equipment;
4. Manufacture, assembly, testing and repair of optical, medical, dental, drafting, time, musical and photographic equipment except film;
5. Manufacture, assembly and repair of testing equipment;
6. Research and development facilities for the creation of prototypes;
7. Printing, engraving, lithographing, blueprinting and photocopying film processing;
8. Business service establishments such as electronic computer servicing, and addressing services;
9. Studio or office for industrial designing, drafting, model making, engineering, architecture, sculpture, or painting; and
10. Professional and business offices or any other use which is demonstrated to the Commission to be of similar character and impact to that of professional and business offices.

10A-37-10 CONDITIONAL USES. The following uses are permitted conditionally in the [BP](#) Zone:

1. Warehousing and storage facilities.
2. Wholesale distribution and retail sales outlets.
3. Eating establishments.
4. Motels.
5. Manufacturing, processing, packaging, repair and storage of goods or produce not in conflict with other provisions of this Title.
6. Utility facilities, other than distribution lines, necessary for the functioning of that utility.

10A-37-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [BP](#) Zone.

10A-37-20 SPACE LIMITS. The [building](#), development site, and yard dimensions applicable to the [BP](#) Zone are found in the Industrial Space Limits Table, Chapter [10A-43](#).

10A-37-25 MISCELLANEOUS PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, shall apply to all developments in the [BP](#) Zone.

10A-37-30 SPECIAL USE LIMITATIONS. Each structure or use permitted of right or conditionally in the [BP](#) Zone shall comply with the performance standards of the [I-1](#), Light Industrial Zone and additionally the following specific standards:

1. Building Materials. All structures (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;
2. Roof appurtenances. All roof structures, such as air conditioning units, ventilation pipes, shall be screened so as not to be visible from any street, highway, or residential district, school, or park;
3. Signs. Signs shall conform to the following special standards in addition to general sign standards in this title:
 - a. No outdoor advertising or roof signs shall be permitted;
 - b. The main [building](#) on each parcel or lot may carry the identity of the use or uses, provided said signs are architecturally compatible with the structure;
 - c. One free standing identification sign per individual use may be used; and
 - d. Directional signs pointing to parking areas and loading areas are permitted provided they do not exceed 6 square feet in area each.
4. There shall be a minimum of 20% of the lot area devoted to landscaping. In lots abutting residential zones a minimum of 25% of the lot area shall be devoted to landscaping. Said landscaped area shall comply with the general landscaping performance standards in the general provisions chapter of this title. All open and un-landscaped portions of any site shall be graded for proper drainage and maintained in good condition free of weeds, trash, and debris. Said minimum requirements for landscaped areas shall be exclusive of any required parking lot landscaping.

CHAPTER 10A-39, I-1, LIGHT INDUSTRIAL ZONE

10A-39-01 PURPOSE. This zone is intended for the location of industrial uses all of which shall meet performance specifications, designed to minimize adverse environmental impacts. In addition, it is intended to permit in this zone upon review, limited commercial uses that will serve primarily those who work or do business with industries in this zone and that will not be of a kind and size that will not inhibit the industrial development of land in this zone.

10A-39-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [I-1](#) Zone:

1. Any industrial use that conforms to the performance standards set forth for this zone, provided that any such use is not listed as a conditional or an as expressly prohibited use;
2. Processing of carcasses and organ meat into products for human consumption;
3. Horticulture or the growing of field crops or hay;
4. Truck terminals;
5. Warehousing and distribution, including small tool and equipment rental when accessory to a mini-warehouse;
6. Trade and vocational schools without on-site living quarters;
7. Food processing;
8. Farm store, farm equipment dealer;
9. Truck, farm machinery, heavy equipment sales and service, including rental, recreation vehicle sales and service;
10. Manufactured home sales and service;
11. Truck stops including sleeping accommodations for transient truckers, but not motels;
12. Wholesale establishments with or without stock with no limit on the size of storage space;
13. Contractor's offices with or without accessory storage;
14. Lumberyards and building supply establishments with associated retail display and sales space;
15. Printing and publishing;
16. Public parks and open space, public safety facilities;
17. Facilities necessary for the functioning of a utility, except salvage yards and similar facilities which do not meet the performance standards of this chapter;
18. Administrative offices appurtenant to a permitted use;

19. One dwelling unit, which may be a manufactured home, for a caretaker or watchman when located on the same site as a principal permitted or conditional use;
20. [Automobile service establishments](#) as defined herein;
21. Major [automotive repair](#) as defined herein
22. Petroleum bulk plant with no more than 150,000 gallons of above ground storage and with no more than 25,000 gallons in one above ground tank;
23. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage;
24. [Automotive vehicle dismantling](#) as defined herein;
25. Kennel; and
26. Veterinarian.

10A-39-09 EXPRESSLY PROHIBITED USES. The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Churches, temples and other places of worship;
2. Dwellings, manufactured home and recreation vehicle parks, except watchman's quarters as provided herein;
3. Motels and hotels;
4. Hospitals, rest homes, and other resident or non-resident human health care facilities except emergency facilities and child care facilities for employees of a principal permitted or conditional use and located on the same premises of such use;
5. Schools and colleges, except technical schools;
6. Any use specifically enumerated as permitted exclusively in the [I-2 Zone](#);
7. Commercial and residential uses not specifically authorized;
8. Funeral Homes;
9. Junk yards;
10. Manufactured home or mobile home parks or subdivisions, recreation vehicle parks;
11. Private clubs and clubhouses as defined herein; and
12. Mining and quarrying.

10A-39-10 CONDITIONAL USES, COMMERCIAL. The conditional commercial uses listed below may be permitted in the [I-](#)

1 Zone

upon application of the standards for all conditional uses and the following additional standards:

The proposed use will primarily serve those who work or do business with industries in the industrial zones; and there is a need for such use to provide service or goods to those who work in or do business with industries in the industrial zones; and the proposed location and size of the proposed commercial use will not substantially interfere with the development of the industrial zones for industrial uses.

1. Automatic or self service care or truck washes.
2. Gasoline service stations.
3. Retail food stores not to exceed 2,000 square feet of gross floor area.
4. Bars, taverns, cocktail lounges, restaurants or combinations thereof not to exceed 3,000 square feet gross floor area.
5. Job printing and duplication.
6. Motel catering to general travelers when located on a developed truck stop.
7. Radio or television towers and related facilities, subject to a structure height variance approval.
8. Outdoor advertising signs providing such sign is compatible with surrounding existing or planned land uses. Such a sign may not be compatible with an industrial park.

10A-39-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in chapter [10A-53](#) are allowed in the [I-1](#) zone, and a day care center serving the children of employees of the use upon which the center is located.

10A-39-20 SPACE LIMITS. The [building](#), development site, and yard dimensions applicable to the [I-1](#) Zone are found on the Industrial Space Limits Table, Chapter [10A-43](#). More than one principal industrial [building](#) may be constructed on a development site of over 7,500 square feet.

10A-39-25 MISCELLANEOUS PROVISIONS. The provisions of Chapter 10-57, Miscellaneous provisions shall apply in addition to the performance standards specific to the [I-1](#) zone, except that signs may project into any front or rear yard as set forth in Table No. 6-B (projections of signs) of the Uniform Sign Code. Signs may project into required a required side yard no more than 18 inches. One pole sign for each development site or [building](#) shall be allowed in any required front yard.

10A-39-30 PERFORMANCE STANDARDS. Each structure or use permitted of right or conditionally in the [I-1](#) Zone shall meet the following performance standards:

1. Physical appearance. With the exception of gasoline pumps, all operations other than pickups and deliveries shall be carried on within an enclosed [building](#), provided that new materials or equipment in operable condition may be stored in the open, and normal daily wastes may be stored in containers not in the building when such containers are not readily visible from a public street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles, farm machinery, trailers, manufactured homes or similar equipment in operable condition when in association with a permitted use. The required front yard shall be landscaped to the standards set forth under Miscellaneous Provisions of this Title.

2. Fire hazard. No operation shall be established which fails to meet the fire code which is adopted into the Ontario City Code and any applicable State or Federal codes. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with applicable codes.
3. Noise. No operation shall be carried on which creates noise in excess of the normal traffic noise of the adjacent street at the time of daily peak hour traffic volume. Noise volume generated by the use shall be measured at any property line. The comparable traffic noise shall be measured at the property line adjacent to the street. All noises shall be muffled so as not to be objectionable due to intermittence, beat frequency or shrillness.
4. Sewage and liquid waste. All operations shall comply with Title 8, Ontario City Code and any applicable regulations of state or federal agencies responsible for pollution control. No wastes of a chemical, organic or radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in approved containers.
5. Smoke, particulate matter and gasses. No use shall be established which fails to meet the air quality regulations of the Oregon Department of Environmental Quality pertaining to emissions of smoke, particulate matter, fugitive dust, gasses and other air contaminants.
6. Odor. The emission odors that are generally agreed to be obnoxious to any considerable number of persons is prohibited. Observations shall be made at the property line of the establishment generating the odors. As a general guide to classification of odor, it is deemed that odors of putrefaction, hydrogen sulfide, fermentation and rendering processes, are objectionable while odors associated with baking, coffee roasting or nut roasting are normally not considered obnoxious.
7. Vibrations. All machines shall be mounted so as to minimize vibration and in no case shall such vibration be perceptible, without the use of instruments, at the property line. The use of steam or broad hammers are not permitted in this zone.
8. Glare and heat. All glare and heat producing operations, such as welding arcs and open furnaces, shall be shielded so that they are not visible from the property line and surfaces near the glare source shall be of a type which will minimize the reflection of such glare beyond the property line. No heat from equipment or furnaces shall raise the temperature of materials or ambient air at the property line more than three degrees Fahrenheit.
9. Dust. All surfaces used in the operation of the use shall be paved with a dust free surface.
10. Interpretation. Whenever it cannot be decided by reasonable observation that a performance standard is being met, it shall be the responsibility of the operator of the use to supply evidence or engineering data to support the contention that a standard is being met. The standards are designed, except where referring to other codes, to be judged by ordinary human senses and not by the minute detail of scientific quality instruments.

CHAPTER 10A-41, I-2, HEAVY INDUSTRIAL ZONE

10A-41-01 PURPOSE. To provide locations for industrial activities which do not meet the standards of the [I-1 Zone](#). The [I-2 Zones](#) are located so as to minimize or eliminate any adverse effects of the use permitted in such zones or commercial, residential and public open space areas. Specified industrial uses with particular offensive potential are permitted only as conditional uses. In addition, it is intended to permit as conditional uses, limited commercial activity that will serve primarily those who work in or do business with the industries in this zone and will be of a kind and size that will not inhibit optimum industrial development in this zone. Industrial areas have unique location and plot size requirements and are scarce. Therefore the intrusion of commercial activity is detrimental to the intended use of industrial land is discouraged.

10-41-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [I-2](#) Zone:

1. All manufacturing, industrial, warehousing, transportation, and food processing uses conforming to the performance standards set forth for this zone.
2. Agriculture, including the grazing of livestock on sustained pasture, but not including confined feed lots.
3. Trade and vocational schools without on site living quarters.
4. Truck stops including sleeping accommodations for truckers.
5. Wholesale establishments with or without stock.
6. Lumberyards, and building supply establishment with associated retail display and sales spaces.
7. Storage above ground of flammable or noxious chemicals, fuels or gases of less than five million cubic feet on a development site of over one acre.
8. Utility facility.
9. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage.
10. Administrative offices appurtenant to a permitted use.
11. One dwelling unit, which may be a manufactured home, for a caretaker or watchman when located on the same site as a principal permitted or conditional use.
12. Kennel.
13. Outdoor advertising signs.
14. [Automotive repair](#).
15. [Automotive vehicle dismantling](#) as defined herein.
16. Major [automotive repair](#).
17. Veterinarian.

10A-41-09 EXPRESSLY PROHIBITED USES. The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Churches, temples and other places of worship.
2. Dwellings, manufactured home and recreation vehicle parks, except watchman's quarters as provided herein.
3. Motels and hotels.
4. Hospitals, rest homes, and other resident or non-resident human health care facilities except emergency facilities and

child care facilities for employees of a principal permitted or conditional use and located on the same premises of such use.

5. Schools and colleges, except technical schools.
6. Commercial and residential uses not specifically authorized.
7. Mortuaries.
8. Asbestos products manufacture.
9. Private clubs and clubhouses as defined herein.

10A-41-10 CONDITIONAL USES, COMMERCIAL. The conditional commercial uses listed below may be permitted in the [I-2](#) Zone

upon application of the standards for all conditional uses and the following additional standards:

The proposed use will primarily serve those who work in or do business with industries in the industrial zones, and there is a need for such use to provide service or goods to those who work in or do business with industries in the industrial zones, and the proposed location and size of the proposed commercial use will not substantially interfere with the development of the industrial zones for industrial uses.

1. Automatic or self service care or truck washes.
2. Gasoline service stations.
3. Retail food stores not to exceed 2,000 square feet of gross floor area.
4. Bars, taverns, cocktail lounges, restaurants or combinations thereof not to exceed 3,000 square feet gross floor area.
5. Job printing and duplication.
6. Radio or television towers and related facilities, subject to a structure height limitations in the AH, Airport Hazard Overlay Zone.
7. [Automobile service establishments](#) as defined herein.

10A-41-13 CONDITIONAL USES, INDUSTRIAL. The conditional industrial uses listed below may be permitted in the [I-2](#) upon application of the standards for all conditional uses and the following standards:

The performance standards of the [I-2](#) Zone shall be met. No industrial operation will be conducted within 300 feet of residentially zoned land. The proposed site is so located and of sufficient size that operations on the site will not interfere with adjacent or nearby properties due to offensive odors, noise or visual qualities:

1. Animal slaughtering, stockyards or holding pens.
2. Rendering of dead animals or slaughter by-products.

3. Waste water treatment plants.
4. Power plants, solid waste energy recovery plant, solid waste transfer stations, solid waste recycling plants.
5. Manufacture of industrial inorganic and organic chemicals, including alkalies and chlorines, industrial and medical gases, fertilizers, agricultural chemicals and pesticides, poisons.
6. Manufacture of plastics, synthetic resins, nonvulcanizable elastomers, synthetic rubber, man made fibers, adhesives, explosives, pyrotechnics.
7. Processing of asphaltic paving mixtures, ready-mix portland cement concrete.
8. Manufacture of tires and tubes, rubber reclaiming.
9. Leather tanning.
10. Manufacture of primary ferrous and nonferrous metals, foundries, secondary smelting, junk-yards and secondary metal salvage and processing, auto salvage yards.
11. Fabricated steel plate work, metal stamping, forging.
12. Storage above ground of flammable or noxious chemicals, fuels or gases in excess of five million cubic feet on any one development site of less than one acre or two million cubic feet in one tank.
13. Processing or manufacturing activities conducted in the open which are impractical, because of size, to be carried on in an enclosed [building](#).
14. The incineration of wastes or toxic chemicals, except that solid wastes incidental to an operation may be incinerated under States standards.
15. Mining and quarrying.

10A-41-15 [ACCESSORY USES](#). [Accessory uses](#) and structures common to all zones as listed in Chapter [10A-53](#) are allowed in the [I-2](#)

zone, and a day care center serving the children of the employees of the use upon which the center is located.

10A-41-20 SPACE LIMITS. The [building](#), development site, and yard dimensions applicable to the [I-2](#) Zone are found on the Industrial Space Limits Table, Chapter [10A-43](#). More than one principal industrial [building](#) may be constructed on two development sites of over 75,000 square feet.

10A-41-25 MISCELLANEOUS PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions shall apply in addition to the performance standards specific to [I-2](#) Zone.

10A-41-30 PERFORMANCE STANDARDS. Each structure or use permitted as of right or conditionally in the [I-2](#) Zone shall meet the following performance standards:

1. Conduct of Use. No permitted or permissible use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

2. Enclosure. All manufacturing or processing activities shall be completely enclosed in [buildings](#), except as provided by the conditional use section of this chapter.
3. Outdoor storage. Junk, salvage, [auto wrecking](#) and similar operations shall be fenced, screened or limited in height so as to block substantially any view of such material from any point located on an abutting street or from any point less than eight feet above grade within any abutting residential or commercial zone. However, this section shall not be deemed to require more than an opaque fence or screen not more than ten feet in height and not longer than the full perimeter of the subject development site, and further provided such screening may be reduced in height so as to avoid shading a solar collector on adjoining property when so requested by the adjoining property owner or a government official. No outdoor storage of materials which could be blown into the air or strewn about by wind shall be permitted.
4. Loading. Truck loading and unloading operations shall take place entirely within the site and shall not be so located as to interfere with pedestrian routes.
5. Fire Hazard. No operation shall be established which fails to meet the fire code which is adopted into the Ontario City Code and any applicable State or Federal codes.
6. Noise. Noise shall be muffled as available technology permits so as to not be objectionable due to intermittence, beat frequency or shrillness and shall meet any State standards.
7. Sewage and Liquid Waste. All operations shall comply with Title 8, Ontario City Code and any applicable regulations of State or Federal agencies responsible for pollution control. No wastes of a chemical, organic or radioactive nature shall be injected or buried in the ground or stored in the open on the surface except in approved containers.
8. Odor. The emission odors that are generally agreed to be obnoxious to any considerable number of persons is prohibited. Observations shall be made at the property line of the establishment generating the odors. As a general guide to classification of odor, it is deemed that odors of putrefaction, hydrogen sulfide, fermentation and rendering processes, are objectionable while odors associated with baking, coffee roasting or nut roasting are normally not considered obnoxious. To reduce odors the open air cooling of products with aromatic emissions shall be avoided. Floors, Machinery storage containers and other surfaces shall be clean of material which is potentially odor causing.
9. Vibrations. All machines shall be mounted so as to minimize vibration. Vibration shall not be so excessive as to interfere with heavy industrial operations on nearby premises.
10. Glare and heat. All glare and heat producing operations, such as welding arcs and open furnaces, shall be shielded so that they are not visible from the property line and surfaces near the glare source shall be of a type which will minimize the reflection of such glare beyond the property line. No heat from equipment or furnaces shall raise the temperature of materials or ambient air at the property line more than three degrees Fahrenheit.
11. Interpretation. Whenever it cannot be decided by reasonable observation that a performance standard is being met, it shall be the responsibility of the operator of the use to supply evidence or engineering data to support the contention that a standard is being met. The standards are designed, except where referring to other codes, to be judged by ordinary human senses and not by the minute detail of scientific quality instruments.

CHAPTER 10A-43, INDUSTRIAL ZONES, SPACE LIMITS TABLE

10A-43-01 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	ZONE		
	BP	I-1	I-2
1. Maximum height in feet:	38 ¹	38 ¹	None ¹
2. Minimum development site in square feet:			
Lot area	7,500	7,500	6,000
Lot width	None	50	50
3. Minimum yard requirement in feet:			
Front yard	25	15	None
Rear yard	None ³	15 ²	10 ²
Side yard	None ³	15	5 ²
4. Maximum lot coverage:	50%	90%	90%

Note:

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

¹However, the height limits of the airport hazard provisions of this title shall apply.

²A public [alley](#) may be used to satisfy a rear yard space requirement.

³When abutting a residential zone, all yards so abutting shall be 25 feet wide.

CHAPTER 10A-45, AD, AIRPORT DEVELOPMENT ZONE

10A-45-01 PURPOSE. The airport development ([AD](#)) Zone is intended to protect airport facilities from incompatible uses; to provide for future airport expansion; and to insure compatibility at the airport with adjacent land use.

10A-45-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [AD](#) Zone:

1. Agriculture and farm uses.
2. Air cargo terminals.
3. Aircraft sales, repair, service, storage, and schools relating to aircraft operations.
4. Facilities on the airport property essential for the operation of airports, such as fuel storage, hangars, fixed base operator office.
5. Passenger terminals.

6. Public facilities or services.
7. Snack bar for airport patrons, with total floor area not to exceed 1,000 square feet.
8. Open spaces.
9. Public parking and /or auto or vehicular storage.

10A-45-10 CONDITIONAL USES. The following uses are permitted conditionally in the [AD](#) Zone.

1. Golf course, park, or other recreation facilities.
2. Community service facilities owned and operated by a government agency or nonprofit organization.
3. Other uses where ongoing operations and the use thereof are directly dependent upon or associated with the airport.
4. Warehousing and storage facilities, including mini-warehouses.
5. Eating establishment.

10A-45-15 [ACCESSORY USES](#). [Accessory uses](#). [Accessory uses](#) and structures common to all zones as listed in chapter [10A-53](#) are allowed in the [BP](#) Zone.

10A-45-20 SPACE LIMITS AND PERFORMANCE STANDARDS. The [building](#), development site and [accessory uses](#) shall be subject to the following additional standards:

1. Lot size. There shall be no minimum lot size, width, or depth provided that minimum landscaping, setback, loading, and off street parking requirements are satisfied.
2. Building Setbacks. Front yard, side yard, and rear yard setbacks are not required except where the property line abuts, faces, or adjoins a residential zone. Property abutting, facing, or adjoining a residential zone shall be set back a minimum of 50 feet to provide a buffer strip from adjoining residential uses. Said buffer strip shall be landscaped with trees and shrubs to minimize the visual and noise impact on the adjacent residential use.
3. All uses in an [AD](#) Zone shall be subject to the site plan review provisions of this title, and shall comply with all applicable site and performance standards in the general provisions chapter of this Title.
4. Building or landscaping materials shall not produce glare which may conflict with any present or planned operations of the airport.
5. No use may produce electromagnetic interference which may conflict with any present or planned operations of the airport.
6. No use shall cause, encourage, foster, or promote the attraction, increase, or collection of fowl or birds.
7. No structure or obstructing vegetative growth shall be constructed or permitted in the clear zone as defined and mapped in the Ontario Airport Master Plan.
8. Ongoing operations or uses must be directly dependent upon or directly associated with the airport, except for the

specified permitted recreational and open space uses.

9. Uses shall not conflict with any present or planned operations of the airport.
10. Uses shall comply with any and all applicable requirements of this Title, and all other applicable portions of the City Code.
11. An aviation easement acceptable to the City shall be executed by all uses prior to any construction or occupancy of said uses.
12. Storage of animal, vegetable, or other wastes which attract insects, rodents or birds, or otherwise create hazards, shall be prohibited.
13. There shall be no emissions of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance, impair visibility, or cause injury to human, plant, animal life, or property, or that may conflict with any present or planned operations of the airport.
14. Sign lighting and exterior lighting shall not project directly into any adjoining residential zone.
15. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project directly onto airport runways, taxiways, or approach zones.
16. There shall be a minimum of ten percent of any lot area devoted to landscaping.
17. Uses which abut a residential zone shall provide and maintain a dense evergreen landscape buffer, site obscuring fence, or landscaped berm, which must attain a mature height of at least six feet.
18. All open and non-landscaped portions of any site shall be graded for proper drainage, and maintained in a good condition free from weeds, trash, and debris.
19. Construction of "T" hangers does not require the installation of landscaping; however, construction of auto parking areas for any permitted or conditional use will require the installation of landscaping as specified above.

10A-45-25 MISCELLANEOUS PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, when not in conflict with the performance standards of this zone shall apply to all developments in the [AD](#) Zone.

CHAPTER 10A-47, FHO, FLOOD HAZARD OVERLAY ZONE

10A-47-01 PURPOSE. Provide and overly zone as a device for applying flood hazard protection measures to lands subject to flood hazard.

10A-47-05 APPLICABILITY. The areas mapped on the Official Zoning Map as [FHO](#), Flood Hazard Overlay Zone are the areas of special flood hazard and floodways identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Ontario, Malheur County" dated March 16, 1983 with accompanying Flood Insurance Rate Maps and Flood Boundary/Floodway Maps are hereby adopted by reference and declared to be part of this Title. The Flood Insurance Study is on file at the Ontario City Hall, 444 SW 4th Street, Ontario, Oregon.

10A-47-10 DEVELOPMENT PERMIT. A development permit shall be obtained before construction begins within the [FHO](#) Zone. This permit shall be in addition to any other permits required for development in the base zone and may be included as a part of a building permit or other required permit, including those for the sitting of manufactured homes and the placing of fill. Fill requirements shall be in addition to other grading provisions of this Title.

10A-47-15 ADMINISTRATIVE RESPONSIBILITY. The City Manager shall designate an official or officials to administer and implement the special provisions of the [FHO](#) Zone by granting or denying development permit applications in accordance with the provisions of this chapter. The duties and responsibilities of the administrators shall include, but not be limited to:

1. Review all development permits to determine that the permit requirements of this provision have been satisfied.
2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
3. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other authoritative source, in order to administer this chapter.
4. Notify adjacent communities and the Oregon Waste Resources Department prior to any alteration or relocation of a water course, and submit evidence of such notification to the Federal Insurance Administration.
5. Require that maintenance is provided within the altered or relocated portion of said water course so that the flood carrying capacity is not diminished.
6. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for this Title.

10A-47-20 ADMINISTRATIVE RESPONSIBILITY, SPECIAL INFORMATION. The official charged with administering this chapter shall obtain and maintain a record of the following:

1. The actual elevation in relationship to mean sea level of the lowest floor, including [basement](#), of all new or substantially improved structures, and whether or not the structure contains a [basement](#). This information shall be recorded on a permanent record which may be the face of the building permit.
2. For all new or substantially improved flood proofed structures:
 - a. verify and record the actual elevation (in relation to mean sea level), and
 - b. maintain the flood proofing certifications required in Section [10A-47-40-2](#), "Non-residential Construction."

10A-47-30 SPECIAL STANDARDS, FLOODABLE LAND. The following special standards shall apply to all developments including the placing of manufactured homes and fill in the [FHO](#) Zone in addition to any applicable standards of the primary zone:

1. Anchoring:
 - a. All new construction or substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

- b. All manufactured homes likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage.

2. Construction Materials and Methods:

- a. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- c. On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.

4. Subdivision proposals:

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

10A-47-40 FLOODPROOFING STANDARDS. The following floodproofing standards shall apply to all new or substantially improved [building](#) or manufactured homes located in the [FHO](#) Zone.

1. Residential Construction:

- a. New construction and substantial improvements of any residential structure shall have the lowest floor, including [basement](#), elevated to or above one foot above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for entry and exit of flood waters. Designs for meeting this requirement must either be certified by registered professional engineers or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot

of enclosed area subject to flooding shall be provided.

- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including [basement](#), elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/overview of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section [10A-47-20](#).
- d. Nonresidential structures are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in Subsection [10A-47-30-1a](#).
- e. Applicants floodproofing nonresidential [buildings](#) shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

3. Manufactured Homes. All manufactured homes to be placed or substantially improved within Zones A1-A30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Subsection [10A-47-30-1b](#).

10A-47-50 FLOODWAYS ESTABLISHED, SPECIAL STANDARDS. Located within areas of special flood hazard established in section [10A-47-05](#), applicability are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
2. If the above paragraph is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section [10A-47-30](#), Special Standards, Floodable Lands.
3. Prohibit the placement of any mobile home, except in an existing mobile home park or existing mobile home subdivision.

10A-47-60 VARIANCES, SPECIAL STANDARDS. Variances to the special standards of the [FHO](#) Zone shall be processed

using the Variance procedures and standards of this Title, except that such variances shall be consistent with the standards of Sections 60.3(d) and 60.6(a) of the rules and regulations of the National Flood Insurance Program as found in 44CFR50, etc.

10A-47-70 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Ontario, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

CHAPTER 10A-49, PD, PLANNED DEVELOPMENT ZONE

10A-49-01 PURPOSE. The planned development zone is designed to provide flexibility in developing innovative site plans for housing; the transfer of development densities so as to maintain viable areas of land for amenities or to accommodate portions of a parcel which should not be built upon; to allow the horizontal or vertical mixing of land uses when compatible with the comprehensive plan; the design of commercial or industrial complexes as one development site where there are multiple occupancies or land uses contemplated, and to allow innovative solutions to the use of parcels difficult to develop under the typical development site concept of this Title.

It is intended that procedural protection substitute for substantive regulation in recognition of the fact that all or part of the traditional density, bulk, spacing for use regulations, which may be useful in protecting the character of substantially developed and stable areas, may impose inappropriate pre-regulations and rigidities upon the development or redevelopment of parcels or areas which lend themselves to an individual, planned approach.

10A-49-05 CONCEPT PLAN, EFFECT OF APPROVAL, GENERAL. The official zoning maps may be amended, as provided for in this Title to create Planned Development Zones as further described and limited in this chapter.

To create a planned development zone, the applicant shall submit a planned development concept plan, as specified in this chapter, which may be adopted using the zoning map amendment procedures of this Title. When adopted, the planned development concept plan shall serve as the regulations governing developments on the land in the subject planned development zone. In adopting the planned development concept plan submitted by the applicant it may be modified as agreed upon by the city planning commission and the applicant.

10A-49-10 PLANNED DEVELOPMENT ZONE, SERIAL NUMBER. Each planned development zone shall be assigned a serial number which shall appear on all official documents pertaining to the planned development concept plan and be a part of the zone symbol placed on the official zoning maps upon final approval of the subject concept plan.

10A-49-15 PLANNED DEVELOPMENT, SITE PLAN, CONSOLIDATION OF PLANS. Upon final approval of a planned development concept plan, and within the time limits specified herein, the applicant may prepare a detailed planned development site plan for submittal as the basis for building permits, grading permits, and subdivision approval as applicable. For uncomplicated or small projects, the planned development concept plan and the planned development site plan may be the same document, provided all necessary data and proposals are shown. The applicant may, at his option, submit a planned development site plan simultaneously with the submission of the planned development concept plan. Both plans must satisfy the applicable criteria, data and proposals as set forth in this chapter. The city planning commission shall hold public hearings and act both upon both plans at the same hearing.

10A-49-20 COMPATIBILITY WITH COMPREHENSIVE PLAN AND VICINITY. All planned developments shall be planned and developed to be in harmony with the general purposes, goals, policies and standards of the City's comprehensive

plan and this Title; to avoid any substantial or undue adverse effect upon the development, use or enjoyment of adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare; to avoid any domination of the immediate vicinity which would interfere with the development and use of neighboring property in accordance with the applicable zone regulations and comprehensive plan; and to avoid any destruction, loss or damage of natural, scenic or historic features of significance, and to mitigate other significant adverse impacts, such as landslides or flooding.

10A-49-25 CONCEPT PLAN, CATEGORIES OF BINDING AGREEMENT. The development concept plan is intended to provide the applicant an opportunity to submit a plan showing the basic scope, character and nature of the entire proposed planned development without incurring substantial cost. The development concept plan is the basis on which the required public hearing is held, thereby permitting public consideration of the proposal at the earliest possible stage. In order to permit the city and applicant to proceed with some assurance, approval of the development concept plan binds the applicant and the city with respect to the following basic parameters of development:

1. Categories of uses to be permitted.
2. Overall maximum density of residential uses and intensity of nonresidential uses.
3. General location of motor vehicle, bicycle, and pedestrian space.
4. General location and extent of public, common and private open space.
5. General location and type of residential and nonresidential uses.
6. Staging of development.
7. General statement on lands to be dedicated.
8. Building elevations relative to any special flood hazard area which may exist in the development.
9. General location and treatment of drainage courses.

10A-49-30 PLANNED DEVELOPMENTS, MINIMUM AREA. No fixed minimum area is required for a planned development. However, the applicant shall have the burden of establishing that the tract is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives of planned developments as set forth in this chapter.

10A-49-35 CONCEPT PLAN, DEVELOPMENT SITE. The entire parcel of land considered for a planned development shall be considered as on development site in arranging [buildings](#), parking lots and other facilities.

10A-49-40 CONCEPT PLAN, OWNERSHIP OR CONTROL. The entire tract proposed for a planned development shall be in single ownership or under such unified control as to ensure that the entire tract will be developed as a unified whole. All owners of the tract shall be included as joint applicants and all approvals shall bind all owners. The violation of this title or any provisions of an approved planned development concept plan by any owner as to any tract shall be deemed as a violation by all owners and all tracts.

10A-49-45 CONCEPT PLAN, LAND USES. The land uses allowed in a planned development shall be set forth in the planned development concept plan and no uses shall be allowed except as expressly authorized. Lists of land uses enumerated for zones established by this title may be adopted by reference and specific uses may be added or deleted therefrom.

10A-49-50 CONCEPT PLAN, SPACE LIMITS. The space limits proposed in any concept plan shall be appropriate to the development proposed and surrounding development. In general, the space limits set forth in this Title shall be a guide but shall not be a bar to finding that more restrictive space limits are necessary and appropriate in light of any unique characteristics of the development or of the character of existing nearby development. The developer shall have the burden of proving the reasonableness of any lesser space limits he may propose. Space limits enumerated for zones established by this title may be adopted by reference and specific requirement may be added or deleted therefrom. The use of construction site envelope technique is encouraged so that maximum development flexibility can be achieved within the limits and principles specified in the planned development approval.

10A-49-55 CONCEPT PLAN, PARKING. All planned development concept plans shall provide for off street parking and loading according to the provisions of the parking and loading sections of this title. Parking may be jointly provided, but shall be sufficient in quantity and location to satisfy the demand generated by the proposed area.

10A-49-60 CONCEPT PLAN, TRAFFIC. The site design for any planned development shall take into consideration the ability of nearby streets to handle traffic generated by the proposed planned development and ingress and egress shall be arranged so as to promote maximum safety for those using the development and the through traffic on the street. Designs which materially reduce the carrying capacity of adjoining streets shall be avoided. If the traffic generation of the proposed development is likely to be large, the proponent of the development may be required to provide professional traffic studies.

10A-49-65 CONCEPT PLAN, PRESERVATION OF ENVIRONMENT. Existing trees, waterways, floodplain areas, scenic points and vistas, natural grade and slopes, soil conditions, drainage and water tables, and other significant natural conditions and features, shall be considered in planning the design and layout of [buildings](#), circulation elements and open spaces to the end that degradation of natural environment shall be avoided, and the manmade environment created by the development process shall take maximum advantage of the possibilities for coordination with the benefit from the natural environment.

10A-49-70 CONCEPT PLAN, LANDSCAPING. A plan for landscaping, ground cover and screening may be required as part of the planned development site plan. Any area of the planned development not used for structures or circulation elements shall be landscaped, used for crops, or otherwise improved, unless an approved concept plan or site plan expressly requires or authorizes either the maintenance of delineated areas in their natural state or the planting of delineated areas with wild, self-sustaining vegetation intended to approximate natural conditions.

10A-49-75 CONCEPT PLAN, FLOOD PLAIN MANAGEMENT APPLIES. Irrespective of any provisions of this chapter, the flood plain management provisions of this Title shall apply, and planned development concept plans covering any land in a flood hazard area or lying below a base flood elevation shall show flood protection measures.

10A-49-80 CONCEPT PLAN, AVAILABILITY OF UTILITIES AND PUBLIC SERVICES. Every planned development shall be adequately served by essential public facilities and services such as highways, streets, traffic control signals and devices, police and fire protection, drainage way and structures, refuse disposal, water supply and facilities, and sewers. Excessive demands upon support systems may be grounds for denial of a planned development as submitted. Where such facility or service is not available or adequate to accommodate the planned development, approval of the planned development concept plan or site plan may be contingent upon a plan for eliminating the deficiencies mutually accepted by the applicant and the city.

10A-49-85 PRIVATE STREETS AND UTILITIES. When authorized by the terms of an approved concept plan, streets of a specified size, function and location may be permitted to remain in private ownership, subject to the following requirements.

1. Design standards. All private streets shall be named. Private streets, water lines and storm and sanitary sewer systems shall meet the design standards established by this Title for the development of subdivisions, except that the City Planning Commission may in approving of a concept plan and upon the recommendation of the director of public works, establish some lesser street standards as adequate to meet the needs for which such streets are designed. The commission shall consider the possibility of eventual city ownership or maintenance of facilities in establishing street

or utility standards.

2. **Maintenance.** All private streets, water lines, storm and sanitary sewer systems shall be conveyed to a property owner's association or similar organization deemed competent by the city attorney to accomplish maintenance in perpetuity or remain in single ownership of the developer or his successor who shall have legally assured perpetual responsibility for their maintenance.

10A-49-90 PLANNED DEVELOPMENT, PROPERTY OWNER'S ASSOCIATION. Any organization established to own and maintain common open space, parking, streets, utilities or drainage facilities shall meet each of the following standards:

1. The property owner's association must be established and all covenants and restrictions recorded prior to the sale of any property within the planned development.
2. The bylaws and rules of the property owner's association and all covenants and restriction to be recorded must be approved by the City Attorney prior to becoming effective.
3. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the planned development shall provide that they may not be modified, removed or released without the express consent of city council and shall further provide that they may be enforced by the City of Ontario in addition to the landowners within the planned development.

10A-49-95 CONCEPT PLAN, ADDITIONAL CONDITIONS. In approving plans for a planned development, concept plan , the city planning commission shall have authority to impose such restrictions and conditions upon the development as may be necessary to ensure its compatibility with surrounding development and its compliance with the purposes, goals, objectives, policies and provisions of the comprehensive plan. Such restrictions and conditions shall be expressly stated and appended to the approved concept plan. A violation of such a restriction or condition shall be a violation of this Title.

CHAPTER 10A-51, PF, PUBLIC FACILITY ZONE

10A-51-01 PURPOSE. The [PF](#) zone is designed to provide areas which are designated for government or public or public utility facilities, and which can be held or developed by public and utility agencies; and to assure that such public facility development occurs in a manner compatible with surrounding uses.

10A-51-05 PRINCIPAL PERMITTED USES. The following principal uses are permitted as of right in the [PF](#) Zone:

1. Public facilities and minor betterments thereof.

10A-51-15 [ACCESSORY USES.](#) [Accessory uses](#) common to all zones as listed in Chapter [10A-53](#) are allowed in the [PF](#) Zone.

10A-51-30 SPACE LIMITS. The [building](#), development site open space and yard dimensions applicable to the [RM-28](#) Zone shall apply in the [PF](#) Zone.

10A-51-25 GENERAL PROVISIONS. The provisions of Chapter [10A-57](#), Miscellaneous Provisions, apply to the [PF](#) Zone.

CHAPTER 10A-53, [ACCESSORY USES](#) AND STRUCTURES

10A-53-01 PURPOSE. Authorization and limitation of specific [accessory uses](#) and structures, as defined herein, is required to accommodate subsidiary activities which have sufficient impact to warrant regulations.

10A-53-05 [ACCESSORY USES](#) AUTHORIZED. [Accessory uses](#) and structures, as defined herein are permitted in any zone in connection with any principal use lawfully existing within such zone when located in the same zone as the principal use or in an adjoining zone in which the principal use is permitted. Structures are not permitted in required front yards except as specifically authorized by this title.

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. 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. Child's playhouse, gazebo, pavilion or similar structure.
4. 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. 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. Fallout and storm shelters.
7. 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. Building management offices, clubhouses, laundry houses and the like when associated with a housing complex.
9. Vending machines other than newspaper vending machines not visible from a street are allowed in multi-family residential, commercial and industrial zones.
10. Solar or wind energy collectors and associated heat storage units.
11. Decorative fountains or sculpture.
12. Signs as authorized by the sections on signs of this Title or in the provisions of a zone.

10A-53-15 [ACCESSORY USES](#) AND STRUCTURE, SPECIAL SPACE LIMITS. [Accessory uses](#) and structures shall comply with the space limits applicable in the zone in which they are located except as provided by this section:

1. [Accessory uses](#) and structures shall not be located in a required front yard, except as specifically modified under yard

space encroachment provisions of this title.

2. Statues and fountains, when not more than eight feet high, may be located in any required yard.
3. No [accessory structure](#) shall be more than 28 feet high.

CHAPTER 10A-55, SPACE LIMITS EXCEPTIONS AND ENCROACHMENTS

10A-55-05 GENERAL RULE. Any structure, use or [building](#) hereafter established, erected or altered shall comply with the space limitations of the zone in which it is located except as specified in this chapter. However, no exception listed in this chapter shall allow a structure to exceed the height restriction of the airport hazard overlay zone.

10A-55-10 HEIGHT EXCEPTION, APPURTENANCES. The following appurtenances may exceed the prescribed height limit provided they are normally required for a use permitted in the zone in which they are erected or constructed: Flagpoles, chimneys, cooling towers, condensers, solar energy collectors and energy storage units, elevator bulkheads, belfries, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and other necessary mechanical appurtenances and their protective housing. Provided however, such appurtenance may not appreciably shade a solar energy collector located on nearby property. Electrical transmission towers and lines, electronic transmission or receiving towers may exceed the height limit in any zone when approved as a conditional use as provided for in this Title.

10A-55-15 HEIGHT EXCEPTION, PUBLIC AND SEMI-PUBLIC BUILDINGS.

Public and semi-public [buildings](#) and structures, such as hospitals, churches, sanitariums, schools, and water towers, may exceed the height limits of the zone in which they are located, provided that such buildings and structures shall provide at least one additional foot of yard space on all sides for each foot by which such a building or structure exceeds the height limit of the zone in which it is located.

10A-55-20 YARD SPACE, GENERAL RULE. The required yard space for any [building](#), structure or use shall be contained on the same development site and upon land falling in a zone or zones in which the building, structure or use is permitted. Any required yard space shall be open from the ground to the sky except as excepted by this chapter. No required front yard shall be used for parking in a residential zone, except as specifically modified under the off-street parking provisions of this Title. Each development site having multiple street frontages shall have front yards adjacent to such frontages. Yards adjacent to inside lot lines leading from frontage lot lines, shall be side yards.

10A-55-25 YARD SPACE ENCROACHMENTS, GARAGES, CARPORTS, STORAGE SHEDS. Detached [accessory structures](#) shall be set back a minimum of three feet from the rear or side lot line as measured to the wall line of the structure, however, no setback is required from an [alley](#) line but no part of a structure may project over an [alley](#).

10A-55-30 YARD SPACE ENCROACHMENTS, EAVES. Eaves and cornices may extend one foot into required yard space and additionally eaves may encroach three feet into a yard which is seven feet or more wide.

10A-55-35 YARD SPACE ENCROACHMENTS, CHIMNEYS. Chimneys, when not more than four feet wide may extend one foot into any required yard space. Chimneys in excess of four feet wide may extend two feet into any yard which is seven feet or more wide.

10A-55-40 YARD SPACE ENCROACHMENTS, PORCHES AND TERRACES. Open uncovered porches or terraces no higher than the floor level of the first floor above grade on the side of the [building](#) to which they are attached and in no event higher than 26 inches above grade of the lot on the side of the building where such a porch or terrace is located, may extend

three feet into any required side yard or ten feet into a front yard or without limit into any rear yard. No railing or other barrier higher than 42 inches shall be placed around such porch or terrace in a front yard and no solid wall or barrier which blocks light or air shall be within five feet of any property line in any zone where yard spaces are required.

10A-55-45 YARD SPACE ENCROACHMENT, SOLAR ENERGY COLLECTOR, CONDENSER. An air conditioning condenser may extend four feet into any required yard, provided such a condenser is no more than three feet high and not more than 30 cubic feet in bulk. Solar energy collectors and heat storage units of up to 200 square feet of collector surface area may extend on foot into any required yard and two feet into any yard of seven feet or more.

10A-55-50 YARD SPACE ENCROACHMENT, BALCONIES. Unroofed balconies, when their width is not more than half the width of the [building](#) face, may project four feet into a required front yard or three feet into a required side yard. Unroofed balconies of any width may project four feet into a required rear yard.

10A-55-51 YARD SPACE ENCROACHMENT, CANOPIES. Canopies, marques or other over hands on any side of a conforming business [building](#) may extend four feet into a required yard space of seven feet or more or two feet into a yard of less than seven feet.

10A-55-55 YARD SPACE ENCROACHMENT, SIGNS. Signs mounted on conforming commercial or industrial [buildings](#) may project into a required front or rear yard according to the table of height projection ratios found in the Uniform Sign Code. Signs may project into a required side yard in a commercial or industrial district not more than 18 inches.

10A-55-60 YARD SPACE ENCROACHMENT, FENCES AND HEDGES. Fences or hedges located at intersections shall follow the provisions of Section [10A-57-15](#), Vision Clearance. However, fences such as chain link which are not site obscuring, may be allowed to the height of allowed front yard fences or hedges. Fences or hedges located at property lines or within a required yard shall not exceed four feet in any front yard or eight feet in any other yard. Hedges or continuous foliage shall fall under the fence rule if continuous for five feet or more. Notwithstanding the above, fences or hedges may be mandated at a different height as a condition or granting a conditional use permit or variance.

10A-55-65 FENCES AND HEDGES WITHIN BUILDING LINES. Fences or hedges falling within a portion of the development site on which a principal [building](#), but not an [accessory structure](#), may be built or grown to the height limits specified for principal buildings in that zone.

10A-55-70 FENCES AND HEDGES, MEASUREMENT RULE. The height of fences, hedges and other continuous foliage shall be measured from the top of the adjacent street curb, surface of [alley](#) or the official grade thereof. On inside lot lines height shall be measured from the average grade of the lot line of the parcel having the lower elevation at the location of the fence, hedge or wall.

10A-55-71 BARBED-WIRE FENCING, SECURITY FENCE.

1. A barbed-wire fence along a sidewalk or public way or in residential districts of the City shall not be permitted.
2. Barbed-wire may be placed on the top of fences to prevent access to enclosed hazardous areas or facilities and provided further that barbed-wire may be placed on tops of fences in commercial and/or industrial zones of the City with an Administrative Variance, but under no circumstances shall barbed-wire be less than seventy-five (75) inches from the ground, and the same shall not overhang the sidewalk, public way, and/or abutting land owner's property.
3. A barbed-wire topped security fence shall be erected around outdoor facilities that store empty bins and pallets as prescribed in Chapter Four, Section 5-4 of the City Code."

10A-55-72 ELECTRIC FENCES, TEMPORARY AUTHORIZATION. Electrically charged fences are prohibited, However,

an electric fence may be temporarily authorized by the Hearing Officer through a temporary use permit. A temporary use permit for installation of an electric fence shall only be authorized under the following conditions:

1. The fence shall be electrically charged no more than seven (7) days in any calendar year for any particular location;
2. The fence shall be installed in such a location that said fence does not abut any sidewalks, streets, or other publicly owned rights of way;
3. The fence shall be installed in such a location that the fence does not abut any adjoining property;
4. Electrically charged fences shall be erected only in public facility zoned properties.

10A-55-75 ENCROACHMENTS ON PUBLIC RIGHT-OF-WAY. No portion of any [building](#) or structure may project into or over a public right of way except that signs in the [C-3](#), Central Commercial Zone, may project as provided by the Uniform Sign Code, and marques and awnings may project as provided in the Uniform Building Code. Projection of signs over right-of-way in any other zone shall only be by motion of the City Council.

10A-55-80 HEIGHT RESTRICTIONS, AIRPORT IMAGINARY SURFACES. No Structure shall be erected, altered, or maintained, and no natural object shall be allowed to grow to a height in excess of the applicable height limit herein established for each of the airport imaginary surfaces as follows.

1. Instrument Approach Imaginary Surface (Runway 14/32). Slopes 34 feet outward for each foot upward (34:1) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
2. Transitional Zones Imaginary Surface. Slopes seven feet outward for each foot upward 7:1 beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet and above the airport elevation which is 2,189 feet above mean

sea level. In addition to the forgoing, there are established height limits sloping seven feet outward for each foot upward (7:1) beginning at the sides of and the same elevation as the approach surface, and extending to where they intersect the conical surface.

3. Horizontal Zone Imaginary Surface. Established at 150 feet above the airport elevation or at a height of 2339 feet above mean sea level.
4. Conical Zone Imaginary Surface. Slopes 20 feet outward for each foot upward (20:1) for 4,000 feet beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail.

10A-55-85 AIRPORT IMAGINARY SURFACE, USE RESTRICTIONS UNDER. No use may be made of land or water which falls beneath the boundaries of the airport imaginary surfaces established by this section in such a manner as to create electrical interferences with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others; nor shall any use within the approach and transition zones result in glare in the eyes of pilots, impair visibility, create bird strike hazards, or otherwise, in any way, endanger or interfere with landing, takeoff or maneuvering of aircraft.

CHAPTER 10A-57, GENERAL PROVISIONS

10A-57-05 MISCELLANEOUS PROVISIONS. The following provisions apply to all zones as appropriate and not otherwise preempted by specific provisions in the text of an individual zone. Unless otherwise specified, the miscellaneous provisions shall apply in addition to any provisions specific to an individual zone.

10A-57-10 GENERAL SITE PERFORMANCE STANDARDS. The following general environmental performance standards shall apply to all developments and in addition to any specific standards shall apply to all developments and in addition to any more specific standards for a zone or use:

1. **Health Hazards.** All materials including waste shall be stored, and all land and structures shall be maintained, in a manner which will not attract, or aid in the propagation of insects or rodents, or otherwise create a health hazard.
2. **Noise and Vibrations.** No use shall emit noise beyond its property lines which exceeds current Oregon Department of Environmental Quality (DEQ) noise standards for such uses. No equipment, machinery, or facility shall be operated so as to generate vibration which exceeds DEQ Standards.
3. **Air Quality.** No use shall emit dust, smoke, gases, or create objectionable odors, which exceed current Oregon department of Environmental Quality air quality standards.
4. **Heat and Glare.** Except for exterior lighting, operations producing heat or glare shall be conducted entirely within an enclosed [building](#) or completely screened area.
5. **Exterior lighting.** Lights illuminating sites or structures shall be installed and maintained such that their illumination is not directly beyond the property line.
6. **Energy Efficiency.** All sites and structures shall be developed, designed, constructed, and maintained so as to be as energy-efficient as practical, including but not limited to: Compliance with applicable building code energy standards; orientation of [buildings](#) and facilities so as to maximize energy conservation or promote utilization of renewable energy resources; utilization of landscaping to reduce the heating and cooling needs of structures; or utilization of similar techniques to achieve energy conservation and renewable resource development in general.

10A-57-15 VISION CLEARANCE. Vision clearance shall apply to all zones unless specifically excepted. Vision clearance shall mean a triangular area at the street corner of a corner lot, the space being defined by a line across the corner, the ends of which are located at the curb face a distance of 50 feet from the point of intersection of the extended curb lines. The area shall not contain any planting, walls, structures, or temporary or permanent obstruction exceeding 30 inches in height, measured from the top of the curb or, where no curb exists, from the established street center line grade. The forgoing provision shall not apply to public utility poles; trees trimmed (to the trunk) to a line at least eight feet above the level of the intersection; supporting members of appurtenances to permanent [buildings](#) existing on the date this ordinance became effective; official warning signs or signals; places where the contour of the ground is such that there can be no cross-visibility at the intersection; or to signs mounted eight feet or more above the ground and whose supports do not constitute and obstruction. Portable signs, merchandise, or vehicles for sale shall be considered obstructions to visibility in applying this section.

10-57-16 OFF-STREET PARKING, PLACEMENT OR STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS, BOATS, FLOTATION DEVICES OR OTHER SIMILAR DEVICES.

- A. It shall be unlawful within the limits of the City, for any person to park or locate any recreational vehicle, utility trailer, boat, flotation device or similar device on any street, [alley](#) or highways except as provided for in the Zoning Ordinance.
- B. Recreational vehicles, utility trailers, boats, flotation devices or similar devices may be parked, placed, or stored in any

front yard provided they are parked, placed or stored behind the public sidewalk or sidewalk area of any front yard, subject to section [10A-57-15](#), vision clearance.

No recreational vehicle shall be used as a place of habitation on any public street, [alley](#) or highway within the limits of the City, except; recreational vehicles may be parked in the front yard (behind the sidewalk or sidewalk area of a lot, parcel or tract of land) temporarily as a place of habitation not to exceed seventy-two (72) hours. Longer periods of time, up to fourteen (14) consecutive days may be authorized in writing by the Planning and/ or Building Department with no fee required. Habitation permits shall not exceed three (3) per year.

Recreational vehicles, utility trailers, boats, flotation devices and other similar devices shall gain access to the front yard parking, placement or storage area via a developed curb cut or where the curb is not developed by an established driveway.

The unoccupied temporary stopping or parking of a recreational vehicle is permitted on any street, [alley](#) or highway for a period of seventy-two (72) hours in any seven (7) consecutive days subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, [alley](#) or highway.

C. Other circumstances allowing for temporary habitation of a recreational vehicle are:

1. Authorized R.V. overnight park or mobile home park.
2. Authorized watchman's quarters;
3. Authorized use during construction of a permitted or conditional use; or
4. During a health hardship

D. Recreational Vehicles and manufactured dwelling on sales lots, not set up for occupancy are exempt from any requirements of this section, with the exception of Section [10A-57-15](#), Vision Clearance.

E. Chapter [10A-57](#) MISCELLANEOUS PROVISIONS shall apply to all manufactured housing and recreational vehicle outdoor sales lots.

F. Any person who is constructing a dwelling house upon his own lot, tract or parcel of land, may for a period of not to exceed one hundred twenty (120) days park and occupy a recreational vehicle upon said lot, tract or parcel of land which may be occupied by the owners of said property during the period of construction.

The Planning Commission may, it determines that an extension of time is warranted, grant an extension in monthly increments of up to three months, pursuant to the requirements of Chapter 10B-35.

G. A conditional use for a health hardship may be authorized by the Planning Commission according to the procedures set forth in Chapter 10B-25, provided that the use is of a temporary nature. Approval of a health hardship permits the placement of a recreational vehicle (travel trailer) subject to the following conditions in addition to the requirements of 10B-25:

1. The applicant can demonstrate that approval of the request would allow for the care of a seriously ill person in a manner that could not be achieved by any reasonable existing alternative.
2. The applicant has a medical doctors written confirmation of a health hardship.
3. The approval is for a length of time not to exceed twelve (12) months or the duration of the health hardship, whichever is less. The planning commission may extend approval for an additional twelve (12) month period if a written request for renewal is submitted by the applicant before expiration and written reconfirmation of the

health hardship is provided by a medical doctor.

10A-57-17 ON STREET PARKING, ACCESSORY TRAILERS, BOATS, FLOTATION DEVICES, OR OTHER SIMILAR DEVICES. It shall be unlawful, within the limits of the city, for any person to place or locate any utility trailer, boat, flotation device or other similar devices on any streets, [alley](#) or highways except emergency or temporary stopping or parking is permitted on any street, [alley](#) or highway for no longer than seventy-two (72) hours in any seven (7) consecutive days subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, [alley](#) or highway. No accessory trailer, boats, flotation devices, or other similar devices shall park in such a fashion that they block or obstruct a public sidewalk or street, and is subject to section [10A-57-15](#) Vision Clearances.

10A-57-20 HOME OCCUPATIONS, PERFORMANCE STANDARDS:

10A-57-21 Authorization. Subject to the limitations of this section any home occupation that is customarily incidental to the principal use of the [building](#) as a dwelling shall be permitted in any dwelling unit. Any question of whether a particular use is permitted as a home occupation by the provisions of this section shall be determined by the director of planning pursuant to his authority to interpret the provisions of this title.

10A-57-22 Purpose. The regulations of this chapter dealing with home occupations are designed to protect and maintain the residential character of established neighborhoods while recognizing that certain professional and unlimited business activities have traditionally been carried on in the home. This chapter recognizes that, when properly limited and regulated without changing the character of either the neighborhood or the structure.

10A-57-25 Use Limitations. In addition to all of the use limitations applicable to the zone in which it is located, no home occupation shall be permitted unless it complies with the following restrictions:

1. Not more than one person who is not a resident on the premises shall be employed.
2. No more than twenty-five percent or four hundred square feet of the floor area of the dwelling unit, whichever is less, shall be devoted to the home occupation.
3. No alteration of the principal residential [building](#) shall be made which changes the character and appearance thereof as a dwelling.
4. No stock of goods shall be displayed or sold on the premises in excess of thirty cubic feet in volume.
5. The home occupation shall be conducted entirely within the principal dwelling unit in a permitted [building accessory](#) thereto, and in no event shall such use be apparent from any public way.
6. There shall be no outdoor storage of equipment or materials used in the home occupation.
7. Not more than one vehicle used in commerce shall be permitted in connection with any home occupation.
8. No mechanical, electrical or other equipment which produces noise, electrical or magnetic interference, vibration, heat, glare or other nuisance outside the residential or [accessory structure](#) shall be used.
9. No home occupation shall be permitted which is noxious, offensive or hazardous by reason of vehicular traffic, generation or emission of noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare, refuse, radiation, or other objectionable emission.

10. No sign, other than one unlighted sign not over one square foot in area attached flat against the dwelling and displaying only the occupant's name and occupation, shall advertise the presence or conduct of the home occupation.
11. There shall be no off-premises signs or radio, television, newspaper, handbill, or similar types of advertising linking the premises with the home occupation.
12. Parking of customer's vehicles shall not occur in a manner of frequency as to cause disturbance or inconvenience to nearby residents.
13. Hours of operation and associated activities of the home occupation shall not infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes.

10A-57-30 PARTICULAR HOME OCCUPATIONS PERMITTED. Customary home occupations include, but are not limited to, the following list of occupations; provided, however, that each such home occupation shall be subject to the use limitations in each section above.

1. Providing instruction to not more than four students at a time.
2. Day care of not more than 12 children including children of the provider.
3. Office facilities for accountants, architects, brokers, engineers, lawyers, insurance agents and realtors.
4. Office facilities for ministers, priests and rabbis.
5. Office facilities for salesmen, sales representatives and manufacturer's representatives when no retail or wholesale sales are made or transacted on the premises.
6. Studio of an artist, photographer, craftsman, writer or tailor.
7. Shop of a beautician, barber, hair stylist, dressmaker or tailor.
8. Home-bound employment of a physically, mentally or emotionally handicapped person who is unable to work away from home by reason of his disability.
9. The letting for hire by a resident owner of rooming units for residential use for a total of not more than two persons.
10. Sale of garden produce grown on the premises.
11. Provision of day care for not more than five elderly or disabled persons including those of the provider.

10A-57-35 LANDSCAPING, PERFORMANCE STANDARDS, PURPOSE. Green landscaping is required with most new development for the purpose of improving the overall appearance and image of prosperity of the city; to promote a city image attractive to sophisticated investment for furthering business, industrial and residential development, and to attract trade; modify both psychological and real summer high temperatures; to screen less desirable views, and to aid in channeling traffic into and through larger developments.

10A-57-40 LANDSCAPING REQUIRED. All new development, including the construction of parking lots, shall have at least six percent of the site area in landscaping, as defined herein, except where another standard is specified for a definite use, group of uses, or a zone.

10A-57-45 LANDSCAPED RIGHT-OF-WAY. The planning official may allow an applicant, as part of the site plan review, to substitute landscaping of unused public right-of-way for part of the required landscaping when the total landscaping supplied exceeds the minimum requirement and such right-of-way is not likely to be needed in the near future for street improvement.

10A-57-50 LANDSCAPING INSTALLATION ASSURANCE. All landscaping shall be installed prior to the issuance of an occupancy certificate, unless security equal to 100% of the cost of the landscaping is filed with the city assuring such installation within six months of occupancy.

10A-57-55 LANDSCAPING, PERFORMANCE STANDARDS. All landscaping required by this title shall comply with the following performance standards:

1. Required landscaping shall be distributed so that all non-driveway street frontages are landscaped. All of the required landscaping cannot be satisfied by the use of remote and otherwise unusable portions of the development site.
2. Plantings used to screen a space frequently used by the public, such as a parking lot, shall have a combination of higher and lower growing species so as to provide for sight clearance at exits; for visual separation from the street, and for openings to allow police surveillance from the street.

10A-57-56 LAWFULLY CREATED LOTS AND PARCELS. All lots or parcels created prior to May 22, 1985 and all lots or parcels created thereafter shall remain discrete lots or parcels unless individual lot or parcel lines are changed or vacated or individual lots or parcels are further divided as provided for by this ordinance.

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

10A-57-62 APPLICABILITY, GENERAL PROVISIONS. Every use established and every [building](#) erected or altered shall have permanently maintained parking spaces and loading spaces in accordance with the provisions of this section except as specifically exempted or modified by other provisions of this Title.

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, except that the required parking for a single family structure may have a single access 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 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 three 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 judgement 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 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.

10A-57-70 REQUIRED PARKING SPACES. Parking and loading space requirements are listed herein by one of three categories A, B, and C which differentiate uses according to whether the parking must be on-site; customer parking on-site but employee parking off-site, and all or part of the required spaces off-site.

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.	Two	None
2. Dwellings, duplex or multi-family.	One and a half spaces for each dwelling.	One for each building containing over 20 units.
3. Boarding, rooming and lodging houses, bed and breakfast hotel	One for each bedroom	None
4. Doctor's offices, medical and dental clinics.	One space for each doctor and each employee, full or part-time on duty, plus one space for 300 square feet	None
5. Restaurants, taverns, bars, nightclubs, with or without dancing facilities.	One (1) for each four (4) fixed seats or where there are no fixed seats, one (1) space for each 50 square feet of gross floor area utilized for public space.	One
6. Retail stores and shops.	One for each 300 square feet gross floor area.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or fraction thereof.
7. Furniture, appliance sales or repair.	One for each 500 sq. ft. sales and repair space.	One for the first 5,000 sq. ft. gross floor area plus one for each 30,000 sq. ft. additional or major fraction thereof.

8. Funeral homes and mortuaries.	one for each three seats or one for each 50 sq. ft. of public space, whichever is the greater.	One for each hearse, ambulance or other non-passenger vehicle.
9. Real estate sales office	Two for the first 300 sq. ft. plus one for each additional 200 sq. ft. of office or public space.	None.
10. Small item service and repair shop.	One for each 200 sq. ft. gross floor area.	None.
11. Beauty and barber shop.	One for each 200 sq. ft. gross floor area.	None.
12. Automotive or machinery sales, garages	One for each 400 sq. ft. gross floor area.	One for each 5,000 sq. ft. gross floor area.
13. Bowling alleys .	Five for each alley .	None.
14. Roller and ice rinks, intensive sports and recreation buildings , dance halls.	One for each three fixed seats or one for each 100 sq. ft. of gross floor area or public space.	None.
15. Banks, professional or general offices other than medical.	One for each 300 sq. ft. gross floor area.	None

10A-57-80 PARKING SPACES REQUIRED, GROUP B USES. All uses of land or [buildings](#) enumerated under group B shall provide off street parking and loading on the same development site as such building or use for all customers or patrons frequenting the establishment and said parking space shall have convenient and unobstructed pedestrian access across said development site to a principal entrance to the building or use; however, that portion of the parking requirement that may be attributed to employees may be provided within 400 feet of the use or building.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Hotel, apartment, hotel, motel, club with guest rooms.	One for each unit plus one space for each employee on the largest shift.	One space for any development of over 20 units
2. Hospitals and rest homes.	One for each three beds plus one for each doctor and employee on the largest shift.	One space for the first 40,000 sq. ft. GFA plus one space for each additional 150,000 sq. ft. or major fraction.
2a. Day care center, family day care.	Two for each 12 children, or one space for each five elderly or disabled persons, plus one for each employee.	
3. College fraternities or sororities, dormitories.	One for each bedroom.	None.
4. Clubs, organization halls.	One for each 100 square feet of assembly space plus one for each employee.	None.
5. Single occupancy office buildings of 10,000 square feet and up.	One for each 500 square feet of gross floor area. (GFA)	One for the first 10,000 sq. ft. GFA plus one for each added 40,000 sq. ft. or major fraction.
6. Wholesale store with stock on site.	One for each 400 square feet GFA	One for the first 6,000 sq. ft. GFA plus one for each added 20,000 sq. ft. or major fraction.
7. Warehouses.	Four for the first 5,000 sq. ft. GFA plus one for each additional 5,000 sq. ft. GFA or major fraction.	Two for the first 5,000 sq. ft. GFA plus one for each added 10,000 sq. ft. or major fraction.

10A-57-85 PARKING SPACES REQUIRED, GROUP C USES. All uses of land and [buildings](#) enumerated under group C shall provide off street loading on the same development site as such building or use and such loading space shall have convenient and unobstructed access to said building or use. Parking requirements for customers, patrons and employees may be provided within 660 feet of a principal entrance to said use or building.

USE	PARKING SPACES REQUIRED	LOADING SPACES REQUIRED
1. Auditoriums, stadiums, tracts, theaters, community centers and similar non-school places of public assembly.	One for each five seats in the main assembly area, or where there are no fixed seats, one for each 50 square feet of main assembly area.	One.
2. Churches.	One for each four seats in the main assembly area.	None.
3. Libraries, museums.	One for each 400 sq. ft. of space to which the public is admitted.	One.
4. Schools and colleges, public and private.	One and one-half for each teaching station plus one for each six fixed seats or every 42 sq. ft. of seating area where there are no fixed seats in auditorium or assembly areas.	One.
5. Manufacturing, freight terminals.	Four for each 10,000 sq. ft. gross floor area plus one for each employee on the largest shift.	Sufficient to allow for completely off-street loading, but not less than required for a warehouse.

10A-57-86 PARKING AND LOADING, LOT IMPROVEMENTS. All public or private parking areas and outdoor sales areas for vehicle sales shall be improved according to the following standards:

10A-57-87 All parking areas and access drives shall be paved with a hard surface paving.

10A-57-88 All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a bumper or curb stop which will prevent vehicles from traveling into abutting property or rights-of-way, or damaging landscaping.

10A-57-89 All parking areas and service drives shall be enclosed along any interior property which abuts any residential district with a 70% opaque, site-obscuring fence, wall, or hedge not less than three feet nor more than seven feet in height, but adhering to the visual clearance and front and interior yard requirements established for the zone in which it is located. If the fence, wall, or hedge is not located on the property line, said area between the fence, wall, or hedge and property line shall be suitably landscaped with lawn or low growing evergreen ground cover, or other living plants and provided with sufficient irrigation system. Said landscaping shall be maintained in a neat and orderly manner at all times. Screening or plantings shall be of such a size as to provide the required degree of screening within 24 months after installation. Adequate provisions shall be maintained to protect walls, fences, or plant materials from being damaged by vehicles using said parking area.

10A-55-90 Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent use.

10A-57-91 Handicapped parking. Every parking lot, except those serving housing developments of eight or fewer housing units, shall provide handicapped parking spaces as follows:

one to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
500 to 100	2% of total
1000+	20 + 1 for each 100 over 1000

Each handicapped space shall be a minimum of eight feet wide and shall have an adjacent access aisle of at least five feet side and shall comply with the physical standards of ANSI-A117.1-1980.

Each handicapped parking space shall have pavement markings and post a sign at the head of each space. Handicapped parking spaces shall be as convenient as feasible to the principal entrance to the [building](#) which the parking serves.

10A-57-92 Compact car parking spaces. Any parking lot containing over 10 spaces may provide up to 20 percent of the spaces designed for and clearly marked for use by compact cars.

10A-57-93 All parking spaces and service drives shall be appropriately and substantially marked with painted stripes and directional arrows.

10A-57-94 Service drives shall be designed and constructed to facilitate the safe and efficient flow of traffic. The number of service drives shall be the minimum that will allow the property to accommodate anticipated traffic.

10A-57-95 Developments required to provide more than three parking spaces shall not have backing or maneuvering movements occurring within a public street other than an [alley](#).

10A-57-96 Any parking or loading area or outdoor vehicle sales area shall provide drainage adequate to meet the requirements of the Storm Water Drainage provisions of the Ontario City Code. Such requirements may include peak flow management measures.

10A-57-97 Parking space Dimensions. Table of Off-Street Parking Standards, provides the minimum dimensions of public or

private parking areas.

See City CODE for "Sidewalks, streets and public ways" Chapter 3, 8-3-1.

10A-57-100, OFF-STREET PARKING SPACE DESIGN STANDARDS

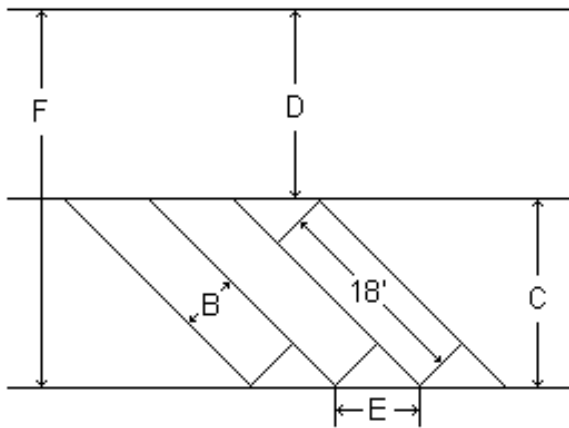
- "A" = the parking angle
- "B" = the stall width
- "C" = the minimum stall depth
- "D" = the minimum clear aisle width
- "E" = the stall distance bay width
- "G" = the maximum permitted decrease in the clear aisle width private parking areas

NOTE:

"B" may be reduced 10% for authorized compact car spaces

"D" may be reduced 20% for authorized compact car spaces

A minimum parking space shall be 18 feet long by 8 feet wide for a single or two-family dwelling.



The above diagram is Explanatory to parking table.

	A	B	C	D	E	F	G
P A R A L L E L		8'0"		12.0	22.0	20.0	2
20°		8'0" 8'6" 9'0" 9'6" 10'0"	13.6 14.1 14.6 15.1 15.5	11.0 11.0 11.0 11.0 11.0	23.4 24.9 26.3 27.8 29.2	24.6 25.1 25.6 26.1 26.5	1
30°		8'0" 8'6" 9'0" 9'6" 10'0"	16.0 16.4 16.8 17.3 17.7	11.0 11.0 11.0 11.0 11.0	16.0 17.0 18.0 19.0 20.0	27.0 27.4 27.8 28.3 28.7	1
45°		8'0" 8'6" 9'0" 9'6" 10'0"	18.4 18.7 19.1 19.4 19.8	14.0 13.5 13.0 13.0 13.0	11.3 12.0 12.7 13.4 14.1	32.4 32.2 32.1 32.4 32.8	3
60°		8'0" 8'6" 9'0" 9'5" 10'0"	19.7 20.0 20.3 20.5 20.8	19.0 18.5 18.0 18.0 18.0	9.2 9.8 10.4 11.0 11.5	38.7 38.5 38.3 38.5 38.8	3
70°		8'0" 8'6" 9'0" 9'6" 10'0"	19.8 20.1 20.4 20.6 20.9	20.0 19.5 19.0 18.5 18.0	8.5 9.0 9.6 10.1 10.6	39.8 39.6 39.4 39.1 38.9	3
80°		8'0" 8'6" 9'0" 9'6" 10'0"	19.2 19.3 19.4 19.5 19.6	25.0 24.0 24.0 24.0 24.0	8.1 8.6 9.1 9.6 10.2	44.2 43.3 43.4 43.5 43.6	3

10A-57-105 SIGNS. All signs shall be installed and maintained as specified in this section except as specifically modified by the provisions of a zone.

10A-57-110 SIGNS, APPLICABILITY. Signs, other than those defined herein as principal land

uses, shall be treated as [accessory](#) to other land uses and shall conform with the general provisions contained herein and to any specific requirement or limitation of the zone in which they are installed.

90°	8'0"	18.0	26.0	8.0	44.0	3
	8'6"	18.0	25.0	8.5	43.0	
	9'0"	18.0	24.0	9.0	42.0	
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	

10A-57-115 UNIFORM SIGN CODE ADOPTED,

EXCEPTIONS. The Uniform Sign Code, 1982 Edition, published by the International Conference of Building Officials is hereby adopted, with the following exceptions:

10A-57-116 Provisions relating to projection of signs over public property in said code shall apply as a right only to the [C-3](#), Central Commercial Zone. In all other zones projection of signs over public right of way may be permitted only upon the approval of the City Council. If the Council allows a projecting sign it shall first determine that (a) the projection is necessary because of an unique difficulty and not for the purposes of providing commercial advantage; (b) the projection will not materially impair the utility of any existing sign in separate ownership and (c) the projection requested is the minimum necessary to accommodate the difficulty.

10A-57-117 When permitted by the City Council, projecting signs shall conform with the rules of the Uniform Sign Code.

10A-57-118 Chapter 14, of the Uniform Sign Code, Section 1401 shall read:

No temporary sign shall exceed 100 square feet in area. Temporary or portable signs of rigid material shall not exceed 32 square feet in area, or six feet in height nor shall such signs be fastened to the ground. Temporary or portable signs, unless otherwise provided by the Development Regulations, shall not be placed on public right-of-way or other public property nor within a vision clearance triangle, nor be an illegal sign. Temporary signs may remain in place for a period not exceeding 60 days. Portable signs of rigid material other than illegal signs, may remain on private property for an indefinite period..

10A-57-119 When the Uniform Sign Code conflicts with location, height, lighting, appearance or other provision of this Chapter, then said other provision of this Chapter shall prevail.

10A-57-120 No sign shall project higher than the height limit of the zone in which it is located.

10A-57-121 No sign shall project into or be located in any required yard space or setback space except as specifically allowed by the provisions of the zone in which it is located.

10A-57-122 Signs painted on a vehicle or trailer and not used for transportation by the owner or person in control of the property shall be considered as [accessory uses](#) and shall follow the rules herein for [accessory uses](#).

10A-57-123 Signs hanging under a marquee may not extend lower than 7 feet above a sidewalk and be attached according to the structural provisions of the Uniform Sign Code.

10A-57-130 PROHIBITED SIGNS, EXCEPTIONS. A sign or advertising device may not be erected or maintained it:

10A-57-131 Interferes with, imitates or resembles any official traffic control sign, signal or device, or attempts or appears to attempt to direct the movement of traffic, including any part of a sign with an arrow that simulates a sign that directs street traffic. Strong lights that simulates an emergency light, such as a strobe or revolving beacon light, are prohibited regardless of whether or not they are associated with advertising message or logo.

10A-57-132 Prevents the driver of a motor vehicle from having a clear unobstructed view of official traffic control signs and approaching of merging traffic.

10A-57-133 Contains, includes or is illuminated by any flashing, chasing, intermittent, revolving, rotating or moving light which is likely to be a nuisance to traffic. Generally, chasing light background patterns of subdued intensity (bulb wattage of 15 watts or less per lamp) will not be considered as detrimental to traffic. When a sign is ten feet or more above curb grade or on a [building](#) wall, higher wattage may be used provided intensities are not so great as to become under the criteria of subsection [10A-57-131](#). This subsection does not apply to:

1. A traffic sign.
2. Signs, displays, devices or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control providing only public service information such as time, date, temperature, weather or similar information.
3. Signs, displays, devices or portions thereof with lights that may be changed at intermittent intervals by electronic process or remote control and that advertise activities conducted on the premises where the sign, display or device is located, or which provide public service information.
4. Signs, displays, devices or portions thereof on the wall or on a marquee of an indoor theater.

10A-57-134 Has any lighting, unless such lighting is so effectively shielded as to prevent beams or rays of light from being directed at any portion of the main traveled way of a state highway, or is of such low intensity for brilliance as not to cause glare or to impair the vision of the driver of a motor vehicle or otherwise to interfere with the operation thereof.

10A-57-135 Is located upon a tree, or painted or drawn upon a rock or other natural feature.

10A-57-136 Advertises or calls attention to a business or other activity or a profession, commodity, product, service or entertainment no longer carried on, produced, sold or offered.

10A-57-137 Advertises activities that are illegal under any state or federal law applicable at the location of the sign or of the activities.

10A-57-138 Is not maintained in a neat, clean and attractive condition and in good repair.

10A-57-139 Is not able to withstand a wind pressure as specified by the Uniform Sign Code.

10A-57-140 Is taller than the [building](#) height limit of the zone in which it is located.

10A-57-145 NON-CONFORMING SIGNS, AMORTIZATION. Signs shall be considered structures and shall be governed by the rules for non-conforming uses in this Title. However, the following types of illegal or non-conforming signs shall be removed after reasonable amortization periods as follows.

10A-57-146 Signs which simulate traffic control devices, such as with arrows or flashing lights, and other signs described as prohibited by Section [10A-57-131](#), Section [10A-57-132](#) or Section [10A-57-133](#) shall be removed, or modified to conform, within thirty (30) days of notification by the City that a sign is illegal.

10A-57-147 All other prohibited signs described by Sections 10A-57-130 through 140 shall be removed or modified to conform with the regulations herein within six months of notification by the City that a sign is illegal.

10A-57-148 Notwithstanding any applicable amortization period, signs which present a danger to life or property may be abated immediately under authority of the Uniform Building Code, Uniform Sign Code or other powers of the City or State.

10A-57-160 SIGNS ALLOWED IN ALL ZONES. The following signs may be located as [accessory uses](#) in any zone when on private property and not in violation of any other provision of that zone.

10A-57-161 Construction signs, provided that such signs are erected no more than 30 days prior to the beginning of construction for which a valid building permit has been issued, are confined to the site of construction, and are removed five days after completion of construction and prior to occupancy.

10A-57-162 Directional or institutional signs which do not in any way advertise a business, signs identifying rest rooms, public telephones, walkways or signs providing direction such as parking lot entrance and exit signs, and those of similar nature.

10A-57-163 Flags, emblems or insignia of any national or political subdivision or corporation.

10A-57-164 Governmental signs for the control of traffic or other regulatory purposes, or signs of public service companies indicating danger, which are erected by or on the order of a public officer in the performance of duty.

10A-57-165 Holiday decorations and signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; provided that such signs shall be displayed for a period of not more than 60 consecutive days in any one year. Such signs may be of any type, number, area, height, illumination, animation, and shall be set back five feet from all boundary lines of the lot, provided that the clear vision triangle is maintained.

10A-57-166 House numbers and name plates. These may have subdued lighting.

10A-57-167 Interior signs located within the interior of any [building](#) or structure that are not visible from the public right-of-way.

10A-57-168 No trespassing or no dumping signs not to exceed one and one-half square feet in area per sign and not exceeding four in number per lot, except that special permission may be obtained from the planning official for additional signs under proven special circumstances.

10A-57-169 Memorial signs or tablets, names of [buildings](#) and date of erection when cut into any masonry surface or inlaid so as to be a part of a building.

10A-57-170 Occupant signs not to exceed one for each dwelling unit indicating the name of the occupant, or the location or identification of a home or professional office except as limited by the zoning district encompassing the use.

10A-57-171 Plaques or nameplate signs of not more than two and one-half (2 1/2) square feet in area which are fastened directly to a [building](#).

10A-57-173 Public notices posted by public officials in the performance of their duties.

10A-57-174 Public signs required or specifically authorized for a public purpose of any law, statute or ordinance, which may be of any type, number, area, height above grade, location, illumination or animation as required by the law, statute or ordinance under which the signs are erected.

10A-57-175 Real estate and open house signs, one only, on any lot or parcel, provided it is removed within seven days after the sale, rental, or lease has been consummated.

10A-57-176 Permanent and temporary window signs, except in residential zones.

10A-57-177 Signs in the display windows of a business which are incorporated in a display of merchandise.

10A-57-178 Symbols of insignia, religious symbols, commemorative plaques of recognized

10A-57-179 Temporary signs not exceeding 32 square feet in area pertaining to grand openings, drives or events of civic, philanthropic, educational or religious organizations, Provided that said signs are posted for a period of time not exceeding 60 days.

10A-57-180 Warning signs. Signs warning the public of the existence of danger, but containing no advertising material, of a size as may be necessary and to be removed upon subsidence of danger.

10A-57-181 Picket signs not exceeding 16 square feet in area.

10A-57-182 Any sign which is oriented only to the property on which it is located and not visible from the public right-of-way.

10A-57-183 A permit shall not be required for a change of copy on any sign, not for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued by the building official or is a legal non-conforming use, provided that the sign or sign structure is not substantially altered.

10A-57-184 Garage sale advertising signs shall conform with the provisions of the City Code dealing with garage sales and transient merchants.

10A-57-185 A portable sandwich board not over twelve square feet per side and not over four feet high nor three feet wide may be placed on a sidewalk ten feet or more in width, or on private property located in a commercial or industrial zone.

10A-57-186 Permanent identification signs, not over six feet high or 48 square feet in area, displaying the name of a subdivision. Signs not over 48 square feet in area may be installed on unsold subdivision.

10A-57-187 Barber poles may project not over 18 inches, at any height, from a [building](#) onto a sidewalk in the [C-3](#), Central Commercial Zone.

10A-57-188 Signs painted on the surface of bus shelters or street benches when franchised by the City.

10A-57-189 A ground sign, not over five feet above the average grade of the yard and not exceeding 24 square feet in area may be placed in a required yard to identify a multi-family [building](#) or complex.

10A-57-190 Conditional uses allowed in a multi-family residential zone or school or other public [building](#) or church in any zone, may have identification signs not over five feet above the average grade of the yard and not exceeding 16 square feet in area may be placed in a required yard to identify the use or structure.

10A-57-200 BUILDING LIMITATIONS, STEEP SLOPES. Building permit applications for structures to be located on slopes of 25% or greater shall include certification from a registered professional engineer or architect that said structure is to be designed and constructed in a manner which does not materially jeopardize the physical integrity of the slope, or the safety of the structure or surrounding properties.

CHAPTER 10A-60 OFF SITE IMPROVEMENTS

10A-60-05 SIDEWALK, CURB, GUTTER, DRIVEWAY, AND ROADWAY CONSTRUCTION PERMIT REQUIRED, CONDITIONS:

A. Permit Fee, Inspection.

1. It shall be unlawful for any person or persons to construct or cause to be constructed any sidewalk, curb, gutter, driveway or roadway excavation within the rights of way of any street, avenue, [alley](#) or roadway within the City, without first having obtained permit from the Building Inspector of the City and in compliance with the terms of this section.
2. The application for such permit shall be filed with the Building Department of the City and shall be accompanied by a fee of fifteen dollars (\$15.00) and shall include the type of construction, concrete and type of backfill, together with the location of said construction and other information sufficient to inform the City Building Inspector when said work is ready for inspection and said Inspector shall inspect the same to determine whether all regulations have been complied with. Said notice shall be given to said inspector not less than four (4) working hours prior to the time said work is ready for inspection. No concrete shall be poured before the forms are inspected and no trench shall be backfilled before the installations are inspected by the City Building Inspector.

B. Penalty. Any person found guilty of violating any provision of this Section shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars (\$100.00). Any such person who constructs or causes to be constructed and sidewalk, curb, gutter, driveway, or roadway excavation within the rights of way of any street, avenue, or roadway within the City, and who either fails to obtain said permit, have the work inspected, or who fails to conform said work to the City regulations and which work does not conform to said regulations and requires either completion or correction of said work shall be notified by the City Building Inspector and shall be given a period of five (5) days from, and after said notice to either complete or correct said work. In the event said person or persons, after receipt of said notice, fail to complete or correct said work within said five (5) day period the City may complete or correct said work or cause the same to be completed or corrected and the cost and expense thereof shall be the obligation of said person or persons so notified and the same shall be assessed as a fine and a penalty under the terms hereof in addition to the above mentioned fine.

C. Sidewalk construction shall be required concurrently under the following conditions:

1. Upon any new development of property or redevelopment of property which changes the foot print of the existing principle structure.
2. Upon the approval of any change in use of any residential, commercial or industrial structure property.
3. Upon the approval of any variance, conditional use permit, or use of street right of way granted by the City.
4. Where the rebuilding or replacement of the [building](#) is the direct result of a casualty loss, and exceeds sixty (60) percent of the total value of the building prior to the casualty loss.

D. Sidewalk Permit Required. Upon the conditions stated in this Section, a sidewalk construction permit shall be obtained from the City Building Inspector prior to the commencement of any construction, occupancy, change in use or alteration of any dwelling or structure. The sidewalk shall be constructed in accordance with the standard specifications adopted in Chapter 3, Section 8-1-1 of the City Code and to a line and grade to be established by the City. The sidewalk shall be completed prior to occupancy of said dwelling or structure.

[10A-60-10](#) EXCEPTIONS.

A. No sidewalk permit will be required under the following conditions:

1. Where the sidewalk grades cannot be established for the property in question within a reasonable length of time;
2. Where located in [I-2 Zone](#), and the developer demonstrates that there is insignificant pedestrian traffic so as to warrant no sidewalk. However, the vehicle approach shall be installed to meet City specifications;
3. Where the streets are controlled by the State Highway Division and are in the State Highway right-of-way, in which case sidewalks will be installed according to Oregon State Laws and specifications;
4. Upon the partition or subdivision, for parcels in the partition or subdivisions which are unimproved and will not be improved in connection with the partition or subdivision.

B. In the event of any dispute between the property owner and the Building Inspector concerning the necessity for the requirements of a sidewalk permit or as to any of the other requirements of this section, such dispute will be submitted to and determined by the Hearing Officer, and appealed to the Planning Commission.

C. Failure to Construct Sidewalk. In the event any property fails to obtain the sidewalk permit required by this Section and/or fails to construct the sidewalk within the time provided for herein, they shall be in default and in violation of this Section and the Council shall have the power and authority to access the property for the cost of such sidewalk and may construct the same or have the same constructed at the expense of the land owner. The cost thereof shall be a lien upon the property abutting the sidewalk and the manner and procedure of collection of such assessment lien shall be in all respects as prescribed by the Charter of the City and all applicable laws of the State of Oregon relating to special assessments.

10A-60-15 OWNER RESPONSIBLE FOR SIDEWALK, MAINTENANCE: Duty of Owner, Council Requirement. It is hereby made the duty of all the owners of land adjoining or adjacent to any street in the City, to construct, if directed by the City, and at all times to keep in good repair sidewalks, curbs and gutters in the public street adjacent to and abutting upon such lot or premises. Should the Council direct the construction thereof, it shall have the power and authority to determine the grade and width of all such improvements, material to be used and all specifications thereof and the time of such construction. If the said owner of any such lot or part thereof shall fail to construct such sidewalk, curbing or gutter, as the said Council may prescribe, then the Council shall have the power and authority to assess the property therefor, and for the cost of the same, and the manner of procedure shall be in all respects as is prescribed by the Charter of the City and applicable laws of the State of Oregon relating to special assessments.

10A-60-20 REQUIRED CITY STREET IMPROVEMENTS. Street improvements, including paving, curbs and gutters, conforming to specifications in 10C-25, shall be installed at the developer's cost: With all new development of property; with any redevelopment of property which affects changes in the footprint of any [building](#); or, in the event of redevelopment of property occurring as the result of a casualty loss to a structure on that property, when the redevelopment exceeds sixty percent (60%) of the value of the former structure.

10A-60-25 REQUIRED CITY UTILITY IMPROVEMENTS. With all new development of property or redevelopment of property requiring new hook-ups to City water and/or sewer, the developer shall be required to extend City water, sewer and storm drainage lines in the public right-of-way to the further most point of their property. Said improvements shall meet the size and construction specifications as promulgated from time to time by the City Public Works Director or his/her designee.

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