Howarding bed 2079's menering ord, 2008; AMENDED by Ord 1740 Amending Ord, >242

ORDINANCE NO. 1735

Amending ord. 2257 2337

A BILL FOR:

AN ORDINANCE dividing the City of Albany into districts: Prescribing the uses to which property in such districts may be put;
Regulating restricting and prohibiting the location of industries, trades, apartment houses, two family houses, and single family houses; Regulating and restricting the area and dimensions of lots and years; The erection, alteration and maintenance of buildings, and the height and allignment thereof; Providing for the establishment of building amended by set back lines; Providing penalties for the violation thereof, and repealing all ordinances or parts of Ordinances in conflict therewith.

> THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS: Part I

Section 15 amended by Cvd. No. 2519

and 2600

Section 15

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Section 1. SHORT TITLE. This Ordinance shall be known as the "Zoning Ordinance of the City of Albany, Preson," and the map herein referred to shall be known as the "Zonin- Lap of the City of Albany, Creson" Said map and all explanatory matter thereon are hereby adopted and made a part of this Ordinance.

Section 15 amendeb by 1 Ord . 2505. Seezien 15 smended by V G.d. 2572

Section 2. SCOTE. No building or land shall hereafter be used and no building or part thereof shall be created, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided herein,. Ho permit for the construction or alteration of any building shall be issued unless the plans, specifications and extended use of such building conform in all respects with the provisions of this Ordinance.

amended by V Drd. 2569

Section 3. MINIBAN REQUIREMENTS FOR CENERAL VELFARE. The provisions of this Ordinance shall be deemed the minimum requirement for the preservation of the public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Albany, Oregon.

Section 15 amenuelby 1 rd 2539

Section 4. DUTY OF ENFORCE ENT. It shall be the duty of the zoning officer, who shall be designated by the Council, to see that this ordinance is enforced.

Section 15 amended by ! Cr4. 2545.

Section 5. CCCUPATCY FREET. No vacant land shall be occupied or used and no building hereafter eracted shall be occurred or used, nor shall the use of a building be changed from a use limited to one district to that of any other district as defined by this Ordinance until an occupancy permit shall have been issued by the building inspector. To permit for exercation or laying foundation for any building shall be issued before application or laying foundation for any building shall be issued before application has been made for an occupancy parmit.

An occupancy permit for the use of vacant lands, or the change in use of land shall be applied for before any such land shall be occupied or a change occurs in its use. An occupancy permit shall be issued within tendays after application therefor has been made if such use is in conformity with this Ordinance.

amerded by V demand by V Qd , 2539.

THE TORARY USES. The City planning commission may, upon Section 6. such petition, notice and hearing as it may deem proper, recommend to the Council the granting of a temporary parmit to use certain specified property for a purpose not authorized in the district in which such property is located. Such temporary parmit may be granted by motion or resolution, and shall be revocable at the will of the Council or extended for a time specified in the great thereof, and it may be mented subject to such other limitations and conditions as the Council may impose.

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> Section 7. ILLEGAL OCCUPANCY. Any use of a premises or building which deviates from or violates any of the provisions of this Ordinance shall be tarmed an illegal occupancy and the person or persons responsible therefore shall be subject to the penalties herein provided.

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Section 8. COMPRACT PURCHASIRE DETED OFFICE. A person or persons purchasing property under contract, for the purpose of this Ordinance, shall be deemed to be the owner or owners of the property covered by the contract. The City planning commission or the Council may require satisfactory evidence of such contract of purchase.

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Section 9. ATTMUTENTS. The Council may, from time to time, on its Section 9. APENDENTS. The Council may, from time to time, on its own motion or on petition, after public notice and hearing, amend the regulations and change the districts herein established. Every such proposed amendment shall be referred by the Council to the City planning Council to the City planning Council to the Approval of the City Planning Council to the failed to receive the approval of the City Planning Council section is Section in Sect

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commission may initiate the proposed changes in zones, which changes may be made only after notice to the owners of the properties affected and after a public hearing. All changes, except those initiated by the Council or the City planning commission shall be made only upon petition wherein the signatures of the owners of 50 per cent or more of the area of each block in which the changes are to be made, including at least 50 per cent of the area to be changed, are signed, and said petitions shall show addresses and descriptions of property owned sufficient for the identification thereof.

Whenever the owners of 50 per cent of the land in any or the area shall present a petition duly signed to the Council, requesting an amendment of the regulations prescribed for such area, it shall be the duty of the council to vote upon such amendment within ninety days of the filing of the same by the petitioners with the City Recorder.

A retition for change of zone shall be referred to the City planning A retition for drange of zone shall be referred to the City planning commission shall check such petition for sufficiency and shall make a report embodying its recommendation. No petition shall be approved by the Council until the City planning commission has submitted a report relative to the same, and the City planning commission must submit such report within sixty days of the filing of the petition with the City Recorder.

The City planning commission shall afford persons particularly interested, and the general public, an orportunity to be heard at a time and place specified in a notice of hearing published in the manner required by Section 95-2404, C. C. L. a., 1940, and the final report of the City planning commission shall be directed to the Council. If a protest against such amendment be presented duly signed by the owners of 20 per cent of the land within such area proposed to be altered, such amendment shall not be passed except by a two-thirds vote of the council.

> APPEALS FROM PULLINGS OF PEPPITTS. Any interested citizen or administrative officer of the City may arread to the council from any ruling pertaining to the granting or denial of any permit applied for under when such ruling is adverse to his interests, by filling with the City Recorder within ten (10) days from such ruling a written notice of appeal. Such written notice shall state with remacanable accuracy the particular Such written notice shall state with roasonable accuracy the narticular ruling from which appeal is made, and state the grounds therefore. Thereupon the City Recorder shall fortignith obtain all papers constituting the record upon which the action appealed from is based, and refer the same to the City planning commission, which shall, within 30 days, submit its written recommendation thereon together with the record to the Council. Said dominisation or the council may receive such additional evidence as either deems relevant to the issues involved. Upon receiving such recommendation and record, and within 50 days and after a public hearing thereon, the Council shall have power to affirm, overrule, or alter any such ruling.

Section 11. PIMALTY FOR VICLATION. The owner or owners of any building or premises, or part thereof, there anythin in violation of this ordinance shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any methal persons or corporations who shall violate or maintain any violation of any methal provisions of this ordinance or who shall fail to temply therewith, or with any requirem to and a proved thereunder, shall for each and avery violation or con-compliance be deemed quilty of a misdementor and, up a conviction thereof, shall be fined not more than one hundred \$100.00 dollars, or by imprisonment in the City jail not to exceed fifty (50) days, or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate ofshall fense.

Section 12. DOWNICTE'S PROVISIONS. All ordinances or parts of Ordinances

Section 13. VALITY. Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part declared invalid.

PART IT

Section 14. DEFINITIONS. The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section, excepting in those instances where the contest clearly indicates a different meaning.

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Words used in the present tense include the future, the singular number includes the plural; and the plural the singular, the word lot includes the word plot and the word building includes the word structure.

DWELLINGS, SINGLE FAMILY. A single family dwelling is a building used or arranged for use as the home or abode of but one family and in which not more than 4 boarders or lodgers are accommodated.

D'ELLIMS, TWO FARTLY. A two family dwelling is a building used or arranged for use as the home or abode of but two families, living independently of each other, and in which not nore than 8 boarders or lodgers shall be accommodated by each family.

DYELLINGS, MULTIPLE FAULTY. A multiple family dwelling is a building used or arranged for use as the home or abode of three or more families, living independently of each other and doing their own cooking in said building and shall include flats and apartments.

GARAGE, PRIVATE. A private garage is a garage for not more than three automobiles, for storage only, and intended for private use, but in which space may be rented for storage only of not more than two-non-commercial automobiles, by other than the occupants of the building to which said garage is accessory.

HALF STORY. A half story is a story of a building which is situated within a sloping roof, the usable floor area of which does not exceed two-thirds of the floor area of the story immediately below it.

LOT. A lot is a parcel of land in a single or a joint owner-ship, occupied by not more than one building and the accessory buildings or uses customarily incident to it, including open spaces required herein.

NON-CONFORMING BUILDING OR USE. A non-conforming building or use is one that does not form with the regulations provided herein for a given use district.

STREET LINE. The street line is the dividing line between the street and the lot.

YARD FROIT. A front yard is an oven, unoccupied space on the same lot with a building, between the front line of the building and the street line of the lot, unobstructed upward.

YARD, PEAR. A rear yard is an open, unoccupied space on the same lot with a building, between the rear line of the building and the rear line of the lot, unobstructed upward.

YARD, SIDE. A side-yard is an open unoccupied space on the same lot with a building, situated between the building and the side line of the lot and extending through from the street to the rear yard, or where no rear yard is required, to the rear line of the lot.

PART III

Section 15. USE DISTRICTS, For the purpose of this ordinance the City of Albany is hereby divided into three types of districts designated as follows:

- Residence District
- 2.
- Business District Industrial District 3.

The boundaries of these districts are hereby established as shown on the official zoning map of the City which accompanies this ordinance and is on file in the office of the City Recorder.

Unless otherwise shown on the zoning map of the City the boundaries of the districts are lot lines, center lines of streets or alleys, rail-road right-of-way lines, or corporate limit lines as they existed at the time of the enactment of this ordinance.

Section 16. PESTRICTIONS WITHIN ZONES.

A. Residential Zone.

In the residential zone no building or premises shall be used, and no building shall hereafter be erected or structurally altered, unless other-

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wise provided in this ordinance except for one or more of the following

- 1. One and two family dwellings Eultiple dwellings
- 2. Libraries and art galleries
- 3. Parks and playgrounds (including park buildings)
- 4. Accessory buildings and uses, such as are ordinarily appurtenant to single family dwellings, shall be permitted, including one private garage, when located not less than sixty (60) feet from the front lot line nor less than twenty (20) feet from any flanking street line or when attached to or within the dwelling.
- 5. The office of a physician, dentist or other professional person when located in his or her dwelling, also home occupations engaged in by individuals within their dwellings are permitted provided that no window display is made or any sign shown other than one not exceeding two square feet in area and bearing only the name and occuration of the occupant. The renting of rooms for lodging purposes only, for the accommodation of not to exceed eight (3) persons, in a single family dwelling may likewise be permitted with the approval of the commission subject to review of the Council.
- 6. Signs not exceeding (8) square feet in area pertaining to the leasing, rental or sale of buildings or premises are permitted; signs shall be erected flat against the building or painted upon the side thereof. All other signs, signboards and billboards are prohibited. Provided however that signboards, billboards and other forms of cutdoor advertising may be allowed by special permit for a period of five years or less, issued by the commission after examination of the location and upon due proof to the satisfaction of the commission that such signboard, billboard or other advertising will not be unduly detrimental to adjacent and surrounding property, but the same front and side yerd provisions as required for buildings must be observed.
- 7. Nothing herein contained shall be deemed to prohibit the use of vacant property for sardening or fruit raising.
- 8. Special uses: special permits are required from the commission for the following uses:
 - (a) Circuses, fairs and carnivals
 - (b) Luraury or greenhouse
 - (c) Telephone exchange (d) Electric Substation
 - (e) Churcles
 - (f) Schools (public and private)
 - (g) Eospitals

Such permits are to be issued after the cormission has been satisfied as to the propriety of such use. The commission may limit the duration of such permits as it may deem advisable.

9. Yard requirements.

Front Yard: There shall be a front yard having a minimum depth of twenty (20) feet.

Rear Yard: There shall be a rear yard having a minimum depth of twenty-five (25) feet.

o Tide Yard: There shall be a side yard of not less than five (5) feet in width on each side of the building.

10. Site area requirements:

Buildings hereafter built in the residential zone shall be limited by the following site area requirements:

Single femily:	5000 sq. ft. unit	
Two family;	2500 sq. ft. unit	
Multiple dwellings: (Three and four units)	2000 sq. ft. unit	
Eultiple dwellings:	1500 sq. ft. unit	

(Five or more)

11. Height restrictions:

The height of dwellings in the residential zone shall be limited to two and one-half stories. The height of accessory buildings shall be limited to one story. The height of all other buildings shall not exceed three (3) stories or thirty-five (35) feet in height unless each side yard is increased over the minimum by an additional five feet for every five feet, or fraction thereof, additional height over thirty-five feet.

B. COMMERCIAL ZONE.

1. In the cormercial zone no building or premises shall be used and no building shall be hereafter erected or structurally altered unless otherwise provided in this ordinance except for one or more of the following uses:

Any use remitted in the residential zone.
Boarding houses and lodging houses.
Churches
Educational and charitable institutions
Hospitals and sanitariums, except those for the insane and
similar special use.
hotels, Lotor courts
Nurseries, and greenhouses
Private clubs, lodges and fraternities
Public garages, sorvice stations
Recreational enterprises
Retail stores and shops including service establishments
Schools
Wholosale establishments and warehouses.

C. INDUSTRIAL ZONE.

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In the industrial zone all buildings and premises except as otherwise provided in this Criinance may be used for any purpose permitted in the commercial zone and any other purpose except those uses which have been declared nuisances by statues or ordinances, or any court of competent jurisdiction, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, ras or nose, provided that the commission shall have the power to wrant conditional and revocable permits for any such use within the industrial zone after public hearings and examination of the location, upon due proof to the satisfaction of the commission that the maintenance of such use will not be unduly detrimental to adjacent and surrounding property.

PART IV

Section 17. PEDUCTION IN AREA OF LOTS. No lot shall be reduced in area so that yards less than the minimum required under this Ordinance shall result.

Section 18. CELY ONE PRINCIPAL BUILDING ON ANY LET. No dwelling shall be erected on a lot which does not abut at least one street. No building in the rear of a principal building on the same lot may be used for residential purposes, except for employees of the occupants of the principal building and their immediate families.

Section 19. YARD SPACES SHALL NOT OVERLAP. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this Ordinance for another building.

Section 20. LOT OF RECORD ERRIPTION. Where the owner of a lot or lots or official record at the time of the emetment of this ordinance does not sufficient space in said lot or lots to enable him to conform to the yard and other requirements of this ordinance, such lot or lots may be used as a building site, as ressible in the opinion of the planning commission to the requirements for the district in which the property is located.

Section 21. FRONT YARDS. The front yard requirements of this ordinance shall not apply within any district where the average depth of the existing front yard on developed lots located within one hundred (100) feet on each side of the lot and within the same block and

zoning district and fronting on the same street as such lot, is greater or less than the minimum required front yard depth. In such cases the depth of the front yard on such lot shall not be less than the average existing front yard depths on the developed lots.

Section 22. EXCEPTIONS TO HEIGHT LIMITS. The height limitations of this ordinance shall not apply to church spires, belfries, outpolas and domes not for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flagpoles, radio towers, masts and aerials.

Section 23. EXISTING BUILDINGS AND PON-COUFCRING USES. When a property or an existing building at the time of the passage of this ordinance has a use which was legal prior to the passage of this ordinance, such use may continue, even though it be not in conformity with the zoning regulations. If, however, the use of the building or premises is changed, it shall be changed to a use conforming to the zoning regulations, and after such change, it will not be permissible to change back again to the original non-conforming use. A non-conforming use shall not be extended, but the extension of a use to any portion of a building which was arranged or designed for such non-conforming use at the time of the passage of this ordinance, shall not be deemed the extension of a non-conforming use. If a non-conforming use be discontinued for the period of one year, the same cannot be again continued.

A building arranged, designed or devoted to a non-conforming use at the time of the passage of this ordinance may not be reconstructed or structurally altered to an extent exceeding in aggregate cost during the lifetime of the building 50 per cent of the value of the building, unless the use of such building be changed to a conforming use. A non-conforming advertising sign, if removed from the premises, may not be replaced. No exterior sign aggregation more than six square feet in area shall hereafter be oreated to advertise a non-conforming use.

A non-conforming use, if changed to a more restricted non-conforming use, shall not thereafter be changed to a less restricted use.

When a building havin; a non-conforming use is damaged by fire or other cause so that the total deterioration exceeds 60 er cent of the cost of replacin; the building using new materials, then such building shall not be rebuilt, unless such building in its construction and uses conforms fully to the requirements of this ordinance and other ordinances of the City as applied to new buildings and uses in the district in which it is to be located. When a building havin a non-conforming use is damaged by fire or other cause to an extent which will permit resulding, such construction must commence within six months of date of damage and be completed within one year of such date if the use is to continue as a non-conforming use.

Section 24. CONTINUE OF BUILDINGS. Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a building upon which construction has actually begun thirty (30) days previous to the passage of this ordinance and the ground story framework of which, including the second tier of beans, shall have been completed. However, such entire building must be completed in accordance with the original plans within one (1) year from the late of commencing construction, to avoid compliance with this ordinance.

Passed by the Council September 11, 1946 Approved by the layor September 11, 1946

	3. C. PHOTEL
3.	Layor

Attest: C. R. Ashton

I. C. R. Ashton, Recorder of the Gity of Albany, Linn County, Gregor do hereby certify that the above copy of the Ordinance bill No. 1735, has been by me carefully compared with the Ordinance Bill No. 1844, as passed by the Council September 11, 1946, and approved by the Mayor on the 11th day of September, 1946.

Witness my hand and official signature and seal of the City of Albany, Oragon on the 12th day of September, 1946.

Recorder or the stay of All ny, Oregon