

AN ORDINANCE RELATING TO THE NON-CONFORMING USE AND AMENDING ORDINANCE NO. 82 A.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:

Section 10.20 of Ordinance No. 82A relating to non-conforming use is hereby amended by repealing Section 10.20 - 10.22 and substituting therfore the following:

10.21 Continuation of Non-Conforming Uses or Structures.

Except as provided in this Section, a Non-Conforming Use or structure may be continued, even though it is not in conformity with the use, height, area and all other regulations for the zone in which it is located.

10.211 Normal Maintenance and Repairs.

Normal maintenance of a non-conforming building or structure containing a non-conforming use is permitted, including structural alterations to the bearing walls, foundation, column, beams or girders, provided that:

1. no change in the basic use of the building occurs that would make the use less conforming to the zone;
2. no alterations which would enlarge the exterior structure are made.

10.212 A Non-Conforming Use may be changed to a use allowable under the underlying zone. After a non-conforming use changes to a conforming use, it shall not, thereafter, be changed back to a non-conforming use.

10.213 Re-Instatement-of a Discontinued Use.

A non-conforming use may be resumed if the discontinuation is for a period less than one year. If the discontinuance is for a period greater than one year, the building or land shall, thereafter, be occupied and used only for a conforming use.

10.22 Re-Building, Moving, Change of Use.

A non-conforming building or use may be rebuilt, moved, or changed in use to a use of the same restrictive classification, subject to the provisions outlined herein, only if upon public hearing, the Planning Commission finds all of the following to exist:

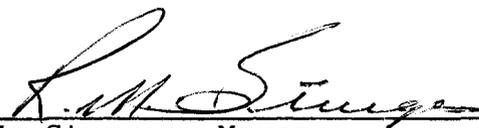
1. that such modifications are necessary because of practical difficulties or public need, such as defined below:
2. that such modifications are no greater than are necessary to overcome the practical difficulties or meet the public need;
3. that such modifications will not "significantly" interfere with the use and enjoyment of other land in the vicinity, nor detract from the property value thereof.
4. that such modifications will not endanger the public health, peace, safety and general welfare.

- 10.221 Rebuilding. When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be rebuilt so long as the cost of renewal of the damaged parts does not exceed 75% of the cost of replacement of the entire building, exclusive of foundations, using new materials. If the cost of renewal is greater than the above, then such building or use shall be discontinued.
- 10.222 Moving. A non-conforming use may be moved to another location on its lot provided the height and yard requirements of the zone in which it is located are met.
- 10.223 Change of Use. A non-conforming use may be changed to a use of the same or a more restrictive classification, but not to a use of a less restrictive classification.

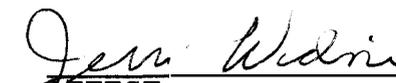
PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 10th
DAY OF May, 1978.

YEAS: 3

NAYS: 0



R.M. Sturges, Mayor



ATTEST:
Jerri Widner, City Recorder