

ORDINANCE NO. 2538

AN ORDINANCE AMENDING ORDINANCE NO. 1735, SECTIONS 14 AND 16 THEREOF AND DECLARING AN EMERGENCY KNOWN AS THE "ZONING ORDINANCE OF THE CITY OF ALBANY".

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That Section 14 of Ordinance No. 1735 be and the same is hereby amended to read as follows:

"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 those instances where the context clearly indicates a different meaning.

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.

ACCESSORY BUILDING. An accessory building shall mean any subordinate building or portion of a main building, the use of which is incidental, appropriate, and subordinate to that of the main building.

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.

DWELLINGS, TWO FAMILY. 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 more than 8 boarders or lodgers shall be accommodated by each family.

DWELLINGS, MULTIPLE FAMILY. 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 ownership, occupied by not more than one building and the accessory buildings or uses customarily incident to it, including open spaces required herein.

LOT LINE, FRONT. A front lot line is a private property line contiguous with the public street line or place. For corner lots the front line shall be the narrowest street frontage or as shown on the official plat of the property.

LOT LINE, REAR. A rear lot line is a lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE. A side lot line is any lot line which is not a front or rear lot line.

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. A yard is an open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

YARD, FRONT. A front yard is a yard between the front line of the building (exclusive of steps) and the front property line.

YARD, REAR. A rear yard is an open unoccupied space on the same lot with a building, between the rear line of the building (exclusive of steps, porches, and accessory buildings) and the rear line of the lot.

YARD, SIDE. A side yard is an open unoccupied space on the same lot with a building, between the side wall line of the building and the side line of the lot."

ORDINANCE NO. 2538, Cont'd.

Section 2: That Section 16 of Ordinance No. 1735 be and the same is hereby amended to read as follows:

"Section 16: RESTRICTIONS 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 otherwise provided in this ordinance, except for one or more of the following uses:

1. One and two family dwellings. Multiple 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 a private garage.
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 occupation of the occupant. The renting of rooms for lodging purposes only for the accomodation of not to exceed eight (8) 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 out door 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 a signboard, billboard or other advertising will not be unduly detrimental to adjacent and surrounding property, but the same front and side yard provisions are required for buildings must be observed.
7. Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising.
8. Special uses: Special permits are required from the commission for the following uses:
 - (a) Circuses, fairs and carnivals
 - (b) Nursery or greenhouse
 - (c) Telephone exchange
 - (d) Electric substation
 - (e) Churches
 - (f) Schools (public and private)
 - (g) Hospitals

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

8a. Revocable Permits

It is further provided that the council shall have the power to grant conditional and revocable permits for commercial use within the residential zone after public hearings and notices given as provided by statute in these matters of re-zoning and upon examination of the location and due proof to the satisfaction of the Council that such use will not be unduly detrimental to adjacent and surrounding property. That such grant shall be made only when at least 50% of the residents residing within a radius of 350 feet have joined in the application.

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9. Building Setback Requirements.

FRONT YARD: There shall be a front yard having a minimum depth of twenty (20) feet, except as provided in Part IV, Section 21, of this Ordinance.

REAR YARD: There shall be a rear yard having a minimum depth of twenty-five (25) feet for interior lots and minimum depth of twenty (20) feet for corner lots. Accessory buildings may occupy not over fifty (50) percent of the required rear yard, and shall have a setback from the rear and side property lines of not less than four (4) feet.

SIDE YARD: On interior lots and the interior side of corner lots there shall be a side yard on each side of the main building of not less than four (4) feet. On corner building sites no main building shall be closer than ten (10) feet to the exterior side line and no accessory building closer than twenty (20) feet thereto.

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

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| Single family: | 5000 sq. ft. unit |
| Two family: | 2500 sq. ft. unit |
| Multiple dwellings: (three or four units) | 2000 sq. ft. unit |
| Multiple dwellings: (five or more) | 1500 sq. ft. unit |

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 commercial 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 permitted in the residential zone.

Boarding houses and lodging houses.

Churches.

Educational and charitable institutions.

Hospital and sanitariums, except those for the insane and similar special use.

Hotels, motor courts.

Private clubs, lodges and fraternities.

Public garages, service stations.

Recreational enterprises.

Retail stores and shops including service establishments.

Schools.

Wholesale establishments and warehouses.

Outdoor advertising structures.

C. INDUSTRIAL ZONE.

In the industrial zone all buildings and premises except as otherwise provided in this Ordinance may be used for any purpose permitted in the commercial zone and any other purpose except those uses which have been declared nuisances by statutes or ordinances, or any court of

ORDINANCE NO. 2536, Cont'd.

competent jurisdiction, or which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise, provided that the commission shall have the power to grant 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."

Passed by the Council: August 25, 1954

Approved by the Mayor: August 25, 1954

Charles B. McConnaughy
Mayor

ATTEST:

William D. Bellman
City Recorder