

**CITY OF TOLEDO
ORDINANCE NO. 1381**

AN ORDINANCE OF THE TOLEDO CITY COUNCIL AMENDING ORDINANCE 1286 (TOLEDO MUNICIPAL CODE TITLE 17) TO REVISE THE DEFINITIONS, SINGLE-FAMILY RESIDENTIAL ZONE, GENERAL RESIDENTIAL ZONE, AND OFF-STREET PARKING AND LOADING CHAPTERS, 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 acknowledged by the State of Oregon Department of Land Conservation and Development on June 19, 2002; and

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; and

WHEREAS, in July, 2019, the Oregon State Legislature passed House Bill (HB) 2001, and on August 8, 2019, Oregon Governor Kate Brown signed HB 2001, establishing that off-street parking and owner-occupancy requirements are not "reasonable local regulations relating to siting and design" of Accessory Dwelling Units; and

WHEREAS, HB 2001 states that local jurisdictions may not mandate the construction of additional off-street parking spaces nor require a property owner to live in either a primary or accessory dwelling; and

WHEREAS, the Planning Commission reviewed the draft amendments to remove the parking space and owner-occupancy requirement from the current Accessory Dwelling Unit standards and recommended additional changes to the standards, in order to remove development barriers and encourage Accessory Dwelling Units in the Single-Family Residential and General Residential Zones; and

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

WHEREAS, the Toledo Planning Commission held a public hearing on the proposed ordinance revision on January 8, 2020, and sent forward the ordinance containing the proposed zoning amendments to the City Council for a public hearing and adoption; and

WHEREAS, the City Council held a public hearing after proper notification on the proposed ordinance revisions on February 5, 2020, and the City Council has determined that a zoning ordinance amendment in the best interest of the citizens of Toledo; and

WHEREAS, the City Council finds it advisable to declare an emergency and make the ordinance effective immediately upon adoption.

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

SECTION 1.

Section §17.04.020(B) of the Toledo Municipal Code is amended to replace the following term and definition to read as follows:

“Accessory Dwelling Unit” Means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

SECTION 2.

Section §17.08.090(D) of the Toledo Municipal Code is amended to read as follows:

- D. Accessory Dwelling Units. Accessory Dwelling Units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
1. One Unit. A maximum of one Accessory Dwelling Unit is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. Floor Area.
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling’s floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling’s floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
 3. Other Development Standards. Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
 4. Design Standards
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.

SECTION 3.

Section §17.12.040(A) of the Toledo Municipal Code is amended to read as follows:

- A. **Accessory Dwelling Units.** Accessory Dwelling Units, where allowed, are subject to review and approval through a Type I procedure, pursuant to TMC Section 19.08, and shall conform to all of the following standards:
1. **Two Units.** A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling Unit, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 2. **Floor Area**
 - a. A detached Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling Unit shall not exceed 850 square feet of floor area, or 80 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwelling Units that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling Unit would be more than 850 square feet.
 3. **Other Development Standards.** Accessory Dwelling Units shall meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling Unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling Unit.
 - c. Accessory Dwelling Units may not be a manufactured dwelling.
 4. **Design Standards**
 - a. Accessory Dwelling Units shall comply with fire and life-safety codes.

SECTION 4.

Section §17.12.060 of the Toledo Municipal Code is amended to read as follows:

The minimum lot area shall be six thousand (6,000) square feet for a single-family dwelling plus one thousand eight hundred (1,800) square feet for each additional multi-family dwelling unit. Density in the R-G zone shall not exceed twenty-one (21) units per acre.

SECTION 5.

Section §17.44.030(A)(7) of the Toledo Municipal Code is repealed.


SECTION 6.

The Council having determined that an emergency exists and therefore an emergency has been declared and this Ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

This Ordinance is adopted by the Toledo City Council on this 5th day of February, 2020.

ATTEST:

APPROVED:



City Recorder Lisa Figueroa



Mayor Rod Cross