

ORDINANCE NO. 5447

Introduced by Commissioner VERNON HART

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 AND ESPECIALLY REPEALING ORDINANCE NO. 393A.

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 conforms 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.

Planning if any,

Section 5. Temporary Uses. The City/Commission/may, upon such petition, notice and hearing as it may deem proper, recommend to the City Commission 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 Commission prior to ten days, and it may be granted subject to such other limitations and conditions as the Commission 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 Commission or Planning 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, if any, for report. Any such amendment that has failed to receive the approval of the City Planning Commission, if any, shall not be passed except by a two-thirds vote of the Commission. The Commission or the City Planning Commission, if any, 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 (100) 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, if any, 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, if any, by the City Auditor, and the City Planning Commission, if any, shall check such petitions for sufficiency and shall make a report to the City Commission embodying its recommendations. No petition shall be approved by the City Commission until the City Planning Commission, if any, has submitted a report relative to the same, and the City Planning Commission, if any, must submit such report within sixty (60) days of the filing of the petition with the City Auditor. The City Commission must vote upon the petition within ninety (90) days of its filing with the Auditor.

if any,

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.

Wherever in this section it says Planning Commission, the City Commission may act as the City Planning Commission if there is no City Planning Commission.

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. The City Commission may act as the City Planning Commission if there is no City Planning Commission.

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 (60) 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. *and especially Ordinance No. 393 A.*

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 is hereby divided into two types of districts designated as follows:

I. Residential Districts.

II. Unrestricted District.

I. RESTRICTED RESIDENTIAL DISTRICTS.

In Area 1 - Residential District - no building or premises shall be used and no building shall hereafter be erected or structurally altered except for the following uses:

(1) One and two family dwellings

(a) One Family dwelling is defined herein as a family residence for the use of parents, children, servants and such other persons as the parents may be under a natural or legal obligation to maintain or look after.

(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.

(2) Uses Accessory to Dwellings:

(a) Private garages as separate buildings; garages attached to or within building.

The boundaries of Area 1 - Residential 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 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.

In Area 2 - Residential District - no building or premises shall be used and no building shall hereafter be erected or structurally altered except for the following uses:

(1) One Family Dwelling:

(a) One family dwelling is defined herein as a family residence for the use of parents, children, servants and such other persons as the parents may be under a natural or legal obligation to maintain or look after.

(2) Agriculture.

(3) Uses accessory to dwelling:

(a) Private garages as separate buildings; garages attached to or within building.

(b) Agricultural buildings.

The boundaries of Area 2 - Residential District are as follows:

Beginning at the intersection of the North Line of Northwest 7th Place and the West line of Northwest Warrenton Drive, said point being the Southeast corner of Block 107, FLAVEL, City of Warrenton, Clatsop County, Oregon;
thence East along the North line of Northwest 7th Place to its point of intersection with the East line of New Hampshire Avenue, also known as North Main Avenue;
thence Northerly and Northwesterly along the East line of New Hampshire Avenue, also known as North Main Avenue, and Northwest

Area 2 Continued:

Date Avenue and the extension thereof to the most Northerly Northwest corner of that property conveyed to Eben H. Carruthers, by deed recorded in Book 219, page 411 on October 13, 1952 in Deed Records, Clatsop County, Oregon which property is adjacent to the Easterly line and Northerly extension thereof of that property conveyed to John McGie et al, trustees, by deed recorded October 23, 1969 in Book 326, page 753, Instrument No. 246993, Film Records, Clatsop County, Oregon;

thence South along the said East line of the McGie property and the extension thereof to a point of intersection with the North line of Lot 32, Block 13, FLAVEL extended Westerly;

thence along the North line of said Lot 32 as extended Westerly in a Southeasterly direction on the extension of said North line to the Northwesterly corner of said Lot 32;

thence South along the West line of said Lot 32 to the Southwest corner thereof;

thence in a straight line along the Northerly right of way line of Warrenton Drive to its point of intersection with the East line of Railroad Avenue, said point being also the East line of the City Limits of Hammond, Oregon;

thence South along the East city limits to the North line of Northwest 12th Street;

thence West along the South line of the city limits of Hammond, Oregon to a point which bears East 400 feet from the center line of Ridge Road;

thence Southerly and Easterly and parallel 400 feet from the center line of said Ridge Road to a point on the South line of Section 17, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, Oregon which bears 400 feet East of the center line of Ridge Road as aforesaid;

thence East along the South line of Section 17, Township 8 North, Range 10 West, Willamette Meridian, to its point of intersection with the West line of the tract conveyed to Noel B. Rawls, et ux, by deed recorded July 25, 1949 in Book 204, page 501, Deed Records, Clatsop County, Oregon as such line is extended Southerly;

thence North along the West line of Rawls tract and the extension thereof to the Northwest corner of said Rawls tract;

thence East along the South line of Northwest 6th Street to the Northeast corner of said Rawls tract aforesaid;

thence South along the East line of said Rawls tract to section corner common to Section 16, 17, 20 and 21, Township 8 North, Range 10 West, Willamette Meridian, Clatsop County, Oregon;

thence East along the South line of said Section 16, aforesaid, to the West bank of Alder Creek;

thence following the meanders of the West bank of Alder Creek to the intersection of said meander line and the West line of Northwest Warrenton Drive;

thence South to point of beginning, City of Warrenton, County of Clatsop, State of Oregon.

All construction shall be according to City Building Code.

II. UNRESTRICTED DISTRICT.

The balance of the City of Warrenton shall be Unrestricted, being that part not included in the above described Residential Districts I. However, all construction shall be in accordance with 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.

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Passed by the City Commission of the City of Warrenton this 4th day of
May, 1970.

Approved by the Mayor of the City of Warrenton this 4th day of May, 1970.



Mayor

ATTEST:



Auditor and Police Judge.