

ORDINANCE NO. 393A

Introduced by Commissioner NOEL RAWLS

AN ORDINANCE DIVIDING THE CITY OF WARRENTON INTO DISTRICTS; PRESCRIBING USES TO WHICH PROPERTY IN SUCH DISTRICTS MAY BE PUT; PROVIDING PENALTY FOR THE VIOLATION THEREOF AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as the "Zoning Ordinance of the City of Warrenton, Oregon".

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

Section 3. Minimum Requirements for General Welfare. The provisions of this Ordinance shall be deemed the minimum requirements for the preservation of the public safety, health, convenience, comfort, prosperity and general welfare of the people of the City of Warrenton, Oregon.

Section 4. Occupancy Permit. No vacant land shall be occupied or used and no building hereafter erected shall be occupied 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. No permit for excavation or laying foundation for any building shall be issued before application has been made for an occupancy permit.

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 ten days after application therefor has been made if such use is in conformity with this ordinance.

Section 5. Temporary Uses. The City Planning Commission may, upon such petition, notice and hearing as it may deem proper, recommend to the City Council the granting of a temporary permit to use certain specified property for a purpose not authorized in the district in which such property is located. Such temporary permit may be granted by motion or resolution for a period of not to exceed ten days and not to be extended, and shall be revokable at the will of the Council prior to ten days, and it may be granted subject to such other limitations and conditions as the Council shall impose.

Section 6. Illegal Occupancy. Any use of a premises or building which deviates from or violates any of the provisions of this ordinance shall be termed an illegal use and the person or persons responsible therefor shall be subject to the penalties herein provided.

Section 7. Contract Purchasers Deemed Owners. A person or persons purchasing property under contract, for the purposes 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 City Commission may require satisfactory evidence of such contract of purchase.

Section 8 - Amendments The Commission may, from time to time on its own motion or petition, after public notice and hearing, amend the regulations and change the districts herein established. Every such proposed amendment shall be referred by the Commission to the City Planning Commission for report. Any such amendment that has failed to receive the approval of the City Planning Commission shall not be passed, except by a two-thirds vote of the Commission. The Commission or the City Planning Commission may initiate proposed changes in zones, which changes may be made only after notice to the owners of the properties within an area bounded by lines parallel to and one hundred feet from the lines bounding the area to be changed, and after a public hearing. All changes, except those initiated by the City Commission or the City Planning Commission shall be made only upon petition bearing the signature of the owners of 50% or more of the property within an area bounded by lines parallel to and one hundred (100) feet from (not including street and alley) the boundaries of the area to be changed. Such petition shall contain the addresses and sufficient description of the properties owned for the identification thereof, and shall be filed with the City Auditor and Police Judge and directed to the Commission. This Section shall not apply to the unrestricted area in Warrenton.

A petition filed with the City Auditor shall forthwith be referred to the City Planning Commission by the City Auditor and the City Planning Commission shall check such petitions for sufficiency and shall make a report to the City Commission embodying its recommendations. No petitions shall be approved by the City Commission until the City Planning Commission has submitted a report relative to the same, and the City Planning Commission must submit such report within 60 days of the filing of the petition with the City Auditor. The City Commission must vote upon the petition within ninety days after its filing with the Auditor.

The City Planning Commission shall afford persons particularly interested, and the general public, an opportunity to be heard at a time and place specified in a notice of hearing to be sent by mail to all property owners within an area bounded by lines parallel to and one hundred (100) feet (not including street and alley) from the boundaries of the area to be changed. Notice thereof shall also be published in a newspaper of general circulation, within the municipality, not less than once within the week in which said hearing is to be held. If a protest against such amendment be presented, duly signed by the owners of 20% of the land within an area bounded by lines parallel to and one hundred (100) feet from the area to be changed, such amendment shall not be passed except by a two-thirds vote of the City Commission. This Section shall not apply to the unrestricted area in Warrenton.

Section 9 - Appeals from Rulings on Permits. Any interested citizen or administrative officer of the City may appeal to the City Commission from any ruling pertaining to the granting or denial of any permit applied for hereunder when such ruling is adverse to his interests, by filing with the City Auditor, within ten days from such ruling, a written notice stating with reasonable accuracy the particular ruling from which appeal is made, and state the grounds therefor. Thereupon the City Auditor shall forthwith 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 thirty days, submit its written recommendation thereon together with the record to the City Commission. Said Commission or the City Commission may receive any additional evidence as either deems relevant to the issues involved. Upon receiving such recommendation and record, and within thirty days, and after a public hearing thereon, the City Commission shall have the power to affirm, overrule or alter any such ruling.

Section 10. Penalty for Violation. The owner or owners of any building or premises, or part thereof, where anything 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 of the provisions of this ordinance or who shall fail to comply therewith, or who shall build in violation of any detailed statement of plan submitted and approved thereunder, shall for each and every violation or non-compliance be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$100.00 or by imprisonment in the City jail not to exceed sixty days, or by both such fine and imprisonment. Each day that a violation of this ordinance continues shall be considered a separate offense.

Section 11. Conflicting Provisions. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 12. Validity. 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, except the part declared invalid.

PART II

Section 13. 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 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 the word structure.

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

PART III

Section 14. Use Districts. For the purpose of this ordinance, the City of Warrenton, Oregon is hereby divided into two types of districts designated as follows:

1. Residential District
2. Unrestricted District.

1. Residential Districts:

In the residential District, no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided for in this Ordinance, except for one or more of the following uses:

- (a) One and Two Family Dwellings
- (b) Multiple Residence Dwellings.
- (c) Motels or apartments of a residential type building, including, if desired, a restaurant, bar and swimming pool as long as part of one motel, or apartment.

The boundaries of this District are as follows:

Area 1 - Ridge Road: Beginning at a point on the boundary line of the North City Limits and the center line of the Ridge Road, thence West 400 feet from the center line of the Ridge Road, thence South along an imaginary line 400 feet from the center line of the Ridge Road to the boundary line of the South city limits, thence East 800 feet to an imaginary line 400 feet East of the center line of the Ridge Road, thence North along this line to the North city limits boundary line, thence West to the point of beginning, City of Warrenton, County of Clatsop, State of Oregon.

All construction shall be according to the City building code.

2. Unrestricted District: The balance of the City of Warrenton shall be unrestricted being that part not included in the above described residential district. However, all construction shall be according to the City Building Code.

PART IV

Section 15. Existing Buildings and Non-Conforming 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 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 a 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% of the value of the building, unless the use of such building be changed to a 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 having a non-conforming use is damaged by fire or other causes so that the total deterioration exceeds 60% of the cost of replacing 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. In such rebuilding for non-conforming use, the building must be kept within the old foundation, or if not within the old foundation, must be of fire resistant construction. When a building having a non-conforming use is damaged by fire or other cause to an extent which will permit rebuilding, such construction must commence within six months of date of damage and be completed within one (1) year of such date if use is to continue as a non-conforming use.

Buildings moved. No building or structure shall be moved from one lot or premises to another unless such building or structure shall thereupon be made to conform to all the provisions of this ordinance relative to buildings or structures hereafter erected upon the lot or premises to which such building or structure shall have been moved.

Section 16. Completion of Buildings. Nothing in this ordinance shall require any change in the plans, construction, alteration or designated use of a building upon which construction was actually begun 30 days previous to the passage of this ordinance and the ground stonery framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction, to avoid compliance with this ordinance.

Passed by the City Commission of the City of Warrenton this 16 day of Feb, 1959.

Approved by the Mayor of the City of Warrenton this 16 day of Feb, 1959.

Quincy V. Polinski
acting Mayor

ATTEST:
Levi Paldwin
Auditor and Police Judge.