

ORDINANCE NO. 3179

TITLE: An Ordinance to amend Sections 204.07 and 205.07 of Ordinance No. 2916, as the said sections provide for procedures for establishment of BP-1 zones and C-2 zones, and declaring an emergency.

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

Section 1: AMENDMENT OF Section 204.07, Ordinance No. 2916.

Section 204.07 of Ordinance No. 2916 is hereby amended to read as follows:

"204.07. Procedure for Establishment.

- A. BP-1 zones shall be established under the provisions of Part 1, Section 110, together with the additional requirements cited herein.
- B. The lot, tract, or parcel of land sought to be rezoned by a petition presented other than by the City Council or on the motion of the Planning and Zoning Commission shall be in one ownership or the subject of one petition filed jointly by the owners of all the property to be rezoned.
- C. In all requests for rezoning, except those requested by the City Council or initiated on the motion of the Planning and Zoning Commission and unless specifically waived by the permission of the Planning and Zoning Commission, the petitioner shall prepare and submit an analysis of the need for such zone and preliminary development plan. The plan shall show or include the following information:
 1. Site plan of the property showing:
 - a. Property description and dimensions.
 - b. Building size and location of property.
 - c. Building uses.
 - d. Location of parking and screening.
 - e. Access to public streets.
 - f. Landscaping, if any.
 - g. Lighting and signs.
 2. Schedule of construction of the project indicating approximate times of beginning and completion of project.
- D. The Commission may impose the following conditions on the proposed development:
 1. Limit or prohibit openings in structures on sides within 50 feet of a residential zone if such access or openings will cause glare, excessive noise or other adverse effects on adjacent residential areas.
 2. Limit access to streets not designated as collector or arterial streets on an officially adopted street plan where the principal uses along the street in the block are residential.
 3. Require additional setback and planting or screening abutting residential zones if necessary to minimize noise and glare.
- E. If the Planning Commission finds the zone change justified and the proposed development plan in conformance with this Ordinance, if such a plan has been required by the Planning and Zoning Commission, and all other requirements deemed necessary to the public interest by the Commission, such plan and petition shall be submitted to the City Council for final approval.
- F. If the Council determines that a BP-1 zone shall be established and approves a development plan and construction schedule for modifications thereof, if the same has been required, the plan and schedule shall be made a part of the zone change Ordinance and shall be recorded as a part thereof.

- G. No building or occupancy permit shall be issued on the property involved unless such improvements are in conformance with the intent of the recorded development plan. Changes in the plans or schedules deemed necessary shall be submitted to the Commission and Council. Amendments to the original development plan and schedule may be made by resolution.
- H. In any case where BP-1 zone has been established upon petition other than initiation by the City Council or the Planning and Zoning Commission, failure to begin construction within the time designated by the Planning and Zoning Commission or City Council, or if no time is designated, within two (2) years of the approved date in the construction schedule shall void the recorded development plan and zone change amendment and the Planning and Zoning Commission may, upon its own motion, rezone the entire tract to its former classification."

Section 2: AMENDMENT OF Section 205.07, Ordinance No. 2916.

Section 205.07 of Ordinance No. 2916 is amended to read as follows:

"Section 205.07. Procedure for Zone Establishment.

- A. C-2 zone shall be established under the provisions of Part 1, Section 112, together with the additional requirements cited herein.
- B. The lot, tract, or parcel of land involved shall be in one ownership or the subject of one petition filed jointly by the owners of all the property to be changed.
- C. Except in those cases which are initiated by the Planning and Zoning Commission on its own motion or the City Council on its own motion, the petitioner shall prepare and submit an analysis of the need of such a zone and a preliminary development plan, unless such requirements are waived by the Planning and Zoning Commission. The plan shall include the following information:
 - 1. Site plan of the property showing:
 - a. Property description and dimensions.
 - b. Building size and location on property.
 - c. Building uses.
 - d. Location of parking and screening.
 - e. Access to public streets.
 - f. Landscaping, if any.
 - g. Lighting and signs.
 - 2. Schedule of construction of the project indicating approximate times of beginning and completion of the project.
- D. The Commission may impose the following conditions on the proposed development:
 - 1. Limit or prohibit openings in structures on sides within 50 feet of a residential zone if such access or openings will cause glare, excessive noise or other adverse effects on adjacent residential areas.
 - 2. Limit access to streets not designated as collector or arterial streets on an officially adopted street plan where the principal uses along the street in the remainder of the block are residential.
 - 3. Require additional setbacks and planting or screening abutting residential zones if necessary to minimize noise and glare.
- E. If the Planning Commission finds the zone change justified and the proposed development plan in conformance with this Ordinance, if such a plan has been required, and such other requirements deemed necessary to the public interest by the Commission, tentative approval shall be given and the petitioner shall prepare a final development plan and schedule for submission to the City Council.

- F. If the Council determines a C-2 zone shall be established and approves the final development plan and construction schedule or modifications thereof, if the same has been required, the plan and the schedule shall be made a part of the zone change Ordinance and shall be recorded as a part thereof.
- G. No building or occupancy permit shall be issued on the property involved unless such improvements are in conformance with the intent of the recorded development plan. Changes in the plans or schedules deemed necessary shall be submitted to the Commission or Council. Amendments of the original development plan and schedule may be made by resolution.
- H. Unless a zone change has been initiated by the Planning and Zoning Commission or the City Council, failure to begin construction within the time designated by the Planning and Zoning Commission or the City Council, or if no time is designated, within two (2) years of the approved date in the construction schedule may void the recorded development plan and zone change amendment and the Planning and Zoning Commission may take action to rezone the entire tract to its former classification."

Section 3: EMERGENCY CLAUSE.

Whereas, it is necessary for the immediate preservation of the public peace, health and safety of the inhabitants of the City of Albany that this Ordinance shall become immediately operative and an emergency is hereby declared to exist and this Ordinance shall take effect immediately upon its passage by the Council and approval by the Mayor of the City of Albany.

Passed by the Council: February 24, 1965

Approved by the Mayor: February 24, 1965

Russell W. Swift
Mayor

Effective Date: February 24, 1965

ATTEST:

Ernest W. Shum
City Recorder