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BY JM Date 8/26/09 CODIFIED

ORDINANCE NO. 1975

(An ordinance amending Section 17.05.040 Exceptions to Chapter 17.05 Non-Conforming Uses and Structures and amending Chapter 17.04 Supplementary Provisions of the Hood River Municipal Code)

WHEREAS, pursuant to Goal 10, Housing, of the City of Hood River's Comprehensive Plan, the City "will promote and encourage the . . . development of a mixture of sound, adequate housing types to meet the needs of all segments of the population[;]"

WHEREAS, since 2006, the City has been working to determine the City's need for affordable housing and how to encourage and support the construction of affordable housing;

WHEREAS, the economic downturn the City is experiencing has slowed the construction of affordable housing;

WHEREAS, the City has at least one current valid permit for the construction of affordable housing, which permit will expire in the next 6 months if provision for further extension is not made in the Hood River Municipal Code;

WHEREAS, the proposed permit extension provision for affordable housing permits is consistent with Goal 10 of the City's Comprehensive Plan because it will promote and encourage the development of affordable housing. Absent a permit extension, a permit will expire and the funds expended in the permitting process will be lost;

WHEREAS, nonconforming structures may be rebuilt to a previous nonconforming state but may not be moved to a different area of a parcel pursuant to HRMC Chapter 17.05;

WHEREAS, an emergency telecommunications tower cannot be rebuilt in the same location without disabling the emergency communications services;

WHEREAS, the proposed provision amending Section 17.05.050 will allow a nonconforming emergency telecommunications tower to be rebuilt by allowing it to be relocated on the same parcel without losing its nonconforming status. This provision does not exempt the tower from otherwise complying with the applicable standards in Title 17, such as those found in site plan review or conditional uses.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1. Section 17.05.040 Exceptions, to Chapter 17.05 Non-Conforming Uses and Structures of the Hood River Municipal Code is amended to read as follows [additions shown in underline; deletions shown in ~~strikeout~~]:

CHAPTER 17.05 - NON-CONFORMING USES AND STRUCTURES

SECTIONS:

- 17.05.010 Purpose
- 17.05.020 Nonconforming Use
- 17.05.030 Nonconforming Structure
- 17.05.040 Exceptions

17.05.040 Exceptions.

A. Any nonconforming structure being used for a residential use before the enactment of this ordinance may be:

- 1. Rebuilt if damaged or destroyed for any reason, provided the reconstructed building has the same or fewer number of residential units, and serves the same use as the original structure.
- 2. Continued for residential use whether or not the structure is continuously occupied, provided that the residential use is not changed to some other use.
- 3. Modified and or enlarged provided that:
 - a. The structure maintains the same or fewer number of residential units.
 - b. The setback requirements for residential dwellings are met. In cases where the structure does not meet the residential zoning setback standards, the modification or enlargement to the structure is allowed provided that any expansion does not further encroach upon the setback requirements.
 - c. The residential off-street parking requirement shall not be reduced.
 - d. The nonconforming structure is not located in an existing City right-of-way.
 - e. The modification or enlargement does not exceed the allowed maximum building height.

B. A nonconforming telecommunications tower that provides public emergency communications services may be moved to occupy a different area of land on the same parcel. This provision does not exempt the structure from compliance with other standards or procedures applicable to the use.

Section 2. Chapter 17.04 Supplementary Provisions of the Hood River Municipal Code is amended to read as follows [additions shown in underline; deletions shown in ~~strikeout~~]:

CHAPTER 17.04 - SUPPLEMENTARY PROVISIONS

SECTIONS:

- 17.04.010 Maintenance of Minimum Ordinance Requirements
- 17.04.020 Access/Frontage
- 17.04.030 General Provisions Regarding Accessory Uses or Structures
- 17.04.040 General Exceptions to Building Height Limitations
- 17.04.050 Fences and Walls
- 17.04.060 Retaining Walls
- 17.04.070 General Exceptions to Lot Area Requirements
- 17.04.080 Illegal Occupancy
- 17.04.090 Vision Clearance Area
- 17.04.100 Home Occupation
- 17.04.110 Bed and Breakfast
- 17.04.120 Maximum Lot Coverage
- 17.04.130 General Requirements for Parking Lots
- 17.04.140 Exception to Permit Expiration

17.04.140 Exception to Permit Expiration. The expiration date of any permit issued under Title 16 and/or Title 17 for a low income housing project that receives federal funding, whether directly or through tax credits, and for which a deed restriction is required for each unit of affordable housing preserving the unit as affordable housing for no less than 40 years, may be automatically extended by the Planning Director, on good cause shown, for up to 2 additional 2 year periods. If the permit has already expired, the extension(s) may be granted so long as not more than 60 days have passed between the expiration date and the extension request. Extension requests must be submitted to the Planning Director in writing.

Read for the first time: July 13th, 2009.

Read for the second time and passed: July 27th, 2009, to become effective thirty (30) days hence.

Signed July 27th, 2009.


Arthur Babitz, Mayor

ATTEST:


Jennifer McKenzie, City Recorder