

ORDINANCE NO. 453-0

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS, PROVIDING CHANGES IN THE VARIANCE SECTION, REPEALING SECTION 11.025 THROUGH 11.035 OF THE ZONING ORDINANCE AND SECTION 1.131 THROUGH 1.33 OF THE SUBDIVISION REGULATIONS, AND REPEALING ORDINANCE NO. 413-0.

WHEREAS, pursuant to Section 12.050 of the City Zoning Ordinance a hearing was held on October 8, 1985 at which time the Common Council made the following findings:

1. Certain difficulties have been encountered in the administration of the variance process according to existing Zoning Ordinance and Subdivision Regulation criteria.
2. There is a need to revise the ordinance criteria for variances for height, modification of off-street parking requirements, setbacks, lot coverage, floor area, signs, fencing, screening and unimpaired access to the sun.
3. The amendments, as shown in the attached pages, referred to as Exhibit "A" are in conformance with other local and regional ordinances and variance case law.
4. Exhibit "A" has been reviewed and recommended for approval by the Troutdale Planning Commission.
5. There has been opportunity for citizen review and comment.
6. The changes are in the public interest.

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

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

PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 22 DAY OF OCTOBER, 1985.

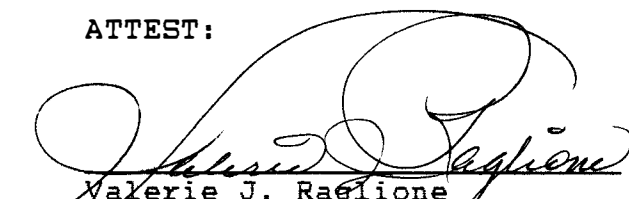
YEAS 6

NAYS 0



Sam K. Cox, Mayor

ATTEST:



Valerie J. Raglione
City Recorder

(TO BE INCLUDED IN SUBDIVISION REGULATIONS AND ZONING ORDINANCE)

11.020 VARIANCES

The Board of Adjustment may permit and authorize a variance from the requirements of this ordinance if literal interpretation and enforcement of the regulations of this ordinance applicable to a specific property would result in practical difficulties or unnecessary hardship. Any variance granted shall be the minimum variance necessary to alleviate undue hardship.

11.021 VARIANCE APPROVAL CRITERIA

A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall meet Criteria .03 and .04:

- .01 A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstances or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.
- .02 The zoning requirement would restrict the use of the property to a greater degree than it restricts other properties in the vicinity or district.
- .03 The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affect the appropriate development of adjoining properties.
- .04 The granting of a variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.

11.022 EXPIRATION OF VARIANCE

A variance so authorized shall become void after the expiration of one (1) year if no substantial construction has taken place.

11.023 MAJOR VARIANCE

A major variance is one that is in excess of 25 percent of an applicable dimensional requirement. The Board of Adjustments, at a public hearing, may permit and authorize variances from the requirements of this ordinance such as height, modification of off-street parking requirements, setbacks, lot coverage, floor area, signs, projections, overhangs, fencing/screening limitations or unimpaired access to the sun. The Board of Adjustment may impose whatever reasonable conditions it feels will fulfill the intent of this ordinance.

11.024 MINOR VARIANCE

A minor variance is one that is within 25% of an applicable dimensional requirement. The Director of Community Services and the Planning Commission Chairperson are authorized to grant a variance from the requirements of this ordinance such as height, setbacks, lot coverage, signs, projections, overhangs, fencing/screening limitations or unimpaired access to the sun in accordance with the following procedures and conditions:

- (a) Application shall be made on forms provided by the City and shall be accompanied by the written consent of the owner or owners of each lot adjoining and across any street from the subject property;
- (b) The filing fee for the variance shall be paid;
- (c) The Director of Community Services and the Planning Commission Chairperson may, without notice or hearing grant the variance for which the application is made and may attach reasonable conditions as may be deemed in the public interest.
- (d) A variance shall require findings that the requirements of Section 11.021.03 and 11.021.04 of this ordinance have been met.
- (e) In the event the Director of Community Services and the Planning Commission Chairperson decline to grant a minor variance requested pursuant to Section 11.021 the Director shall notify the applicant stating the reasons for the denial. The applicant may, within twenty days after receipt of such notice, file a variance application and be considered at a public hearing.