

ORDINANCE NO. 1355

AN ORDINANCE AMENDING ORDINANCE 1301B (TOLEDO MUNICIPAL CODE TITLE 16) AND ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE LAND USE REGULATIONS.

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

WHEREAS, the City of Toledo adopted Ordinance 1301B, the Toledo Land Division Ordinance codified as Title 16 of the Toledo Municipal Code, on May 5, 2004;

WHEREAS, the City of Toledo adopted the Toledo Transportation System Plan (dated December, 2013) on December 4, 2013;

WHEREAS, the Toledo Transportation System Plan provides standards and regulations for transportation facilities and must be implemented into existing land use development codes;

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

WHEREAS, notices of the proposed amendments were provided in accordance with noticing procedures established in the Toledo Municipal Code and Oregon State Revised Statutes;

WHEREAS, the Toledo Planning Commission reviewed the draft ordinance revisions for conformance with the relevant criteria and a public hearing (local file #ZOA-2-14) was held on July 9, 2014, at which time, the Planning Commission voted to recommend approval of the proposed amendments based upon the findings contained in the staff report to the City Council for a public hearing and adoption; and

WHEREAS, the City Council held a public hearing on the proposed ordinance revisions on September 3, 2014, and the City Council has determined that a revision is in the best interest of the citizens of Toledo.

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

SECTION 1. Code Section 16.04.040 of the Toledo Municipal Code shall be amended, adding the following definitions and terms and shall be placed in alphabetical order with the existing definitions and terms:

16.04.040 Definitions.

“Collector Road” means a moderate traffic volume street that accommodates shorter local trips and balances the need for local property access and through traffic. Collector streets connect residential traffic on local streets with other collector and arterial streets.

“Commercial Road” means a low speed, low traffic volume street that is within or adjacent to land zoned commercial or industrial with a high percentage of freight truck traffic. Commercial streets provide frontage and direct access for commercial and industrial uses.

“Local Road” means a low speed, low traffic volume street that connects local traffic to collector and arterial streets and prioritizes local access to residences and businesses over through traffic.

“Manufactured dwelling” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction. For general classification purposes, manufactured dwellings also include:

1. Residential trailers constructed before January 1, 1962.
2. Mobile homes constructed between January 1, 1962, and June 15, 1976, which met Oregon construction standards then in effect; and
3. Manufactured homes constructed to federal standards.

“Multi-Use Path” means a pathway used by cyclists, pedestrians, skaters, joggers, wheelchair users and others that are physically separated from and prohibit motorized traffic. Multi-use paths may be located within a street right-of-way and the surface may be paved, gravel, or accommodated with a boardwalk. Paths can be used for either recreational or transportation purposes. See standards under Section 16.06.030.

“Principal Arterial” road means a high traffic volume and limited access street that accommodates long-distance trips between and through urban areas. Principal arterials have little to no local residential and commercial access and prioritize through movement, connecting mainly to arterials and collectors. US 20 is the only principal arterial in Toledo and is owned and maintained by the Oregon Department of Transportation (ODOT).

“Shared-use Shoulder” means a paved shoulder adjacent to a street travel lane for use by bicyclists and pedestrians. Shared-use shoulders occur on streets that do not include a constructed curb and gutter and lack sidewalks or bikeways.

"Structure" means a building of any kind or any piece of work artificially built up or composed of parts joined together in some manner and which requires location on the ground or which is attached to something having a location on the ground.

“Transportation Facilities” means a physical facility used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, transit stations, bus stops, etc.).

“Transportation Improvements” means a transportation facility improvement to include, but are not limited to:

1. Normal operation, maintenance, repair, and preservation activities associated with existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way
3. Projects specifically identified in the City’s adopted Transportation System Plan
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property or the public.
6. Construction of a street or road as part of an approved subdivision or partition consistent with the City’s adopted Transportation System Plan.

7. Construction of a street or road as part of an approved subdivision or land partition approved in accordance with the applicable land division ordinance.

SECTION 2. Code Section 16.04.040 of the Toledo Municipal Code shall be amended to repeal the definition and term for "Mobilehome".

SECTION 3. Code Section 16.04.040 of the Toledo Municipal Code shall be amended to repeal and replace the following definition and term:

"Sidewalk" means a hard-surfaced walkway within a public street right-of-way that is generally located adjacent to and separated from the roadway by a curb or planter strip. See standards in Section 16.06.030.

SECTION 4. Code Section 16.04.050 of the Toledo Municipal Code shall be amended to read as follows:

16.04.050 General requirements and minimum standards of design and development.

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

- A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, transportation system plan, and all applicable ordinances and design standards of the city. Traffic facilities (including streets, pedestrian paths and bicycle paths), community and neighborhood facilities and recreational areas should be placed in approximately the same locations designated by the comprehensive plan and transportation system plan.
- B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a fully developed city street, satisfactory vehicular access to an existing street pursuant to Chapter 16.06 of this Code. The city street for the entire length which is adjacent to the parcel or lot which is being partitioned or subdivided must be a fully developed city street unless an exception is granted as per the following standards and procedures:
 1. Partitions and subdivision of land that require the creation of a public street to serve the proposed lots shall comply with the requirements of the adopted street standards and shall include the public dedication of the required right-of-way in the adopted street standards, except as varied under Section 16.30;
 2. Partitions and subdivision of land with frontage along an existing city, county, or state street or that are accessed via an existing city, county, or state street shall be required to make such improvements as necessary to address the impacts of the proposed development on those streets provided the required improvements are roughly proportional to the impacts created by the proposed development. If the required improvements are roughly proportional to the impacts created by the proposed development, but the planning commission determines that because of the existing street conditions, topography, or other similar factor that requiring the improvements to be completed prior to platting the property is an inefficient method of obtaining the improvements, the planning commission can allow the applicant to provide a deferred improvement agreement, bond, irrevocable petition for public improvements, or similar mechanism for obtaining the completion of the required improvements at a later date.
- C. Relation to the Adjoining Street System. Major partitions and subdivisions shall provide for the continuation of the city streets existing in the adjoining neighborhood and for the proper

street extensions when the adjoining properties are divided or developed. If the city adopts a plan for the neighborhood or area of which the partition or subdivision is a part, the partition or subdivision shall conform to such neighborhood or area plan. If the topographical conditions make such continuation or conformity impractical, adjustments or variances may be approved under Section 16.30.

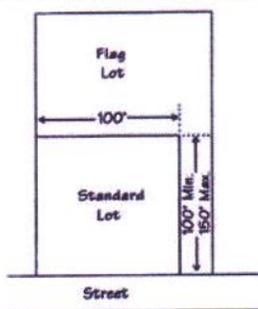
- D. Density. All subdivisions within residential zones shall create enough lots to allow building residential units to meet the higher of the following density standards:
1. Fifty (50) percent or more of the maximum net density permitted (based upon the minimum lot size for a single-family residence); or
 2. Eighty (80) percent or more of the maximum net density permitted (based upon the minimum lot size for a single-family residence) minus all areas which have slopes of fifteen (15) percent or more, are wetlands or have other topographical features which, in the opinion of the planning commission, preclude development of portions of the site because to develop those portions would require noncompliance with the comprehensive plan, development ordinances or design standards;
 3. Example:
 - a. The following example is to act as a guide to meeting this standard. A ten (10) acre parcel is to be subdivided. A street will be provided and dedicated to the public. The street will remove two acres from the usable space for lots leaving a net of eight acres. The property is zoned RG which has a minimum lot size of six thousand (6,000) square feet. Thus the calculation for the minimum number of lots to be provided is:
 $10 \text{ acres} - 2 \text{ acres} = 8 \text{ acres net buildable}$
 $8 \text{ acres} \times 43,560 \text{ square feet} = 348,480 \text{ square feet}$
 $348,480 \text{ square feet} / 6,000 \text{ square feet} = 58.08 \text{ lots}$
 $58.08 \text{ lots} \times .50 = 29.04 \text{ units}$
29.04 units is rounded to 29 units minimum required
 - b. The following example is to act as a guide to meeting this standard. A ten (10) acre parcel is to be subdivided. A street will be provided and dedicated to the public. The street will remove two acres from the usable space for lots leaving a net of eight acres. However, there are three acres of wetlands and one and one-half acres which have greater than fifteen (15) percent slopes. Thus the net, net developable area is three and one-half acres. The property is zoned RG which has a minimum lot size of six thousand (6,000) square feet. Thus the calculation for the minimum number of lots to be provided is:
 $10 \text{ acres} - 2 \text{ acres} = 8 \text{ acres net}$
 $8 \text{ acres} - 3 \text{ acres} - 1.5 \text{ acres} = 3.5 \text{ acres net buildable}$
 $3.5 \text{ acres} \times 43,560 \text{ square feet} = 152,460 \text{ square feet}$
 $152,460 \text{ square feet} / 6,000 \text{ square feet} = 25.41 \text{ lots}$
 $25.41 \text{ lots} \times .80 = 20.33$
20.33 units is rounded to 20 units minimum required
Twenty-nine (29) units required is greater than twenty (20) units required, therefore twenty-nine (29) lots must be created for the subdivision to be approved. These units will have to be clustered away from the wetlands and the fifteen (15) percent slope areas. As a special note to provide additional guidance to the planning commission: if there are areas which cannot be served due to topographical reasons such as the roads cannot be built to meet the city's standards, all of the undevelopable area could be excluded by the planning

commission in calculating the minimum density required.

4. All partitions within residential zones where the subject parcel can be further partitioned, shall be partitioned in a manner that does not preclude the efficient division of land in the future.

E. Lots, Parcels, Topography, or Past Development Patterns.

1. Every lot and parcel shall abut and take primary ingress and egress from a city street, county road, or state highway and the frontage of each shall not be less than twenty-five (25) in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone;
2. Lots and parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd-shaped tract, existing street layout, or existing topography makes such a lot or parcel unavoidable;
3. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible;
4. Flag lots shall not have an interior flag portion measurement of more than one hundred (100) feet in length or a "pole" less than twenty (20) feet wide for residential and twenty-five (25) feet for non-residential. See illustration.



5. The pole portion of a flag lot shall be a minimum of one hundred (100) feet long and a maximum of one hundred fifty (150) feet long. Existing circumstances that make this minimum and maximum impossible can be considered as a variance by the planning commission as set forth in the zoning ordinance;
 6. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one;
 7. Flag lots may not be created such that more than two driveways for individual lots are in less than seventy-five (75) foot of street frontage;
 8. Existing natural and piped drainages must be preserved or replaced on the site and easements must be granted for drainage as long as the easements required are roughly proportional to the impact of the proposed development.
- F. All parcels and lots in partitions and subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:
1. A certification by the public works director that water will be available from the nearest point of supply; and
 2. A performance agreement, bond, contract or other assurance that a water supply system will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted on the proposed partition or subdivision.
- G. All parcels and lots in partitions and subdivisions shall be served by a public sewer system unless in possession of a sewer exception stipulated in writing by the public works director

and city council (Public Improvement Requirements and Design Standards). No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the director of public works that sewage service will be available at the nearest point of collection;
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner to the boundary line of each and every lot or parcel depicted in the proposed partition.

SECTION 5. Code Chapter 16.06 is added to the Toledo Municipal Code to read as follows:

Chapter 16.06 Transportation Facility Standards

Section 16.06.010 Purpose.

The purpose of this section is to establish standards for city streets and pathways that minimize improvement width and total right-of-way consistent with the operational needs of the facility and provide safe and convenient pedestrian and bicycle access in compliance with Toledo Transportation System Plan and the Oregon Transportation Planning Rule (OAR 660-012).

Section 16.06.020 Street and Multi-Use Path Design Standards.

For new streets and multi-use paths, the rights-of-way and improvements shall be the widths in Section 16.06.030. An adjustment or variance authorized under Section 16.30 is necessary to vary the standards for new street and multi-use paths. Existing streets and multi-use paths are exempt from these standards. Where an existing street or multi use path in a subdivision or major partition is substantially rebuilt¹ and cannot meet these standards, then they may be waived following the process in Section 16.30. Section 16.06.030 lists the standards for arterial, collector, commercial, and local roads, as well as the unique standards recommended for Main Street in downtown Toledo. The functional classification of existing streets is shown on the Toledo Transportation System Plan maps.

Section 16.06.030 Summary of Transportation Facility Standards.

¹ "Substantially rebuilt" refers to a construction project where the pavement or asphalt of the street is removed down to the base rock foundation and rebuilt.

Street and Multi-Use Path Design Standards

Type of Street	Right-of-Way Width with Curbs ¹	Travel Lane	Center Median or Center Turn Lane	On-Street Parking	Bike Lane ²	Sidewalk (ft)
Arterial						
3-Lane	63'	Two 12' travel lanes	14'	None	6' on both sides	6' on both sides
2-Lane	49'	Two 12' travel lanes	None	None	6' on both sides	6' on both sides
Collector³	45'	Two 12' travel lanes	None	None	5' on both sides	5' on both sides
Commercial	77'	Two 12' travel lanes	14'	8' on both sides	5' on both sides	6' on both sides
Local						
Preferred	55'	Two 14' travel lanes	None	8' on both sides	Cyclists share the travel lane	5' on both sides
Minimum	39'	Two 14' travel lanes	None	None	Cyclists share the travel lane	5' on both sides
Main Street	61'	Two 12' travel lanes	None	8' on both sides	None	10' on both sides
Multi-Use Path	N/A	N/A	N/A	N/A	12' total width (10' paved trail with 1' gravel shoulders)	
Boardwalk Path	N/A	N/A	N/A	N/A	12' total width with side railings; 10' if no rails are used	

¹Includes sidewalks and six inch curbs on either side

²Bike lanes could be substituted for a 4' shared use shoulder where topography or other right-of-way constraints exist, at the discretion of the Planning Commission

³Collector standards apply to the Special Downtown Business District on Business Loop 20 between A Street and NE 3rd Street

Section 16.06.040 Bikeway Standards.

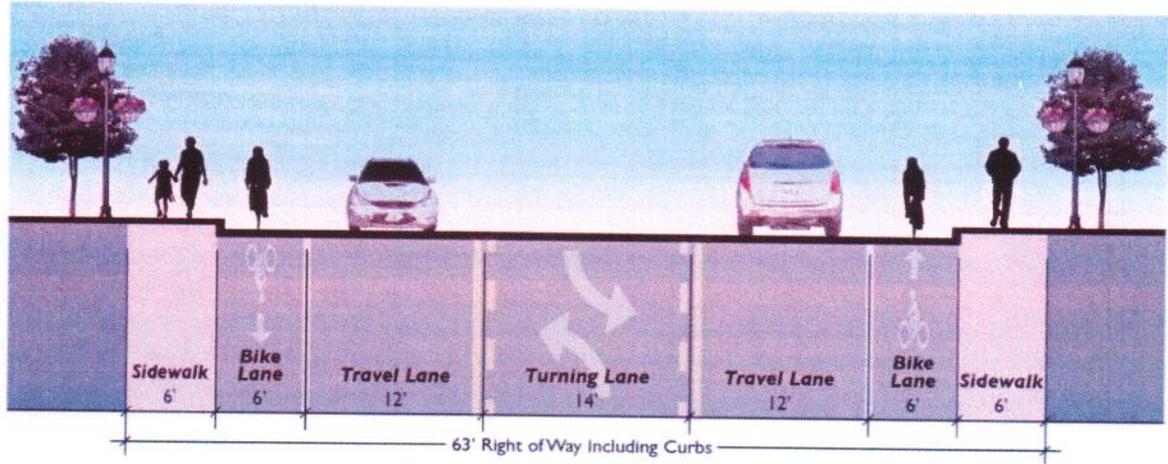
Pursuant to the Statewide Transportation Planning Rule (OAR 660-012), arterial and collector street widths must include width requirements for bikeways in addition to travel lanes. These bikeways must be no less than five (5) feet wide, in each direction of travel. The Planning Commission will decide whether bikeways are to be bicycle lanes, shared use shoulders, or multi-use paths based on the City's evaluation of bicycle use, right-of-way constraints, and topography. Paved and boardwalk or multi-use path facility standard widths are also included in Section 16.06.030. The proposed city-wide bicycle and pedestrian network is shown on the Toledo Transportation System Plan maps.

Section 16.06.050 Street Cross Section Figures.

The standards shown in Figures 16.06.050(A) through 16.06.050(C) include the cross sections for each of the roadway classifications.

Figure 16.06.050(A).
Arterial Road Standards

3-LANE ARTERIAL ROAD



2-LANE ARTERIAL ROAD

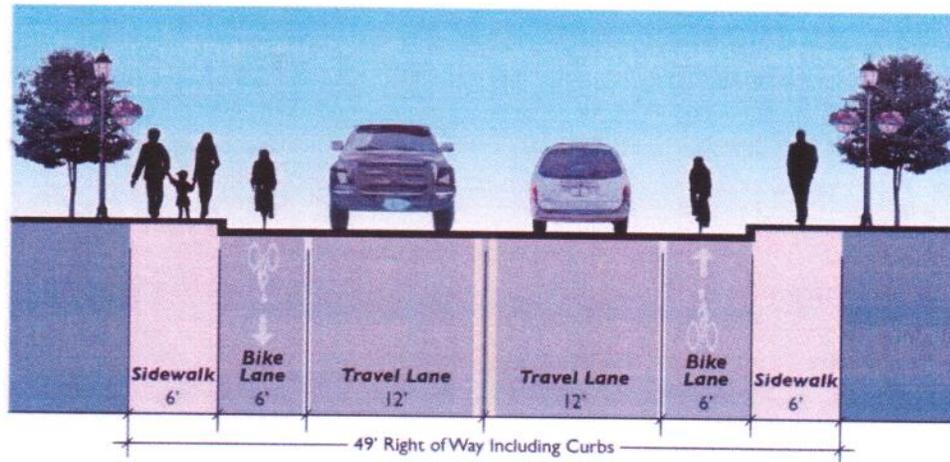
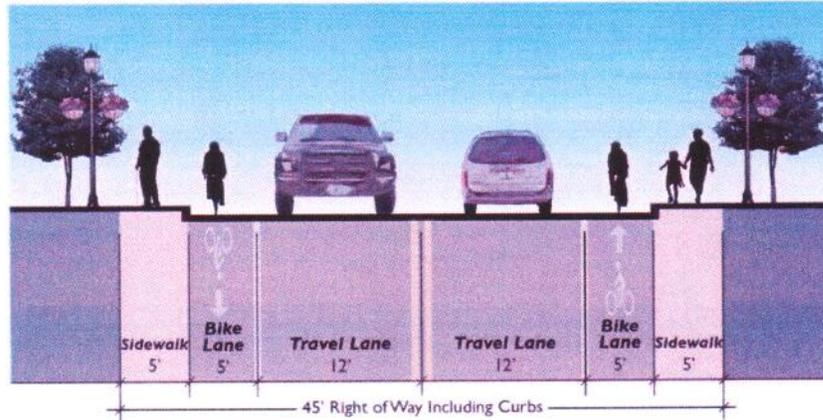


Figure 16.06.050(B)
Collector and Commercial Road Standards

COLLECTOR ROAD



COMMERCIAL ROAD

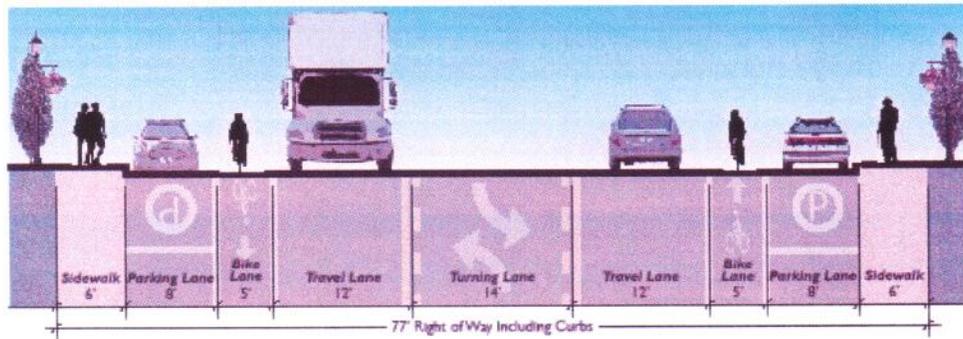
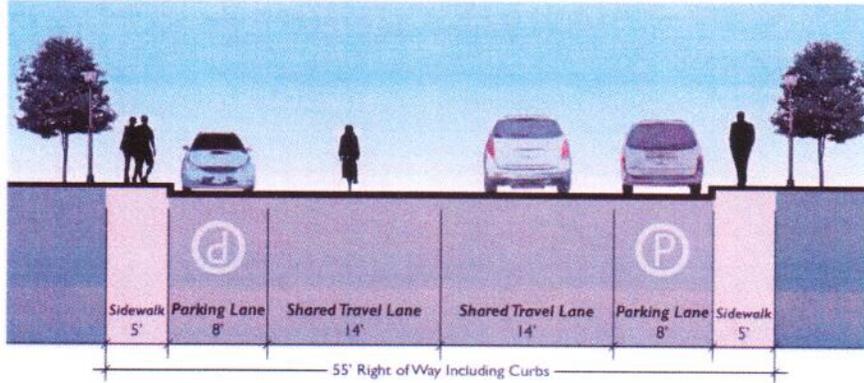
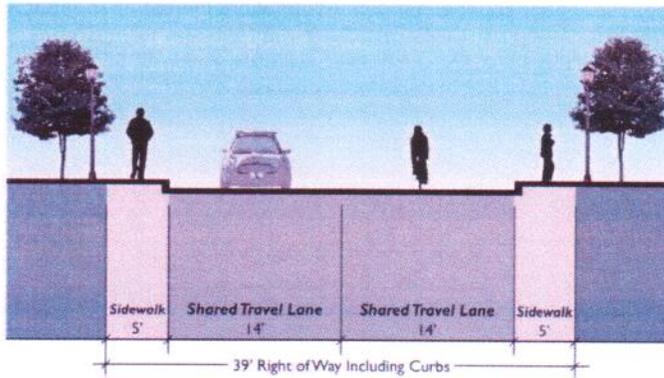


Figure 16.06.050(C)
Local Road and Main Street Standards

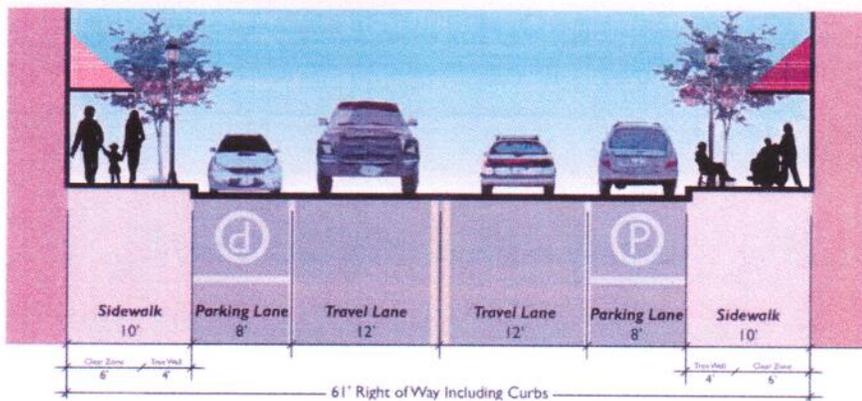
PREFERRED LOCAL ROAD



MINIMUM LOCAL ROAD



DOWNTOWN MAIN STREET



16.06.060 Street Intersection Spacing Standards.

Functional Classification	Public Intersection Spacing (measured between centerlines)
Arterial	100 feet
Collector	100 feet
Local Street (includes Main Street and streets designated as Commercial Streets)	50 feet

Section 16.06.070 Grades and Curves.

Grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on any other streets. Centerline radii of curves shall not be less than 300 feet on major arterials, 200 feet on collectors, and continuing residential streets, and 100 feet on other streets and alleys and shall be rounded to an even 10 feet. Where existing conditions, particularly the topography, make it otherwise impracticable to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves.

SECTION 6. Code Section 16.16.090 (A) (4) of the Toledo Municipal Code shall be amended to read as follows:

4. All streets, sidewalks and ways meet the standards and specifications pursuant to Chapter 16.06 of this Code;

SECTION 7. Code Chapter 16.30 is added to the Toledo Municipal Code to read as follows:

Chapter 16.30 Adjustments and Variances

16.30.010 Adjustment – Purpose.

The adjustment review process provides a mechanism by which the city manager may make limited modifications to the application of regulations in the development code. Adjustment reviews provide limited flexibility for unusual situations, while continuing to provide certainty and rapid processing for land use applications. Requests for changes from a numerical development standard of 10 percent or less of the standard are processed as “adjustments.” Requests for changes to standards which are not numeric or which are for more than 10 percent of the standard are processed as “variances.”

16.30.020 Adjustment – Procedure.

Adjustment requests are processed through a Type II procedure using the review criteria listed in TMC 16.30.030 in addition to the applicable requirements contained in Chapter 19.12

16.30.030 Adjustment – Review Criteria.

All adjustment requests will be approved if the city manager finds that the applicant has shown that the following criteria have been met:

1. The requested adjustment is for 10 percent or less of the numerical development standard;
2. The need for the requested adjustment is created by the configuration of an existing or proposed structure on the site;

3. The need for the requested adjustment is created by the configuration of the existing lot boundaries or topography of the site;
4. The design and operating characteristics of the proposed development are reasonably compatible with the placement of surrounding development and land uses, and any negative impacts have been sufficiently minimized; or
5. If more than one adjustment is being requested, the cumulative effect of the adjustments will result in a project which is still consistent with the overall purpose of the applicable zoning district.

16.30.040 Variances – Purpose.

This section provides standards and procedures for variances, which are modifications to the development standards in Title 16 of this code that are not otherwise permitted elsewhere in this code as exceptions to code standards. This code cannot provide standards to fit every potential development situation. The city's varied geography and complexities of land development require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the code. The variance procedure provides relief from specific code provisions in Title 16 when they have the unintended effect of preventing reasonable development that is in conformance with all other codes. The variance procedure is intended to provide flexibility while ensuring that the purpose of each development standard is met. Variances are necessary when the applicant requests a deviation from numerical standards of more than 10 percent or a variance from non-numerical development standards.

16.30.050 Variance – Procedure.

A variance is processed as a Type III procedure using the review criteria listed in TMC 16.30.070 in addition to the applicable procedures contained in Chapter 19.16.

16.30.060 Regulations which may and may not be varied.

- A. Unless listed in subsection (B) of this section, all regulations in this code may be modified using the variance process.
- B. Variances are prohibited for the following items:
 1. As an exception to any restrictions on uses or development which contain the word "prohibited."
 2. As an exception to a threshold for a review, such as the characteristics that would distinguish a minor partition from a major partition or subdivision.
 4. As an exception to a definition or classification.
 5. As an exception to the procedural steps of a procedure or to change assigned procedures.

16.30.070 Variance – Review Criteria.

The Planning Commission may approve an application for a variance if the applicant has shown that all of the following criteria have been met:

- A. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or in the vicinity;
- B. A hardship to development exists that is peculiar to the lot size or shape, topography, pre-existing structure(s), wetlands, floodplains, or other similar circumstances related to the property over which the applicant has no control, and that are not applicable to other properties in the vicinity;
- C. The development proposed will be the same as permitted under this title and city standards

will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;

- D. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
- E. The hardship is not self-imposed; and
- F. The variance request is the minimum variance that would alleviate the hardship.

16.30.080 Appeals of Adjustment and Variance Decisions.

Appeals of adjustment and variance decisions shall be processed in accordance with the provisions of Chapter 19, as applicable.

16.30.090 Time limit on approval of a variance.

- A. Except as provided in subsection B of this section, authorization of a variance shall be void after one year if the installation of any required improvements have not been completed and the final plat has not been recorded.
- B. The authorization may be extended by the Planning Commission for an additional period of one year if the request is made in writing prior to the expiration of the original authorization.

SECTION 8. Code Section 17.04.020(B) of the Toledo Municipal Code shall be amended, adding the following definitions and terms and shall be placed in alphabetical order with the existing definitions and terms:

“Transportation Facilities” means a physical facility used to move people and goods from one place to another (i.e., streets, sidewalks, pathways, bike lanes, transit stations, bus stops, etc.).

“Transportation Improvements” means a transportation facility improvement to include, but are not limited to:

1. Normal operation, maintenance, repair, and preservation activities associated with existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way
3. Projects specifically identified in the City’s adopted Transportation System Plan
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property or the public.
6. Construction of a street or road as part of an approved subdivision or partition consistent with the City’s adopted Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition approved in accordance with the applicable land division ordinance.

SECTION 9. Code Section 17.08.020 of the Toledo Municipal Code shall be amended to read as follows:

17.08.020 Uses permitted outright.

In the R-S Zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.08.090.

- A. Single-family dwellings* and their accessory uses.
- B. Home occupations which comply with Chapter 17.46

- C. Manufactured dwellings.*
- D. Accessory use structures.*
- E. Accessory dwelling units.*
- F. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 10. Code Section 17.12.020 of the Toledo Municipal Code shall be amended to read as follows:

17.12.020 Uses permitted outright.

In the R-G Zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.12.040.

- A. Single-family dwellings and their accessory uses.
- B. Multi-family dwelling units.
- C. Manufactured dwellings.*
- D. Accessory dwelling units.*
- E. Home occupations which comply with Chapter 17.46
- F. Accessory use structures.
- G. Registered and licensed residential care facility and residential care homes.
- H. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 11. Code Section 17.16.020 of the Toledo Municipal Code shall be amended to read as follows:

17.16.020 Uses permitted outright.

In the C Zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses, marked with an asterisk (*), are found in Section 17.16.050.

- A. Retail trade or commercial services, except drive-in uses.
- B. Entertainment (e.g., theaters, clubs, amusement uses).
- C. Hotel, motels, bed and breakfast facility, hostel, or residency hotels.
- D. Personal and professional services (e.g., child care center, catering/food services, restaurants, taverns, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, or similar uses).
- E. Medical and dental offices, clinics or laboratories.
- F. Office uses (i.e., those not otherwise listed).
- G. Public and institutional uses such as religious uses, clubs, lodges, government offices and facilities, public safety services, libraries, museums, community centers, public parking lots, parks, schools, or other similar uses.
- H. Custom manufacturing of goods for retail and/or wholesale sale on the premises such as small-scale crafts, electronic equipment, bakery, furniture, art, sculpture, pottery, or other similar types of goods.
- I. Truck and car repair and service - minor.*
- J. Automobile service stations.
- K. One accessory dwelling unit in conjunction with a commercial use and that meets applicable code requirements.
- L. Temporary street vendors/seasonal commercial uses not to exceed six months.
- M. Transportation facilities (operation, maintenance, preservation, and construction in

accordance with the Toledo Transportation System Plan).

SECTION 12. Code Section 17.20.020 of the Toledo Municipal Code shall be amended to read as follows:

17.20.020 Uses permitted outright.

In the L-I Zone, the following uses and their accessory uses are permitted, subject to applicable standards, provided that the uses occur in a building or buildings that together do not exceed forty thousand (40,000) square feet of floor area. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.20.040.

- A. Assembly plants.
- B. Limited manufacturing.
- C. Contractor's warehouse and shop.
- D. Crane business and related operations.
- E. Storage in conjunction with a permitted use.
- F. Machine shop and fabrication.
- G. Mini-storage.
- H. Parking in conjunction with uses permitted in the L-I zone.
- I. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- J. Separate office building and/or retail sales in conjunction with a permitted use.*
- K. Wholesale trade.
- L. Auto body shop.*
- M. Truck and car repair and service-minor.*
- N. Boat building and/or boat repair and related launch facility.
- O. Automobile service stations.
- P. One security dwelling as a separate structure or one security dwelling as part of a building for light industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the L-I zone.*
- Q. Temporary street vendors/seasonal commercial uses not to exceed six months.
- R. Uses permitted outright in the commercial zone, but only on parcels with frontage on Business Highway 20.
- S. Warehousing.
- T. Railroad line and associated uses.
- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations, excluding milling and/or processing of wood and paper products.
- Z. Commercial marina or moorage, and or charter boat operation.
- AA. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 13. Code Section 17.24.020 of the Toledo Municipal Code shall be amended to read as follows:

17.24.020 Uses permitted outright.

In the I Zone, the following uses and their accessory uses are permitted outright. Special standards for certain uses (marked with an asterisk (*)) are found in Section 17.24.040.

- A. Assembly plants.
- B. Limited manufacturing.
- C. Processing and manufacturing operations, except as noted in subsection (FF).
- D. Contractor's warehouse and shop.
- E. Crane business and related operations.
- F. Storage in conjunction with a permitted use.
- G. Machine shop and fabrication.
- H. Mini-storage.
- I. Parking in conjunction with uses permitted in the I zone.
- J. Governmental and utility uses such as a pumping station, utility service yard, utility substation, public works shop, public safety services, or similar facilities.
- K. Separate office building and/or retail sales in conjunction with a permitted use.*
- L. Wholesale trade.
- M. Auto body shop.*
- N. Truck and car repair and service—minor. *
- O. Truck and car repair service—major.
- P. Automobile service stations.
- Q. One security dwelling as a separate structure or one security dwelling as part of a building for industrial use that complies with applicable codes for mixed use occupation. A security dwelling may only be allowed as an accessory use in conjunction with uses permitted in the I zone.*
- R. Temporary street vendors/seasonal commercial uses not to exceed six months.
- S. Warehousing.
- T. Railroad line and associated uses.
- U. Commercial fishing gear maintenance, repair and storage.
- V. Food production and/or beverage production.
- W. Research and development.
- X. Low intensity recreation.
- Y. Timber-based operations.
- Z. Shipping facilities.
- AA. Waste transfer, recycling facility, or scrap metal facility.
- BB. Bulk storage of flammable liquids and gases.
- CC. Boat building and/or boat repair and related launch facility.
- DD. Commercial marina or moorage, and or charter boat operation.
- EE. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).
- FF. The following processing and manufacturing operations are not permitted:
 - a. Asphalt mixing and batching.
 - b. Explosives manufacturing.
 - c. Petroleum or petroleum products refining.
 - d. Fertilizer manufacture.
 - e. Gas manufacture.
 - f. Slaughterhouse or rendering facility.

SECTION 14. Code Section 17.28.020 of the Toledo Municipal Code shall be amended to read

as follows:

17.28.020 Uses permitted outright.

In an N-R Zone, the following uses and their accessory uses are permitted outright:

- A. Planting, cultivation and harvesting of timber or agricultural crops.
- B. Pasture.
- C. One residence per tax lot existing on the effective date of this ordinance, provided the residence is occupied in conjunction with an agricultural use.
- D. Accessory out-buildings.
- E. Yaquina Estuary Management Unit #33 shall be governed by the permitted uses established through the Yaquina Bay Task Force.
- F. Public park facilities.
- G. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 15. Code Section 17.32.020 of the Toledo Municipal Code shall be amended to read as follows:

17.32.020 Uses permitted outright.

In a W-D Zone, the following uses and their accessory uses are permitted outright:

- A. Marine terminal or transfer facility for fish, timber, or other water-borne commerce.
- B. Industrial processing plant which requires access to water body during processing operation.
- C. Log storage that requires access to water.
- D. Boat building or boat repair and launch facility.
- E. Seafood processing.
- F. Marine fuel sales.
- G. Charter boat operation.
- H. Marine ways and boat ramp.
- I. Commercial marina or moorage.
- J. One security dwelling as part of a building for water-dependent use that complies with applicable codes for mixed use occupation.
- K. Any shoreland use or activity necessary in relation to a use allowed under Section 17.32.020
- L. Any other use that conforms with the definition of water-dependent development in Section 17.04.020
- M. Low intensity recreation providing waterfront access.
- N. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 16. Code Section 17.36.020 of the Toledo Municipal Code shall be amended to read as follows:

17.36.020 Uses permitted outright.

In a P-L Zone, the following uses and their accessory uses are permitted outright:

- A. Uses existing at the time of passage of this ordinance and the expansion of those uses are permitted outright.
- B. Transportation facilities (operation, maintenance, preservation, and construction in accordance with the Toledo Transportation System Plan).

SECTION 17. Code Section 17.44.070 is added to read as follows:

17.44.070 Bicycle Parking Requirements.

A. Minimum Required Bicycle Parking Spaces. Uses shall provide bicycle parking spaces, as designated in the table below.

Table 17.44.070 Minimum Required Bicycle Parking Spaces

Use Categories	Required Spaces
General Residential Uses	
Apartment dwellings, condominium or time share project (Multifamily – more than 2-family dwellings only)	1 per 6 units
Rooming or boarding house or fraternity	2, or 1 per 20 bedrooms
Commercial Uses	
Church	2, or 1 per 4,000 sq. ft. of net building area
Public or equivalent private or parochial schools	1 per every 4 classrooms, or per conditional use permit review
All other uses	2, or 1 per 12,000 sq. ft. of floor area, or per conditional use permit review
Natural Resource Uses	
Public Parks (active recreation areas only)	2
Industrial or Light Industrial Uses	
All uses	2, or 1 per 40,000 sq. ft. of floor area
Other uses	Determined through Land Use Review, Site Design Review, or conditional use permit review, as applicable

- B. Exemptions. This Section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture, and livestock uses.
- C. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle parking space. When allowed within a public right-of-way, bicycle parking shall be coordinated with the design of street furniture, as applicable.
- D. Lighting. For security, bicycle parking shall be lit at least as well as vehicle parking.
- E. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards.

SECTION 18. Code Section 17.44.080 is added to read as follows:

17.44.080 Bicycle Parking Credit.

A. Bicycle Parking Credit. Up to 25% of the amount of required vehicle parking may be reduced by one vehicle parking space for each two off-street bicycle parking spaces provided.

SECTION 19. Code Section 17.48.030(A) of the Toledo Municipal Code shall be amended to read as follows:

A. Permits for access to city streets shall be subject to review and approval by the city manager based on the standards contained in this chapter, the Toledo Public Improvements

Requirements and Design Standards, the Toledo Transportation System Plan, and/or the Uniform Fire Code as applicable. An access permit may be in the form of a letter to the applicant, attached to a land use decision notice, or included as part of the development review/building permit approval.

SECTION 20. Code Section 17.48.055 is added to read as follows:

17.48.055 Driveway Spacing Standards.

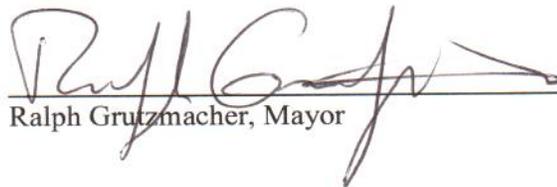
Private Access Driveway Spacing Standards

Functional Classification	Driveway Spacing (measured between curb cuts)
Arterial	40 feet
Collector	20 feet
Local Street (includes Main Street and streets designated as Commercial Streets)	10 feet

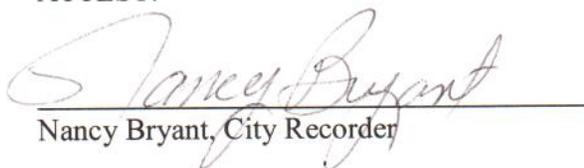
APPROVED AND ADOPTED by the City Council of the City of Toledo, Oregon on this 17th day of September, 2014:

APPROVED by the Mayor of the City of Toledo, Oregon, on this 6th day of October, 2014.

APPROVED


Ralph Grutzmacher, Mayor

ATTEST:


Nancy Bryant, City Recorder

