

AN ORDINANCE AMENDING THE NON-CONFORMING USE SECTION OF THE TROUTDALE ZONING ORDINANCE NO. 271.

WHEREAS, pursuant to Section 12.050 of the City's Zoning Ordinance a public hearing was held on August 9, 1983 at which the Common Council made the following findings:

1. The one-time only provision for allowed enlargements per the non-conforming use section creates hardship for all those affected.
2. Providing opportunity for enlargements to occur over a number of times while maintaining a fixed limit on the total area of expansion will not allow for any greater departure from standards than can be achieved via existing policy.
3. A hardship exists if owners of non-conforming use are not allowed to replace structures destroyed by fire or other cause beyond their control.
4. The changes as shown in the attached page referred to as Exhibit "A", will resolve the aforementioned concerns.
5. Exhibit "A" has been reviewed and recommended by Troutdale Planning Commission.
6. Exhibit "A" is consistent with the remaining portions of the Zoning Ordinance text.
7. There has been opportunity for citizen review and comment.
8. The changes are in the public interest.

NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE, THAT:

The Zoning Ordinance text be changed as shown in the attached Exhibit "A".

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 9th DAY OF AUGUST, 1983.

YEAS 6

NAYS 0

ATTEST:


 SAM K. COX, MAYOR

August 10, 1983
 DATE SIGNED

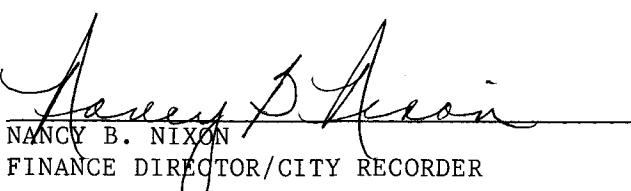

 NANCY B. NIXON
 FINANCE DIRECTOR/CITY RECORDER

EXHIBIT A

11.011 NON-CONFORMING USE

11.011 CONTINUATION OF NON-CONFORMING USES OR STRUCTURES

.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.

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

.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 rebuilt, 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.~~ THOSE PARTS OR PORTIONS OF THE STRUCTURE SO DAMAGED MAY BE REBUILT UP TO 100% OF REPLACEMENT VALUE, NOT INCLUDING DEPRECIATION

.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, IN ONE OR MORE INSTANCES, 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.~~