

**Toledo City Hall
Council Chambers
206 N Main St. Toledo OR
February 14, 2024
6:00 pm**

AGENDA

TOLEDO PLANNING COMMISSION

The Planning Commission will hold an in-person meeting in City Hall Council Chambers. Participants can also attend the meeting through the Zoom video meeting platform. Email planning@cityoftoledo.org or call 541-336-2247 ext. 2130 to receive the meeting login information. Participants can also visit www.cityoftoledo.org/meetings for meeting details.

1. CALL TO ORDER AND ROLL CALL
2. VISITORS: (A time set aside to speak with the Planning Commissioners about issues not on the agenda)
3. APPROVAL OF THE JANUARY 10, 2024 MINUTES as circulated and reviewed by the Planning Commission
4. TRAINING: Planning Commission and Land Use Basics (Attachment)
5. WORKSESSION: Subdivision Chapter Updates (Attachment)
6. DISCUSSION ITEMS:
 - a. Updates and Reports
7. STAFF COMMENTS
8. COMMISSIONER COMMENTS
9. ADJOURNMENT

* Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2130 or by email to planning@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodation for persons with disabilities should be made at least 48 hours in advance of the meeting by calling the Toledo Planning Department at 541-336-2247.

TOLEDO PLANNING COMMISSION MINUTES

A regular meeting of the Toledo Planning Commission was called to order at 6:01 pm by President Anne Learned-Ellis. Commissioners present: Ricky Dyson, Brian Lundgren, Cora Warfield, Ruthanne Morris, and newly appointed Commissioner Dennis Sutherland. Absent was Jonathan Mix.

Staff present: Contract Planner (CP) Justin Peterson and Planning Assistant Arlene Inukai.

Commissioner Sutherland introduced himself to the members and provided a brief background including his community involvement activities. All welcomed Commissioner Sutherland to the Planning Commission.

APPROVAL OF THE NOVEMBER 8, 2023, MINUTES:

It was moved and seconded (Morris/Dyson) to approve the November 8, 2023, minutes as circulated and reviewed by the Planning Commission. The **motion passed**, with Sutherland abstaining and noting the absence of Mix.

VISITORS: Stu Strom of the Toledo City Council reported it is nice to see all of the Planning Commission positions filled.

DECISION ITEM: EXTENSION TO THE DEADLINE DATE FOR THE MINOR PARTITION APPROVAL (FILE MP-3-22), REQUESTED BY JOSHUA LIGHTNER (NATHAN LIGHTNER AUTHORIZED AGENT):

CP Peterson reported that the minor partition at NW Sunset Drive was approved a year ago to create two parcels. As part of the decision, there was a condition to file the final plat within one year. However, the condition of approval and municipal code allows one extension if the request is filed prior to the expiration date. The applicant submitted a letter to the City requesting the approval to be extended one year, which was submitted prior to the deadline date. Because the Planning Commission did not hold a meeting in December, the request is now being reviewed.

CP Peterson reported that the partition plat was submitted to Lincoln County for recording, but was returned to the surveyor for minor edits. The updated plat is close to being re-submitted, therefore, the extension request is necessary to provide additional time for the submittal/review process. Many applicants are finding it hard to obtain a surveyor in a timely manner and have the final plat ready to record within one year. It is very common that extensions are requested.

In response to Commissioner questions, CP Peterson clarified that this extension decision process is not a public hearing. The public hearing was held last year with notices going out to surrounding property owners and the Planning Commission hearing testimony. A map showing the property was presented. Commissioners discussed the location and slopes in the area.

It was moved and seconded (Warfield/Learned-Ellis) that the Planning Commission grant an extension for minor partition MP-3-22 with a deadline date of December 15, 2024, noting that the

request was filed prior to the deadline date. The **motion passed** unanimously, noting the absence of Mix.

DISCUSSION ITEM: TITLE 16 - SUBDIVISION CODE PROJECT KICK-OFF:

CP Peterson reported that the Planning Commission will soon be reviewing proposed revisions to the land division codes. The code has not had a comprehensive update since 2004 and there are several options that could be considered that may help streamline the development process. Some items that can be reviewed are adjustments to the street frontage requirement, flag lot standards, implementing some of the recent housing code audit recommendations, moving the minor partition process to a Type II review process, and updating definitions. The Planning Commission will review potential updates in worksessions over the next several months, with the goal to adopt an updated ordinance in October.

As part of this project, CP Peterson also noted that Title 19 – Land Use Procedures will also need updated to address the Type II and Type III review process. He encouraged Planning Commissioners to view the two code chapters online to familiarize themselves with the existing language and the discussions will begin in February. The goal is to present a couple sections for review at each worksession over the next several months.

DISCUSSION ITEM: BUILDING PERMIT AND LAND USE APPLICATION UPDATES:

CP Peterson noted the 2023 building permit and land use application log was included in the Planning Commission packet for information. He reviewed the number of new housing starts and other permits reviewed during 2023.

Commissioner Sutherland asked about the new manufactured home at Radio Court. CP Peterson reported that the home has a temporary access to Highway 20 and the property owner would like to keep the access point as permanent. The City is working with the property owner for the appropriate permits to convert the driveway for permanent access, but a culvert system is needed for the approach. The house meets setback standards and a garage was required by the homeowners association, which takes access from Radio Court. Commissioner Sutherland reported that he inquired about the site and was told that a driveway would not be allowed onto Highway 20. CP Peterson noted that ODOT had jurisdiction of Highway 20, which may have led that decision because ODOT has higher standards for access. Since the City received jurisdiction, the City can allow access onto the business route. CP Peterson clarified that an updated access permit is still needed to finalize the Radio Court project. Hopefully, this will be filed soon, as the home is currently for sale. The City Attorney has also been in contact with the owner about the project and potential liens on the property. Commissioners discussed the property, road concerns, and high water in various areas.

CP Peterson pointed out the permit log showed 4-5 more residential units added than the previous year, noting a slight uptick in the overall numbers. Commissioner Sutherland inquired about the System Development Charges (SDC) and their impacts on potential projects. CP Peterson noted that the City's charges are similar to other communities, but the methodology document may need an update. Some communities have a tiered SDC rate, based on the size of the home. Toledo has a tiered rate for multi-family residential units, but not for single-family homes. This would be a good conversation for the City Council's goal setting worksession. The City is able to establish payment plans for the SDC, which provides some flexibility in the ability to begin construction. Commissioners discussed recent construction projects throughout the city.

Commissioner Dyson asked for information on the City limit boundaries and Georgia-Pacific projects. Commissioners viewed the City’s zoning map and discussed Georgia-Pacific’s property outside the City limits.

DISCUSSION ITEM: UPDATES AND REPORTS:

CP Peterson announced that the City Council adopted the updated Comprehensive Land Use Plan in December. The adopted document will be posted online and can be printed for Commission if requested.

STAFF COMMENTS:

None.

COMMISSIONER COMMENTS:

None.

There being no further business before the Commission, the meeting was adjourned at 7:01 pm.

Planning Assistant

President

Oregon Land Use 101

CITY OF TOLEDO PLANNING COMMISSION FEBRUARY 14, 2024



Overview

1. History
2. Urban Growth Boundaries
3. Statewide Planning Goals
4. Who is who
5. Planning Documents
6. Zoning
7. Land Use Actions
8. Types of Hearings
9. Conclusion and Questions

Senate Bill 100 (1973)



- Designed to protect the public interest and environmental concerns
- Creates Land Conservation and Development Commission (LCDC) and Department of Land Conservation and Development (DLCD)
- Mandates the creation of Comprehensive Plans
- Mandates the creation of Urban Growth Boundaries (UGB)
- Creates Oregon Statewide Planning Goals

Urban Growth Boundaries

- Every Oregon City
- 20 year boundary
- Where urban development ends*
- Must justify to DLCD using Statewide Planning Goals

*Unincorporated Areas: Also have Boundaries around them but are rural communities that allow development



Oregon Statewide Planning Goals

1. Citizen Involvement
2. Land Use Planning
3. Agricultural Lands
4. Forest Lands
5. Open spaces, scenic and historic areas and natural resources
6. Air, Water and Land resources quality
7. Areas subject to natural disasters and hazards
8. Recreation Needs
9. Economy of the State
10. Housing
11. Public Facilities and Services
12. Transportation
13. Energy
14. Urbanization
15. Willamette Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources –State Authority

1. Citizen Involvement

Goal 1 calls for **"the opportunity for citizens to be involved in all phases of the planning process."**

Who is Who

- State of Oregon
 - Department of Land Conservation and Development (DLCD)
 - Land Conservation and Development Commission (LCDC)
 - City Staff
 - City Council
 - Planning Commission
 - Private Planners and Developers
 - Land Use Board of Appeals (LUBA)
 - Citizens
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Department of Land Conservation and Development (DLCD)

- Chief land use planning and regulatory agency in the State of Oregon
- Regulate compliance of Comprehensive Plans
- Regulate compliance of Urban Growth Boundaries
- Technical Assistance
- Grants
- Regional Representatives (Brett Estes for Toledo)




City Staff

Current Planning: Process Land Use Applications, provide counter service, hold Pre-App meetings, conduct internal staff review, implement the zoning and development code

Comprehensive Planning: Create and enforce the 20 year plan, neighborhood refinement plans, land inventories, and the transportation plan

Public Outreach: Work with stakeholder groups, technical advisory groups, Planning Commission, Park and Tree Committee, City Council, and general inquiries.


City Council

- Elected by the public
 - Works with the mayor
 - Hires the City Manager
 - Directs Staff
 - Initiates Plan Updates
 - Makes Land Use decisions
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Planning Commission

- Advisory Committee to City Council
- Makes Land Use decisions
- Makes Land Use recommendations

Land Use Board of Appeals (LUBA)

- Established by the Oregon Legislature in 1979
 - Hears and rules on appeals of land use decisions made by local governments and special districts
 - The circuit court does not hear land use matters
 - When you file a LUBA appeal, **you are challenging the legal sufficiency of the local government's decision based on the evidence that was before the local government.** A LUBA appeal is not an opportunity to present new evidence.
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Citizens

- Are the center of Goal 1: Citizen Involvement
- Live and work in the community- experience planning work firsthand
- Provide public testimony
- Participate in public outreach
- Serve on City Council and Planning Commission

Toledo Plans

1994 Local Wetland Inventory: topography, soils, and vegetation data. Wetland maps and assessment.


2010 Economic Opportunity Analysis: Focus on Industrial. Some info on retail, service and other employment data.

2023 Toledo Comprehensive Land Use Plan: Comprehensive Plan Map, community goals, Identifies needs and opportunities


2013 Transportation System Plan: Existing conditions, future plans, public transportation plan, bicycle and pedestrian plan, transportation elements and finance plans, and data

Toledo Land Use Actions


Land Use Decisions Defined

- Land Use decisions are defined in ORS 197.015(10)
 - Final decision that concerns the adoption, amendment or application of the Statewide Planning Goals, a comprehensive plan provision, a land use regulation; or a new land use regulation and that requires the use of discretion.
 - Legislative, quasi-judicial, or ministerial
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Ministerial/Administrative (Type I)

- Implementation of zoning provisions by applying pre-existing criteria that do not require the exercise of discretion. (Site Specific)
 - Apply "clear and objective standards" for which the local government provides no right to a hearing.
 - These decisions that are delegated to staff with the appropriate safeguards for the rights and interests of the affected parties.
 - Examples: Site Plan Review and building permits.
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Quasi-Judicial (Type II and III)

- Generally initiated by the property owner
 - Will result in a decision
 - The decision is bound to apply pre-existing criteria to concrete facts
 - Single or few ownerships (property rights of specific persons)
 - They typically **involve the exercise of discretion by the decision-making official** or body in applying general criteria of the plan or ordinance to the facts of a land development application
 - Decision maker: staff, hearings officer, or planning commission
 - Examples – Conditional Use, Variance, etc.
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Legislative

- **Create and adopt as law** general policies and regulations for future land use within a jurisdiction.
 - Examples include the **adoption or revision of a comprehensive plan, zoning regulations, or a subdivision ordinance**. LCDC goals must be considered for legislative land-use decisions.
 - Planning commission makes a recommendation to the City Council
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Work Session

- **A committee meeting** held for the purpose of determining the contents of a measure to be reported to the desk.
- **A work session is different from a public hearing:** in a work session, no testimony is taken from the public, although the public may attend the hearing. The chair can allow public comment.
- Cannot deliberate to a decision


Applicable Standards and Criteria

- The decision maker must apply the adopted criteria to the facts
 - If the applicant demonstrates compliance with the criteria, the application must be approved (even if the decision body does not agree with the criteria).
 - If the applicant fails to demonstrate compliance with the criteria, the application must be denied (even if the decision body believes that the applicable criteria is unreasonable).
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Findings

- Findings: statements of how each approval criterion is satisfied by the facts.
 - Ensures that the hearing body applied the prescribed criteria.
 - The reason the facts support the decision based on the relevant criteria.
 - Findings must address all applicable criteria.
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Evidence

- The applicant has the burden of proof.
 - The decision must be based on relevant evidence in the record.
 - Substantial evidence – a reasonable mind could accept as adequate to support a decision
 - Conflicting evidence – conflicting testimony based on different data
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The Decision

1. Approval
2. Approval with conditions – conditions must have a “rational nexus” and be “roughly proportional”
3. Denial


Conditions of Approval

- Conditions should not be a replacement for adequate findings.
 - Should have a clear relationship to the applicable standards and criteria.
 - Nollan – “Rational Nexus” between the condition and the applicable regulation and that there is a legitimate public purpose for the condition
 - Dolan – “Reasonable proportionality” between the exaction and the condition based on an individualized determination of the property’s impact.
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The Public Hearing

- Continuance to the next hearing (Process restarts at next meeting)
 - Record Left open – at the request of the public or planning commission– the initial meeting ends here. Record must be left open for 7 days. The reviewing body must allow the applicant at least 7 days after the record is closed to all other parties to submit final written arguments.
 - Vote – Approval, Approval with conditions, Denial
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120-Day Rule

- The city's final land use decision (local decision-includes appeal period) must be made within 120 days.
 - 30 day completeness check.
 - Date of notice starts the clock.
 - Local government can ask the applicant to waive the rule.
 - If the clock runs out, the applicant can ask for a writ of mandamus from the court. This allows the applicant to proceed without local government approval.
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Questions?

THANK YOU



MEMORANDUM



To: Judy Richter, Toledo City Manager
Arlene Inukai, Toledo Planning Assistant

CC: Justin Peterson, OCWCOG Community and Economic Development Planner
Jenny Glass, OCWCOG Community and Economic Development Director

From: Heather Austin, 3J Consulting Senior Planner
Steve Faust, 3J Consulting Community Planning Director

Date: April 5, 2022

RE: Housing Standards Review- Development Code Audit

Introduction

Toledo, Oregon is a rural community of approximately 3,610 people located at the terminus of the Yaquina River and along U.S. Route 20 in Lincoln County, Oregon. Toledo's small-town feel, proximity to coastal and natural resources, and easy access to U.S. Route 20 make it an attractive place for people at all stages of life to call home.

Toledo's city leaders have recently undertaken efforts to amend the Zoning Ordinance to reduce barriers to housing development and to ensure accessory dwelling units (ADUs) are permitted in compliance with state law. These code amendments were adopted in February of 2020 (Ordinance 1981-ADUs) and October of 2021 (Ordinance 1398-Residential Code Updates), and focus on the city's ADU provisions, the Single-Family Residential (R-S) zone, the General Residential (R-G) zone, the Main Street District Overlay and the housing objectives of the Comprehensive Plan.

This code audit is intended to build upon these recently adopted housing-related regulations. This code audit focuses on identifying areas of the code where there may be barriers to, or a missing clear and objective path for, residential development. It also aims to revise access standards for subdivisions, partitions and individual lots to support the efficient use of residential land.

This Housing Code Audit was funded through a grant from the State of Oregon administered by the Oregon Cascades West Council of Governments (OCWCOG). The audit outcomes are intended to identify areas of the Code that should be updated to ensure housing-related regulations are clear and objective, reduce barriers to the provision of housing and ultimately increase the availability and affordability of housing in Toledo.

Toledo is also in the process of completing an updated Housing Needs Analysis (HNA). The updated HNA will provide information regarding how many and what type of housing units will be needed by residents of the city over the next 20 years (this is called the city's "needed housing"). This housing code audit should support the findings and recommendations of the HNA and may be updated as the HNA project draft documents become available to ensure compatibility between the two housing-related planning efforts.

The following analysis identifies individual Sections of the Toledo Zoning Ordinance that the city may consider modifying to achieve their goals of adopting housing standards in full compliance with state law and ready to respond to housing development for years to come.



OCWCOG



FCS GROUP

Code Audit and Analysis

Chapter	Section	Current Code Language	Analysis
16.04- General Provisions	16.04.010- Title	The title is the Toledo land division ordinance.	The city may consider revising the overall name of Title 16 to "Land Divisions", rather than "Subdivisions" to reflect 16.04.010.
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection B. Access states, "The partitioning and subdividing of land shall provide each lot or parcel, <u>by means of a fully developed city street</u> , 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:..."	There is an opportunity here to allow access easements and/or private streets to provide satisfactory vehicular access to an existing street. The city may consider removing the underlined language to the left, thereby requiring "satisfactory vehicular access" without requiring direct street access. If access easements and/or private streets are permitted to provide access, the city should also include requirements for minimum easement or private street width, verification of long-term maintenance agreements and compliance with fire code standards (maximum length, turnaround provisions, etc.). There is an opportunity here to allow joint-use access easements (or flagpole driveways) so that multiple units utilize the same access space. For example, the city could consider up to three or four lots taking access from one driveway (18-24 feet wide) in an access easement (20-30 feet wide). However, this may be a low priority for the city as shared access can create issues between property owners who then seek city intervention.
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection D. sets a minimum density of a subdivision at 50% of maximum density or 80% minus constrained lands.	In order to increase land use efficiency, the city may consider increasing the minimum density from 50% to 70% of maximum density, as recommended by DLCD.
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection E.1. states: 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) feet in nonresidential zones, twenty (20) feet in the R-G zone and R-S zone.	In support of the access provisions identified above, the city may consider providing allowances for partitions and subdivisions to be accessed by easements and/or private streets.
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection E.4. states, "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 feet for non-residential."	The city may consider removing these standards. Minimum lot sizes and setbacks and maximum building heights and lot coverage standards accomplish the goal of lessening the impact of development of flag lots on surrounding properties.
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection E.5. states, "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."	The city may consider removing the minimum flagpole length as it is unnecessary and may be a barrier to residential development. The maximum of 150 feet is likely based on fire code. The city may consider updating this to tie the standard to fire code provisions, knowing that provisions such as fire sprinklers in buildings may allow additional length. The city may also consider referencing the need to provide a turnaround, such as a hammerhead, based on fire code standards.

Chapter	Section	Current Code Language	Analysis
16.04- General Provisions	16.04.050 - General requirements and minimum standards of design and development	Subsection E.7. states, "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."	<p>This provision is useful in maintaining on-street parking feasibility and providing needed spaces such as for garbage and recycling bins on collection days.</p> <p>This provision speaks to limiting flag lots such that no more than 2 driveways access each 75-feet of a street. This standard may be aimed at providing on-street parking opportunities. The city may consider adding the provision that multiple driveways for individual lots are spaced so that on-street parking opportunities are present. There is an opportunity here to allow joint-use access easements (or flagpole driveways) so that multiple units utilize the same access space. For example, the city could consider up to four lots taking access from one driveway (18-24 feet wide) in an access easement (20-30 feet wide).</p>
16.04- General Provisions	16.04.060 – Approval of expedited land divisions, partitions, subdivisions and major replats	Subsection B. states, "No plat or replat of a partition or a subdivision shall be recorded or have any validity unless it has the approval of the planning commission or is appealed to and subsequently approved by the city council or by a court action.	The city may consider making partitions a Type II, staff-level decision to reduce project cost and timelines. This is consistent with land use review procedures in other jurisdictions in Oregon.
16.08- Minor and Major Land Partitions	16.08.060-Public Hearing	This section requires a Planning Commission hearing for a partition.	As stated previously, the city may consider making partitions a Type II, staff-level decision to reduce project cost and timelines associated with residential infill development.
16.12 - Subdivisions	16.12.040- Filing preliminary plat	This section requires 10 copies of the preliminary plat and requires the information to be filed no less than 10 days before the public hearing before the Planning Commission.	The city may consider removing the specific number of copies required to allow administrative changes, such as electronic submittals. Requiring submittal 10 days prior to Planning Commission hearing does not provide staff enough time to review and provide a staff report and to adequately provide public notice. The City may consider lengthening this timeframe or simply removing this provision from the development code. State-mandated timelines for completeness, public notice and final decision are referenced in Title 19 which is appropriate.
16.30 – Adjustments and Variances	16.30.010- Adjustment-Purpose and 16.30.040- Variances-Purpose	Applies to "limited modification to the application of regulations in the development code" and "requests for changes to standards which are not numeric or which are for more than ten (10) percent of the standard".	The language seems to make these adjustment and variance procedures applicable to all sections of the development code. Chapter 17.68- Variances overlaps (and provides a separate 3-tier approach) to variances. It is confusing to have variances in two separate sections. The city may consider consolidating the sections and utilizing the preferred method (adjustment/variance or class A through C variances).
17.04 - General Provisions	17.04.020- Definitions	"Dwelling unit" means one or more rooms designed for occupancy by one family only and not having more than one cooking facility, but not including recreational vehicles, hotels, motels, boarding houses, etc.	<p>Revise to: "A building, or a portion thereof that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people." (Model Code)</p> <p>There is some confusing overlap in dwelling definitions. "Dwelling, multi-family" means a building containing two or more dwelling units excluding accessory dwellings, but this could also include a "duplex", "triplex", "fourplex" or "multiplex" under the "dwelling unit" definition. Also, the definitions section appears to be the only place the terms "triplex" "fourplex" and "multi-plex" appear in Title 17.</p>

Chapter	Section	Current Code Language	Analysis
17.04- General Provisions	17.04.020-Definitions (continued)		Consider revising " Dwelling, multi-family" to include anything with three or more units in one building or on one parcel of land, and removing "triplex", "quadplex" and "multi-plex"; or, adding provisions for each of these dwelling types and defining multi-family as 5 or more units in one building or on one parcel of land.
17.04 - General Provisions	17.04.020-Definitions	"Family" means two or more persons related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit. A family is also a group of not more than five persons who need not be related by blood, marriage, adoption, or legal guardianship, living in a dwelling unit. A single person living alone shall be recognized as a family.	Consider removing the definition of "Family" from the development code.
17.04 - General Provisions	17.04.020-Definitions	"Home occupation" means an occupation carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other persons being engaged at the home occupation site, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance or manifest any characteristic of a business in the ordinary meaning of the term unless specifically authorized by the zoning code or infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A city of Toledo business license is required for all home occupations.	Revise to: "Home occupation" means an occupation carried on within a dwelling by occupants of the dwelling with no servant, employee, or other persons being engaged at the home occupation site, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance or manifest any characteristic of a business in the ordinary meaning of the term unless specifically authorized by the zoning code or infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. A city of Toledo business license is required for all home occupations.
17.08- Single-family residential Zone (R-S)	17.08.010- Purpose	States, "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."	Current best practices are heading away from using the term "family" in defining residential situations. However, as this is a purpose statement and non-regulatory, consideration of alternate language is a low priority.
17.48 - Access and Clear Vision Requirements	17.48.050 - Access options	Subsections A-C provide prescriptive options for access required for development.	The city may consider revising this section for clarity regarding the accessways allowed (e.g., explicitly permitting flag lots and shared easements that meet fire access standards). The city may also consider including in this section language that allows easements to be part of the lot or parcel size for minimum lot size calculation for land use efficiency.
17.56- Nonconforming Uses and Structures	17.56.020-Continuation of nonconforming structure and use	States: If a nonconforming use is changed, it shall be changed to a use conforming to the zoning regulations and, after change, shall not be changed back to the original nonconforming use.	The city may consider revising this section to expand upon situations that do or do not affect a use or structure's nonconforming status. For example: "Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status." The city may also consider adding provisions for situations where structures are damaged or destroyed by fire.

Chapter	Section	Current Code Language	Analysis
			<p>Also, the city may consider adding a section with provisions related to the process for confirming the legality of a nonconforming use, lot or structure. There appears to be a process for this delineated in Chapter 19- Land Use Procedures, but it should be cross-referenced in this Chapter.</p> <p>The City of Newberg has detailed non-conforming use standards that could be a useful example for Toledo. Specifically, subsections 15.205.060 "Residential nonconforming use exemption" and 15.205.070 "Partially destroyed buildings or structures".</p>
17.68- Variances	17.68.020- Classes of variances	Provides three classes of variance.	As discussed above in Section 16.30, Adjustments and Variances, these standards appear to apply to the same regulations and are overlapping at times, conflicting at other times. The city may consider consolidating the variances and adjustments sections.
Title 18- Miscellaneous Land Use Regulation	All	Miscellaneous provisions that apply to specific circumstances.	Consider adding Senate Bill 8 language to this section. Harrisburg has drafted Senate Bill 8 language that could be inserted into this Title.
19.04-General Provisions (Land Use Procedures)	19.04.040- Summary of development decisions/permit by type of decision-making procedure	Partition is listed as a Type III, subject to the provisions of Chapter 16.08	As identified above in Chapter 16.08, the city may consider reviewing partition applications as a Type II process to reduce the time and money required to submit these types of applications, reducing barriers to infill residential development.