

ORDINANCE NO. 282

AN ORDINANCE AMENDING SECTION 11.012 OF ORDINANCE NO. 271, ALLOWING EXPANSION OF NON-CONFORMING USES.

WHEREAS, Section 11.012 of the Zoning Ordinance does not allow for the enlargement of non-conforming uses; and,

WHEREAS, the lack of an enlargement provision could be detrimental to the public and create a practical hardship;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE that:

11.010 NON-CONFORMING USE

11.011 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 district in which it is located.

.01 Normal Maintenance and Repairs

(a) Normal maintenance of a non-conforming building or structure containing a non-conforming use is permitted, including structural alterations to the bearing walls, foundation, columns, 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 district;
- (2) no alterations which would enlarge the exterior structure are made.

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

.03 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.

11.012 RE-BUILDING, CHANGING, MOVING AND ENLARGEMENT OF USE

A non-conforming building or use may be re-built, moved, changed, or enlarged when the use is of the same restrictive classification subject to the provisions outlined herein,


and only after a public hearing where the Planning Commission finds all of the following to exist:

- (a) that such modifications are necessary because of practical difficulties or public need;
- (b) that such modifications are no greater than are necessary to overcome the practical difficulties or meet the public need;
- (c) 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; and
- (d) that such modifications will not endanger the public health, safety, and general welfare.

- .01 Re-Building. When a building or structure is damaged by fire or any other cause beyond the control of the owner, it may be re-built, so long as the cost of renewal of the damage does not exceed one hundred (100) percent of the current assessed valuation of the improvements on the property, using new materials. If the estimated cost of renewal is greater than the above, then such building or use shall be discontinued.
- .02 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.
- .03 Moving. A non-conforming use may be moved to another location on its lot provided the height and yard requirements of the district in which it is located are met.
- .04 Enlargement. A non-conforming use may be permitted to be enlarged (up to 20% in floor area, and/or in those cases not involving structures up to 10% in land area, as existing on the effective date of this ordinance) only if all the requirements of the zone in which it is located are met. No more than one enlargement can be approved following the adoption of this ordinance.

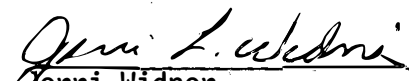
ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 13th DAY OF March, 1979.

YEAS: 5
NAYS: 0



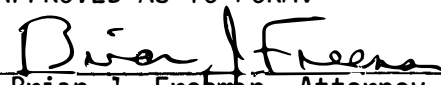
R. M. Sturges, Mayor

ATTEST:



Jerri Widner
Finance Director/
City Recorder

APPROVED AS TO FORM:



Brian J. Freeman, Attorney