

ORDINANCE NO. 3007

TITLE: An Ordinance to amend Section 109.05 of Ordinance No. 2916 as the same pertains to nonconforming use of structure and declaring an emergency.

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

Section 1:

Section 109.05 of Ordinance No. 2916 is amended to read as follows:

"109.05. NONCONFORMING USES OF STRUCTURES. If the use of a structure or land exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

109.051 No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located, except on special application in writing to the Planning and Zoning Commission and approval of such structural change by the Planning and Zoning Commission;

109.052 Any nonconforming use may be extended throughout any parts of a building which are manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance, but no use shall be extended to occupy any land outside such building, except special application in writing to the Planning and Zoning Commission and by receiving approval of the Planning and Zoning Commission;

109.053 If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use, provided that the Planning and Zoning Commission, by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the previous use. A conditional use permit shall be issued in such cases by the Planning and Zoning Commission. The Planning and Zoning Commission in such cases may direct that a public hearing be held as provided in Section 110.03. In permitting any changes under this section, the Planning and Zoning Commission may require any appropriate conditions as a safeguard according to the provisions of this Ordinance."

Section 2:

Any Ordinance or parts of Ordinances in conflict with this Ordinance are specifically repealed.

Section 3: EMERGENCY CLAUSE

Whereas, it is necessary that this Ordinance take effect immediately upon its adoption, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect upon its passage by the council and approval by the mayor.

Passed by the Council: March 14, 1962

Approved by the Mayor: March 14, 1962

*W. J. [Signature]*

Mayor

Effective Date: March 14, 1962

ATTEST:

*Ernest W. [Signature]*  
City Recorder