

## Toledo Residential Code Updates

### 17.04 Definitions

Live Work Accessory Dwelling Unit: means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a commercial use with an active business license.

Cottage: means a detached, single-family dwelling unit that is part of a cottage housing development and that shall enclose an area of not more than twelve hundred (1,200) square feet.

Cottage Cluster: means a group of three (3) to twelve (12) cottages, arranged around a common open space.

Common open space: means an area improved for recreational use or gardening that all owners in the cottage cluster own and maintain in common through a homeowners' association, condominium association, or similar mechanism.

"Manufactured dwelling" means:

(a) a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 (Duties of director) to 455.450 (Prohibited acts) and 455.610 (Low-Rise Residential Dwelling Code) to 455.630 (Enforcement) or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

~~"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.~~

### 17.08 Single Family Residential (R-S)

#### 17.08.010 - Purpose.

The purpose of the R-S zone is to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. ~~to preserve areas within the city for single-family residences and the facilities and services which go along with those to their residences. The R-S Zone is primarily for single-family homes, accessory dwelling units, duplexes, and their accessory uses. In addition, multifamily dwellings and some other uses may be evaluated as a conditional use. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.~~

#### **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. Duplexes
- D. Manufactured dwellings.\*
- F. Accessory dwelling units.\*

#### **17.08.030 - Conditional uses permitted.**

- A. Manufactured dwellings that do not meet the minimum standards set in Sections [17.08.090](#)(A)–(B).
- B. Single Family Homes that do not meet the minimum standards set in Sections 17.08.090(A)-(B).
- G. Multifamily dwelling units.
- H. Cottage Clusters\*

#### **17.08.050 - Lot size.**

The minimum lot area shall be ~~seven thousand (7,000)~~ six thousand (6,000) square feet ~~for an interior lot and seven thousand five hundred (7,500) square feet for a corner lot.~~ The criteria for the conditional use or planned unit development approval process may authorize other use types at a density at or above the density level authorized in the R-S zone under the uses permitted outright. Density in the R-S zone discretionary conditional use development process shall not exceed twenty-five (25) units per acre.

#### **17.08.060 - Setback requirement.**

In an R-S zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. ~~The side yard shall be a minimum of six feet on one side and nine feet on the other side~~ The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of ~~fifteen (15)~~ five (5) feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street not including alleys.

#### **17.08.070 – Height of building**

In an R-S zone no principal building shall exceed a height of thirty-five (35) feet ~~or two and one-half stories, whichever is less,~~ and An accessory building with an Accessory Dwelling Unit over a garage shall not exceed twenty-five (25) feet. All other ~~no~~ accessory buildings shall not exceed a height of two stories or twenty-two (22) feet, whichever is less.

#### **17.08.080 - Lot coverage.**

In an R-S zone buildings shall not occupy more than an accumulative ~~fifty-five (55)~~ sixty (60) percent of the lot area. ~~No lot shall have more than one principal building constructed thereon. An additional 10% of lot coverage is allowed for Accessory Dwelling Units and Duplexes.~~

**17.08.090 - Special standards for certain uses (marked with an asterisk (\*) in Sections 17.08.020 and 17.08.030).**

A. Design Features for Single-Family Dwellings in a Single-Family Residential Zone.

- ~~1. All single-family dwellings shall enclose an area of not less than one thousand (1,000) square feet.~~
2. All single-family dwellings located within a single-family residential zone, except for manufactured dwellings located within a mobile home or manufactured home park, shall utilize at least three of the following design features, or other design features as approved by the planning commission:
  - a. Dormers;
  - b. Recessed entries;
  - c. Cupolas;
  - d. Bay or bow windows;
  - e. Window shutters;
  - f. Off-set on building face or roof (minimum twelve (12) inches);
  - g. Gables;
  - h. Covered porch entry or enclosed deck;
  - i. Pillars or posts;
  - j. Tile, wood shake, three-tab composite material, or wood shingle roof;
  - k. Horizontal lap siding or shakes;
  - l. Perimeter foundation of surfaced concrete or masonry;
  - m. Window trim (minimum four inches wide);
  - n. Balconies/decks;
  - o. Decorative pattern on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features);
  - p. An alternative feature providing visual relief similar to above options;
  - q. Six inch minimum eaves plus gutters and downspouts.
3. All single-family dwellings will meet the minimum requirements for energy efficiency, as set by the ~~Uniform~~ Building Codes as adopted by the city, excepting manufactured dwellings which shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards previously stated. Evidence demonstrating that the manufacture dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.

4. ~~Single-family dwellings shall have an attached or detached garage or carport. The structure shall be sided and roofed to match the dwelling.~~ All driveways shall have an all-weather surface as approved by the Public Works Department.
  5. Erosion control plans must be submitted prior to issuance of a building permit.
  6. Single-family dwellings and other improvements shall be developed in compliance with all other applicable provisions set forth in the city zoning ordinance and the ~~Uniform~~ Building Codes.
- B. **Manufactured Dwellings.** In addition to compliance with the provisions set forth above in [Section 17.08.090\(A\)](#), a manufactured dwelling shall be permitted outright subject to the following standards:
1. ~~The manufactured dwelling shall be multi-sectional, double-wide or larger. A manufactured dwelling shall not be considered multi-sectional by virtue of having a tip-out section. The manufactured dwelling must show compliance~~ comply with Department of Housing and Urban Development standards Oregon Manufactured Dwelling Installation Specialty Code.
  2. ~~The manufactured dwelling shall minimally be placed on an excavated and backfilled foundation, with continuous footing foundation that is six inches nominal thickness by eighteen (18) inches wide with two continuous #4 rebar lapped twelve (12) inches and centered in each footing. The perimeter shall be enclosed with skirting of concrete or concrete block such that no more than twelve (12) inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than twelve (12) inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement or in a floodplain, the twelve (12) inch limitation shall not apply.~~
  3. ~~The manufactured dwelling shall have a pitched roof with a minimum nominal slope of three feet in height for each twelve (12) feet in width (3:12).~~
- E. **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.

F. Cottage Clusters

1. Purpose. A cottage housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family homes. Cottage housing is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.
2. Ownership. Cottage housing developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common.
3. Standards. Cottage housing developments are subject to the following standards:
  - a. Maximum Floor Area. A cottage shall enclose an area of not more than twelve hundred (1,200) square feet.
  - b. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage housing development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.
  - c. Maximum Height shall not exceed twenty five (25) feet.
  - d. A minimum of 75% of the cottages front entrances must face the common open space or a street.
  - e. Orientation of Cottages. Cottages shall be clustered around the common open space.
  - f. Minimum lot size for a cottage cluster shall be ten thousand (10,000) square feet.
  - g. Fire access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.
4. Community Buildings. Cottage housing developments may include community buildings that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height.
5. Common Open Space. Each cottage cluster shall have common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:

- a. Each cottage cluster shall contain at least 1,500 square feet of common open space regardless of the number of cottages in the cluster.
- b. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
- 6. Parking. Cottage housing developments shall have at least one space for each cottage.
- 7. Interior Fences. Fences on the interior of the cottage housing development shall not exceed three feet in height and shall not consist of solid board fencing.
- 8. Existing Structures. On a lot or parcel to be used for a cottage housing development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its nonconformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage housing development.
- 9. Sewer connection. Each cottage in a cottage housing development must be connected to a city sewer system. No cottage in a cottage housing development may use a septic system.

## **17.12 General Residential (R-G)**

### **17.12.010 - Purpose.**

The purpose of the R-G zone is to encourage a wide range of housing types, including, economical, higher density housing multi-family, single-family, accessory dwelling units, and cottage clusters in these designated areas. Additional traffic pressure and resulting noise and activity should be confined to the areas zoned R-G. In addition, some other uses may be evaluated as a conditional use.

### **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. Cottage Clusters\*
- D. Manufactured dwellings.\*
- E. Accessory dwelling units.\*

### **17.12.040 - Special standards for certain uses (marked with an asterisk (\*) in Sections 17.12.020 and 17.12.030).**

- A. 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:
  - 2. Two Units. A maximum of two Accessory Dwelling Units are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, 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).

3. 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.

4. 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.~~

5. Design Standards

- a. Accessory Dwelling Units shall comply with fire and life-safety codes.

B. Manufactured dwellings shall:

- ~~1. Be double wide or wider;~~
- ~~2. Have a minimum of eight hundred fifty (850) square feet;~~
- ~~3. Have skirting that matches the dwelling or perimeter foundation of surfaced concrete or masonry;~~
- ~~4. Have a pitched roof with a minimum nominal slope of two feet in height for each twelve (12) feet in width (2:12); and~~
- ~~5. Comply with Department of Housing and Urban Development Standards.~~
1. The manufactured dwelling must comply with Oregon Manufactured Dwelling Installation Specialty Code

C. Cottage Clusters

1. Purpose. A cottage housing development is a small cluster of dwelling units appropriately sized for smaller households and available as an alternative to the development of typical detached single-family homes. Cottage housing is intended to address the changing composition of households, and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential development.
2. Ownership. Cottage housing developments may be sited on one commonly owned parcel with individual cottages owned in a condominium, cooperative, or similar arrangement, or cottages may be on individual lots with shared amenities and facilities owned in common.

3. Standards. Cottage housing developments are subject to the following standards:
  - a. Maximum Floor Area. A cottage shall enclose an area of not more than twelve hundred (1,200) square feet.
  - b. Setbacks. The setbacks from adjacent property lines along the perimeter of the cottage housing development shall be the same as required by the underlying zone. The minimum distance between all structures, including accessory structures, shall be in accordance with building code requirements.
  - c. Maximum Height shall not exceed twenty five (25) feet.
  - d. A minimum of 75% of the cottages front entrances must face the common open space or a street.
  - e. Orientation of Cottages. Cottages shall be clustered around the common open space.
  - f. Minimum lot size for a cottage cluster shall be ten thousand (10,000) square feet.
  - g. Fire access. No part of any structure shall be more than 150 feet, as measured by the shortest clear path on the ground, from fire department vehicle access.
4. Community Buildings. Cottage housing developments may include community buildings that provide space for accessory uses such as community meeting rooms, exercise rooms, day care, or community eating areas. They shall have a footprint of no more than 800 square feet and may not exceed one story in height. Their design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage housing development.
5. Common Open Space. Each cottage cluster shall have common open space in order to provide a sense of openness and community of residents. Common open space is subject to the following standards:
  - a. Each cottage cluster shall contain at least 1,500 square feet of common open space regardless of the number of cottages in the cluster.
  - b. Parking areas, required yards, private open space, and driveways do not qualify as common open space.
6. Parking. Cottage housing developments shall have at least one space for each cottage.
7. Interior Fences. Fences on the interior of the cottage housing development shall not exceed three feet in height and shall not consist of solid board fencing.
8. Existing Structures. On a lot or parcel to be used for a cottage housing development, an existing detached single-family dwelling that may be nonconforming with respect to the requirements of this section may remain, but the extent of its nonconformity may not be increased. Such dwellings shall count towards the number of cottages allowed in the cottage housing development.
9. Sewer connection. Each cottage in a cottage housing development must be connected to a city sewer system. No cottage in a cottage housing development may use a septic system.

#### **7.12.060 - Lot size.**

The minimum lot area shall be ~~six thousand (6,000)~~ fifty five hundred (5,500) 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)~~ thirty two (32) units per acre.



#### **17.12.070 - Setback requirements.**

In an R-G zone the yards shall be as follows:

- A. The front yard shall be a minimum of fifteen (15) feet.
- B. The side yard shall be a minimum of five feet on both sides except that on corner lots the setback for all buildings shall be a minimum of ten (10) feet on the side abutting a street.
- C. The rear yard shall be a minimum of five feet.
- D. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least twenty (20) feet from the access street not including alleys.

#### **17.12.080 – Height of Buildings**

In an R-G zone no principal building shall exceed a height of thirty-five (35) feet ~~or two and one-half stories, whichever is less~~. An accessory building with an Accessory Dwelling Unit over a garage shall not exceed twenty-five (25) feet. All other ~~No accessory buildings~~ shall exceed a height of two stories or twenty-two (22) feet, whichever is less.

#### **17.12.090 - Lot coverage.**

In an R-G zone buildings shall not occupy more than an accumulative sixty-six (66) percent of the lot area. ~~No lot shall have more than one principal building constructed thereon.~~ An additional 4% of lot coverage is allowed for Accessory Dwelling Units and Duplexes.

### **17.16 Commercial (C)**

#### **17.16.010 - Purpose.**

The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses are also allowed. Residential use above the commercial main floor, separate and distinct from the commercial main floor, or a residential live work unit ~~or located as not to prevent the main commercial use~~ are allowed, subject to inspection and approval by the City for fire and life safety and are allowed only where there is a commercial use and the business has obtained a business license from the City of Toledo. ~~encouraged especially in the Main Street District area.~~

#### **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](#).

- K. One live work accessory dwelling unit ~~in conjunction with a commercial use~~ and that meets applicable code requirements.

#### **17.16.30 - Conditional uses permitted.**

- F. Multi-family dwelling units
- N. Cottage Clusters

## **17.44 Off-Street Parking and Loading**

### **17.44.030 Vehicle Parking Standards**

#### **A. Residential Uses**

7. Cottage Clusters – 1.00/ unit

## **17.40 Main Street Overlay District**

### **17.40.010 Purpose and Definition**

The purpose of the Main Street District Overlay is to recognize the unique attributes and development pattern of the Toledo Main Street area. In the event of a conflict between the entitlements, regulations or standards established in this Chapter and the equivalent provisions in the underlying zoning districts, the provisions of this Chapter shall govern. For the purpose of this ordinance the Main Street District is defined as the commercially zoned real property fronting the following streets:

- A. Main Street from Highway 20 south to Butler Bridge Road;
- B. Main Street from Highway 20 north to NE 4th Street;
- C. 2nd Street North from the Southern Pacific Railroad tracks east to Highway 20;
- D. 1st Street North from the Southern Pacific Railroad tracks east to Highway 20;
- E. Graham Street from the Southern Pacific Railroad tracks east to Alder Street;
- F. Alder Street from Business Highway 20 south to Graham Street; and
- G. The south side of Highway 20 from Main Street southeast to Alder Street.

### **17.40.020 Requirement for Commercial Storefronts abutting Main Street**

The Main Street District is exempt from the following sections of the code to the extent that the requirements are not included as a condition of approval of a land use permit.

- A. Setback requirements of the Commercial Zone of [Section 17.16.040](#).
- B. Parking requirements of [Section 17.44.030](#). Parking for residential uses is not allowed on Main Street.
- C. Landscaping requirements of [Section 17.52.020](#).

### **17.40.030 Requirement for Commercial Storefronts abutting Main Street**

- A. Lots abutting Main Street shall reserve the ground floor for commercial uses unless residential on the ground floor is approved through the Conditional Use Process. Building entrances on Main Street that access a second story and occupy no other street frontage are exempt from the ground floor residential Conditional Use standard.
- B. The ground floor is defined as the level at the same grade as Main Street. Floors below Main Street grade shall be defined as the basement level. Floors above the ground level shall be defined as the second story, third story, etc.

### **17.40.040 Requirement for Residential Uses in the Main Street Overlay**

- A. Lots abutting Main Street and located in the Main Street Overlay District may have multi-family dwelling units on an upper floor or basement level subject to TMC 17.40.040(D). The ground

floor shall meet the standards in TMC 17.40.030. Multi-family dwelling units meeting this standard are exempt from the multi-family conditional use requirement.

- B. Lots not abutting Main Street and located in the Main Street Overlay District may have multi-family on any floor subject TMC 17.40.040(D). Multi-family dwelling units meeting this standard are exempt from the multi-family conditional use requirement.
- C. Existing ground floor residential units abutting Main Street shall be considered a legal non-conforming use.
- D. Residential Uses shall comply with building codes, and fire and life safety codes.
- E. Cottage Clusters are not permitted in the Main Street Overlay

## City of Toledo Comprehensive Plan:

### Article 2 Land Use Planning

#### GOALS:

1. To implement locally desired land use policies and practices that do not conflict with the State of Oregon's land use planning program.
2. To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.
3. To assure an adequate factual basis for all decisions and actions related to the use of land as established and required by the State of Oregon's land use planning program.

#### OBJECTIVES:

1. Implementation of the Toledo Comprehensive Land Use Plan shall be through a) management implementation measures such as ordinances, regulations or project plans, and b) site or area specific implementation measures such as permits and grants for construction, construction of public facilities or provision of services related to the land use planning goals and objectives identified within the Toledo Comprehensive Land Use Plan.
2. The Toledo Comprehensive Land Use Plan Map and the Toledo Zoning Map shall provide for sufficient lands for a 20 year supply of land within the Urban Growth Boundary to meet the projected population growth of 5,550 by the year 2020 as projected in the Toledo Buildable Lands Inventory. The 20 year supply of land shall be a sufficient supply of land to implement the following land use zones:
  - A. Comprehensive Plan Map Designations: Comprehensive Plan Map designations are intended to guide development by designating appropriate areas for each particular type of development use. Additional uses within each designation may be allowed as either uses permitted outright or as conditional uses when the City determines that such uses are either consistent with the general use or can be reviewed for compatibility through the conditional use process. The map designations and the uses allowed in the designations should reflect the applicable goals and objectives of the Toledo Comprehensive Land Use Plan.

Low-Density Residential – This designation provides for lower density housing with a focus on single-family housing accessory dwelling units, and duplexes. This designations allows for other types of housing including cottage clusters and multi-family. This designation shall be implemented through the zoning map's Single-Family Residential (R-S) zone designation.

Medium-Density Residential – This designation provides for either lower 2020 Vision for Toledo, Oregon -- The 2000 Toledo Comprehensive Land Use Plan Page 15 or higher density housing. This designation may be implemented through the zoning map's Single-Family Residential (R-S) or General Residential (R-G) zone designation.

Commercial – This designation provides for a wide range of commercial activities including retail and service uses as well as other compatible uses commonly associated with commercial areas including allowing residential uses. This designation shall be implemented by the zoning map designation of Commercial. A Main Street Overlay District shall be implemented to recognize the unique attributes and development pattern of the existing Main Street area.

Industrial – This designation provides a wide variety of industrial and light-industrial uses and recognizes that some water-dependent uses such as boat building and repair are appropriate industrial uses within the industrial designation. The intent is to encourage industrial growth and provide for industrial development at appropriate locations in order to increase the level of employment, enhance the tax base, decrease service costs, and achieve a healthy diverse, and stable local economy. The Industrial plan designation is implemented by the zoning map designations of Industrial, Light-Industrial, and/or Water-Dependent.

Water-Dependent – This designation provides for uses of property that depend on a location adjacent to a waterway for the viability of that use. Toledo's water surface and its shorelands are a valuable resource and provide considerable potential for future economic growth. The Water-Dependent plan designation shall be implemented by the zoning map designation of Water-Dependent.

Natural Resource – This designation is intended to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities. This designation shall be implemented through the zoning map's Natural Resource zone designation.

Public Lands – This designation is intended to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses. This designation shall be implemented through the zoning map's Public Lands zone designation.

Estuary Management Units – The Lincoln County Estuary Management Plan classifies the Depot Slough, Olalla Slough, and Yaquina River segments within the Toledo Urban Growth Boundary into Management Units for Development, Conservation and Natural. The Lincoln County Estuary Management Plan Management Unit designations and uses shall apply to the waterways within Toledo. The current version of the Lincoln County Estuary Management Plan was adopted in 1982.

Dredged Material Disposal Sites – The Lincoln County Dredged Material Disposal Plan identifies dredged disposal sites for the Yaquina River and related tributaries. The current version of the Lincoln County Dredged Material Disposal Plan was adopted in 1982. The City will work in cooperation with the Port of Toledo and Lincoln County and other entities to adopt an updated dredged material disposal plan and site designations. When an updated plan is adopted, the City will adopt land use regulations to provide protection for the newly identified disposal sites as required by the Oregon Statewide Planning Goals and will designate the existence of disposal sites on the comprehensive plan and zoning maps. Existing disposal sites in River Segments 6 and 7 identified by the 1982 Lincoln County Dredged Material Disposal Plan may be used in a manner that precludes the future use of the site for dredged material disposal through use of the following procedure:

- 1) Any person wishing to develop or use property in a manner which would preclude its use for dredged material disposal shall submit a proposal in writing to the City. The proposal shall set forth the intended use of the property and any alternative disposal sites or methods (with appropriate documents) considered by the applicant. The City shall then notify the Port District of the proposal in writing to allow the Port an opportunity to

negotiate for use of the dredged material site before the proposed use is approved.

- 2) After 30 days of receipt of a complete proposal and notification to the Port District, the City shall notify the property owner that the property may be used consistent with City zoning and other applicable requirements.

B. Zoning Map Designations:

Single-family Residential (R-S) – The purpose of the R-S zone is to promote and encourage a suitable environment for family living and to protect and stabilize the residential characteristics of the zone. The R-S Zone is primarily for single-family homes, accessory dwelling units, duplexes, and their accessory uses. In addition, multifamily dwellings and some other uses may be evaluated as a conditional use. ~~to preserve areas within the city for single-family residences and the facilities and services which go along with those to their residences. The facilities and services and other conditional uses should be compatible with low-density residential living and should not result in heavy traffic, loud noise, or any other disturbing activity.~~

General Residential (R-G) – The purpose of the R-G zone is to encourage a wide range of housing types, including, multi-family, single-family, accessory dwelling units, and cottage clusters. ~~economical, higher density housing in these designated areas and the facilities and services which go along with those residences. In addition, some other uses may be evaluated as a conditional use.~~

Commercial (C) – The purpose of the C zone is to provide for retail and service commercial uses. It is also intended that these uses will supply personal services or goods to the average person and that a majority of the floor space will be devoted to that purpose. Compatible uses including public, civic, and institutional uses will also be allowed. Residential use above the commercial main floor ~~or located so as not to prevent the main commercial use~~ shall be allowed and encouraged especially in the Main Street District area, residential live work units are allowed, and multi-family outside the Main Street District area may be evaluated as a conditional use.

Light-Industrial (L-I) – The purpose of the L-I zone is to provide area for industrial development around the areas of heavy industry for manufacturing, related establishments, and certain commercial and public uses which have a limited impact on surrounding properties.

Industrial (I) – The purpose of the I zone is to provide sufficient, desirable land in the city for the expansion of existing industrial sites and for the construction and development of new industry. At the same time, the undesirable results of industrial development (noise, air, and water discharges) should be kept, as much as possible, from adversely affecting the commercial and residential areas of the city.

Water-Dependent (W-D) – The purpose of the W-D zone is to protect uses which need contact with or use of the water for uses such as waterborne transportation, recreation, energy production, or water supply.

Natural Resource (N-R) – The purpose of the N-R zone is to protect land and water important as habitat for plant, animal or marine life for future generations, to ensure open spaces, to promote a healthy and visually attractive environment, and to provide for human development and enrichment by providing recreational areas, facilities and opportunities.

Public Lands (P-L) – The purpose of the P-L zone is to indicate lands currently owned by public agencies and used for a public function such as schools and parks acknowledging that such lands may be put to a variety of uses.

C. Overlay Zone Designations:

Overlay zones not specifically identified in the Comprehensive Plan may be created as needed under the Comprehensive Plan through a plan amendment. Overlay zones are zones defined by a boundary in which variations from the underlying zoning requirements may be allowed, in which additional standards may be required to be met, or in which certain land use procedures may be allowed or required. An example of an overlay zone that could be created is the establishment of a historic residential overlay zone in which construction of residences within the zone would have to meet certain architectural standards designed to maintain the historic look of that residential area.

3. Specific area plans may be adopted as plan amendments to the Toledo Comprehensive Land Use Plan. The specific area plans may provide the basis for land use planning of the specific area consistent with the Toledo Comprehensive Land Use Plan. Specific area plans may also be adopted as guidance documents for an area and, as guidance documents, they shall not replace the existing comprehensive plan regulations applicable to that area but should be given consideration in future land use actions.
4. An Urban Growth Management Agreement with Lincoln County shall be implemented to coordinate review of land use decisions outside of the City of Toledo city limits but within the Toledo Urban Growth Boundary.
5. The division of responsibilities between the Planning Commission and the City Council for land use planning to implement the Toledo Comprehensive Land Use Plan shall be established by ordinance.
6. A Toledo Comprehensive Land Use Plan Inventory shall be adopted as part of the Toledo Comprehensive Land Use Plan to provide a factual basis for the adoption of the Toledo Comprehensive Land Use Plan and the subsequent implementation of land use ordinances. The Toledo Comprehensive Land Use Plan Inventory consists of related planning documents, maps, and other information related to planning within the Urban Growth Boundary of Toledo. To ensure up-to-date and accurate factual information, the Planning Commission may be given the authority to adopt up-to-date and accurate factual information without further action of the City Council.
7. The City of Toledo will undertake a periodic review of the Toledo Comprehensive Land Use Plan as the need arises and/or in accordance with state required review time periods.
8. Amendments to the comprehensive plan or comprehensive plan map may be filed with the City on appropriate forms provided by the City by any person of legal age. Amendments may also be initiated by the Planning Commission or the City Council. The City Council will be the decision making body. Any change must be consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria. In addition, any applicant must show that circumstances have changed, that there is a public need for the amendment, and that the need cannot reasonably be met by any other method. In instances where an applicant can show that a mistake was made in the original Plan, that showing, along with proven compliance with the Oregon Statewide Planning Goals and Guidelines, will be sufficient to amend the Plan. Amendments to the Glossary section of the Plan may be made based on the criteria that the added definition is consistent with the Oregon Statewide Planning Goals and Guidelines and other applicable criteria.

## Article 10 Housing

### GOAL:

1. Encourage development of a mixture of housing stock in terms of design, type, cost, and location that meets the housing needs of all Toledo citizens.

### OBJECTIVES:

1. Ensure that the City has an adequate housing supply and adequate supply of residentially zoned land within the Urban Growth Boundary to provide a variety of choices regarding the type, location, density, and cost of housing units commensurate with the needs of the community's residents to support the community's growth.
2. Support the development of affordable housing to address housing needs that are not met by the market.
3. Partner with the Housing Authority of Lincoln County and other agencies, nonprofits, and other groups to help meet the housing needs of low and moderate income households.
4. Ensure an adequate supply of residentially zoned land within the city limits that is accessible to employment centers, public utilities, and public services and provides a variety of choices regarding the type, location, density, and cost of housing units commensurate with the needs of the city's residents.
5. Encourage a mix of housing types and residential densities within the Urban Growth Boundary and the city limits that conforms with the population and density projections adopted by the City of Toledo.
6. Comply with federal, state, and local fair housing laws which affirm access to housing for all persons in Toledo and employ strategies that support the Fair Housing Act and affirmatively further fair housing.
7. Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.
8. Encourage the provision of quality housing units through either the rehabilitation or replacement of substandard units. Rehabilitation should be the primary goal with a recognition that units which are not financially feasible to rehabilitate should be demolished and replaced.
9. Encourage innovation in housing types, densities, and design to promote a variety of housing choices and prices through actions that:
  - a. Allow manufactured homes on individual lots and within manufactured home parks.
  - b. Allow use of the upper floors of retail and office buildings for residences, particularly in the downtown area of Toledo.
  - c. Allow accessory dwelling units in existing residential neighborhoods.
  - d. Provide innovative development code regulations which allow for creative project designs that conform with the Comprehensive Plan.



- e. Allow (albiet limited) opportunities for alternative housing choices, such as mobile home parks and on-board marine housing units.
  - f. Allow the establishment of bed and breakfast facilities in existing residential areas when it can be determined that the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, size of structure, and property appearance.
  - g. Control the number and location of vacation rentals to preserve adequate housing for residents and protect the quality of life in the City's residential neighborhoods. ~~Allow the establishment of vacation rentals in existing commercial areas when it can be determined that~~ Ensure the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, size of structure, and property appearance.
10. Preserve and enhance Toledo's historic housing as a valuable resource. Encourage the rehabilitation of the historic housing stock and residential neighborhoods.
  11. Encourage the development of higher (quality) standard housing types and residential neighborhoods that assist to:
    - a. Attract new businesses and keep local businesses within the community.
    - b. Ensure that moderate, middle, and high income families can continue to live in Toledo.
    - c. Ensure the economic viability of the community and support the tax base and schools.
    - d. Maintain the quality of life in Toledo.
  12. Encourage residential development on vacant or redevelopable lots in areas already serviced or where services can be economically provided.
  13. Provide maximum choices for the client residents and minimal disturbance to the existing neighborhoods by dispersing multi-family and low and moderate income housing units through the community with small scale projects rather than aggregated into large complexes or single purpose neighborhoods.
  14. Allow large complexes to feasibly provide needed services, such as dining areas, health care facilities, and on-site services, for client groups with special needs, such as the elderly. In such cases the complexes should be designed and located to provide mitigation features or buffers to the adjoining neighborhoods.