

# ORDINANCE NO. 779

## AN ORDINANCE CORRECTING A MISTAKE IN THE TROUTDALE DEVELOPMENT CODE REGARDING RESIDENTIAL USES IN THE COMMUNITY COMMERCIAL AND GENERAL COMMERCIAL ZONING DISTRICTS AND DECLARING AN EMERGENCY

### THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. On January 24, 2006, the Council adopted Ordinance 770, amending the Troutdale Development Code.
2. The amendments that were adopted were discussed at multiple public meetings and work sessions before the Citizens Advisory Committee, Planning Commission and City Council.
3. At the Planning Commission hearing on July 20, 2005, a citizen requested that the City consider revising the amendments by eliminating differences in development regulations for properties inside and outside the Town Center that are zoned (NC) Neighborhood Commercial (ie. remove the Town Center Overlay distinction for NC zoned properties). The Planning Commission, based on citizen testimony, approved and recommended changes to the Troutdale Development Code that removed the Town Center Overlay distinction from NC zoned properties, which authorized the residential uses that were only allowed on NC zoned properties in the Town Center to NC zoned properties city-wide.
4. To achieve the Planning Commission's objective, staff suggested incorporating the allowed uses and density standards for NC zoned properties within the Town Center Overlay district into the NC zone itself and concurrently eliminating all references to the NC zone in the Town Center Overlay District. The Planning Commission accepted the staff suggestion. At subsequent meetings these changes were described as changes that removed the Town Center Overlay distinction from NC zoned properties.
5. City staff made a mistake in the amendments that were drafted to implement the Planning Commission's recommendation because they overlooked the fact that uses allowed on NC properties are also permitted in the (CC) Community Commercial and (GC) General Commercial zones. By listing residential uses as permitted uses in the NC zone (which removes the Town Center Overlay distinction), staff inadvertently made residential uses permitted uses in the CC and GC zones outside of the Town Center Overlay District. This error, if not corrected, would allow residential development in the CC and GC zoning districts. This error was not

discovered until mid-April 2006, approximately three months after the Council adopted the amendments to the Troutdale Development Code.

6. The testimony, staff reports and minutes from Planning Commission and City Council meetings regarding the amendments to the Troutdale Development Code demonstrate that neither the Planning Commission nor the City Council approved amendments to the Troutdale Development Code that allow residential development in the CC or GC zoning districts outside the Town Center Overlay. Rather, the Planning Commission and City Council approved amendments to the NC zone that authorized residential uses only in the NC zone (thereby eliminating the distinction for NC properties in the Town Center Overlay District).
7. The mistake that was made in drafting the amendments to the text of the Troutdale Development Code must be corrected so that the text is consistent with what the Planning Commission and City Council approved. Further, the mistake needs to be corrected immediately to eliminate ambiguity regarding the uses that are allowed in the CC and GC zoning districts. Residential development was not (and is not) allowed in these commercial zoning districts.
8. To prevent owners and purchasers of commercial property from mistakenly pursuing residential development on property that is zoned CC or GC, it is necessary to adopt this ordinance at one meeting and with an immediate effective date.
9. This ordinance has been distributed to all the Council and made available for public inspection at least twenty-four hours prior to its adoption. It is being adopted at one meeting in accordance with Section 30 B of the Troutdale Charter.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE**

Section 1. Subsection 3.113 A., Community Commercial, Permitted Uses, of the Troutdale Development Code is hereby amended to read as follows:

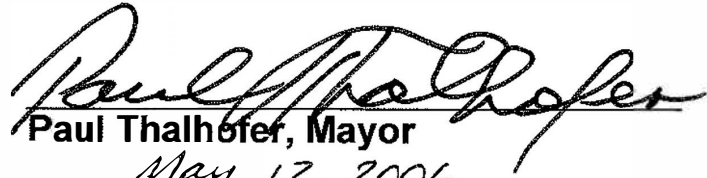
- A. Any use permitted in the Neighborhood Commercial (NC) district except for single-family detached dwellings, duplex, triplex, attached, and multiple-family dwellings.


Section 2. Subsection 3.122 A., General Commercial, Permitted Uses, of the Troutdale Development Code is hereby amended to read as follows:

- A. Any use permitted in the NC or CC district except for single-family detached dwellings, duplex, triplex, attached, and multiple-family dwellings, and except that retail stores or businesses are not limited to 60,000 square feet of gross floor area.

Section 3. For the reasons set forth in the findings above, the Council hereby declares an emergency. In accordance with Section 30 C of the Troutdale Charter, this ordinance shall take effect on May 23, 2006.

YEAS: 6  
NAYS: 0  
ABSTAINED: 0

  
Paul Thalhofer, Mayor  
May 12, 2006  
Date

  
Debbie Stickney, City Recorder  
Adopted: May 9, 2006