

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE AND ESTABLISH ZONING REGULATIONS, AND DECLARING AN EMERGENCY**

WHEREAS, the City of Toledo adopted Ordinance 1286, the Toledo Zoning Ordinance codified as Title 17 of the Toledo Municipal Code, on April 4, 2001, and acknowledge by the State of Oregon Department of Land Conservation and Development on June 19, 2002;

WHEREAS, Ordinance 1286 allows for amendments that may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law;

WHEREAS, with the passage of time, various code sections require updating;

WHEREAS, the Toledo Planning Commission has requested, and staff has entered into, a project to completely review and update the Toledo Industrial and Light-Industrial Zones;

WHEREAS, the City has partnered with the Department of Land Conservation and Development and Cascades West Council of Governments to complete an evaluation of the City of Toledo Zoning Ordinance, Toledo Comprehensive Land Use Plan, and complete an economic opportunities analysis to adjust the industrial code provisions;

WHEREAS, the Toledo Planning Commission prepared an update to address the Toledo Industrial Park during the interim period before the complete evaluation is developed;

WHEREAS, the Toledo Planning Commission held a public hearing on the proposed ordinance revision on February 10, 2010, sent forward the proposed zoning ordinance revisions to the City Council for a public hearing and adoption;

WHEREAS, the City Council held a public hearing after proper notification on the proposed zoning ordinance revisions on February 17, 2010, and the City Council has determined that a zoning ordinance revision is in the best interest of the citizens of Toledo; and

WHEREAS, implementation of the ordinance as soon as possible is in the public interest and necessary for the peace, health, convenience, and safety of the inhabitants of the City of Toledo.

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

Section 1. The following chapter shall be added to Toledo Municipal Code Title 17:

**Chapter 17.42 Limited Use Toledo Industrial Park Overlay (TO)**

17.42.010 Purpose

The purpose of the Limited Use Toledo Industrial Park Overlay is to recognize the sensitivity to

much of Toledo to uses operating on the Toledo Industrial Park (TIP) properties. The TIP property is the "bottom-center" of a bowl-shaped Toledo center. For application of this ordinance, the Limited Use TIP Overlay district is defined as all property bounded by Willamette-Pacific Railroad right-of-way on the north, east, and west and by Depot Slough on the south. The southeast corner shall be limited by, but includes Tax Lot 6602 on Lincoln County Assessor's Map 11-10-17 BC.

#### 17.42.020 Underlying Zone

All underlying zones will remain unchanged until amended by a process outlined in Toledo Municipal Code 17.80.

#### 17.42.030 Uses Permitted Outright

- A. Uses existing at the time of passage of this ordinance and the expansion of those uses are permitted outright in the TO district.

#### 17.42.040 Conditional Uses Permitted

- A. Any other use, as listed as a Use Permitted Outright or a Conditional Use in the underlying zone, shall be reviewed through the Conditional Use Permit process in the TO district. Permitted uses are generally allowed but are subject to a conditional use permit or TO Overlay site review.

#### 17.42.050 Conditional Use Permits

A use is designated as a conditional use within a given zone when it is judged to be generally in line with the purpose of the zone but which could, if not reviewed, have a negative impact on other properties or uses within the zone. The purpose of such a review is to assure adequate site design and compatibility with surrounding uses and property. A conditional use shall ordinarily comply with the standards of the applicable zone for uses permitted outright, except as specifically modified by the Planning Commission in granting the conditional use permit or as otherwise provided. A review of a conditional use is a Type III review.

#### 17.42.060 Action on a conditional use permit

The Planning Commission, before approving an application for a conditional use, shall consider the location, size, design and operation characteristics of the proposed development and shall determine whether it complies with one of the following criteria. If the development does not so comply, the commission shall deny the application.

- A. The proposed use will cause no significant adverse impact of the livability, value, or appropriate development of abutting property or the surrounding area when compared to the impact of permitted development that is not classified as conditional use.
- B. The adverse impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.
- C. The development is in the public interest because it would preserve unique assets of

interest to the community or provide an appropriate public facility or public non-profit service to the immediate area or the community and even though the development may cause some adverse impact, conditions imposed by the hearing body will produce a balance between the conflicting interests.

In addition to compliance with the criteria as determined by the Planning Commission, the applicant must accept those conditions listed in Sections 17.26.050 and 17.64.050 that the Commission finds are appropriate to obtain compliance with the criteria.

17.42.070 Conditions for development

In permitting a conditional development, the Planning Commission may impose any of the following conditions as provided by Section 17.64.040 to mitigate a significant adverse impact or to protect the existing character of the neighborhood:

- A. Limit the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
- B. Establish a special yard or other open space or lot area or dimension.
- C. Limit the height, size or location of a building or other structure.
- D. Designate the size, number, location or nature of vehicle access points.
- E. Increase the amount of street dedication, roadway width, or improvements within the street right-of-way.
- F. Designate the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
- G. Limit or otherwise designate the number, size, location, height or lighting of signs.
- H. Limit the location and intensity of outdoor lighting or require its shielding.
- I. Require diking, screening, landscaping or another facility to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- J. Designate the size, height, location or materials for a fence.
- K. Protect existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- L. Specify other conditions to permit development in conformity with the intent and purpose of the conditional classification of development.

Section 2. Emergency Clause. Inasmuch as the provisions herein contained are necessary for the preservation of the peace, health, convenience, and safety of the inhabitants of the City of Toledo, Lincoln County, Oregon, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND ADOPTED by the City Council of the City of Toledo, Lincoln County, Oregon, on the \_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor