

ORDINANCE NO. 451-O

AN ORDINANCE AMENDING ORDINANCE NO. 271, TROUTDALE ZONING ORDINANCE, SECTION 3.037, TO ALLOW SITING OF ADULT FOSTER HOMES AND RESIDENTIAL HOMES IN AREAS PREVIOUSLY ALLOWING ONLY SINGLE FAMILY RESIDENTIAL DWELLING UNITS.

WHEREAS, there are numbers of dependent adults who have specialized housing needs, including the elderly, physically and mentally handicapped; and

WHEREAS, it is in the best interest of these individuals that they be mainstreamed and integrated into the local community and that they be permitted to live within residential areas; and

WHEREAS, there is a need for regulation and integration of these individuals into local residential areas without restriction; and

WHEREAS, "Adult Foster Homes" are defined as any family home or facility in which 24-hour care is provided for five or fewer adults who need not be related to each other or to any other home resident; and

WHEREAS, "Residential Home" means a residence for five or fewer unrelated physically or mentally handicapped persons and for staff persons who need not be related to each other or to any other home resident; and

WHEREAS, it is the stated intent of the Oregon Legislature that physically and mentally handicapped persons be entitled to live as normally as possible within residential communities, and it is the findings of the City Council that the elderly also be accorded the same rights to live as normally as possible within residential communities; and

WHEREAS, present Ordinance No. 271, Section 3.0378 prohibits siting of either adult foster care facilities as defined, or residential care facilities as defined, and such ordinance is in contravention of state statute; and

WHEREAS, siting of care facilities with greater than five unrelated handicapped persons in residential areas would have an adverse impact on the character of residential neighborhoods; and

WHEREAS, licensing of the facilities, through the business license provisions of the Troutdale Municipal Code, will allow staff to monitor the operation of the facilities, and ameliorate their impact on residential zones; and

WHEREAS, licensing restrictions may be designed by staff to include: provisions for off-street parking; exterior maintenance and reasonable visiting and business hours.

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

1. Troutdale Municipal Code, Ordinance No. 271, Section 3.037, be amended to include:

"Except that there shall be allowed the siting of Adult foster care facilities, as defined below, and residential care facilities; subject to the same, and these facilities may have one or more non-related family members as employees, and their activities may encompass more than 25% of the gross floor area of the dwelling unit."

"These facilities are subject to all other restrictions relating to home occupation, and must be licensed by the City of Troutdale through the business license procedure, and shall be subject to the special licensing requirements for foster care and residential care facilities."

2. Nothing in the provisions of this Ordinance shall be construed to create a cause of action against the City of Troutdale, its agents or employees, for failure to enforce any provisions of this ordinance.

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 24 DAY OF September, 1985.

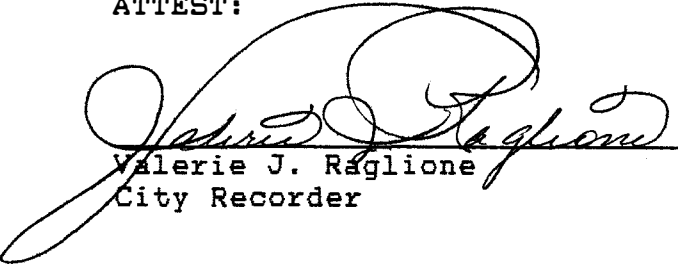
YEAS 5

NAYS 0



Sam K. Cox, MAYOR

ATTEST:



Valerie J. Raglione
City Recorder