

**CITY OF ELMA
ZONING ORDINANCE**

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ELMA ZONING ORDINANCE

- ARTICLE 1. TITLE AND CONTENT
17.04.010. Title
17.04.020. Content
17.04.030. Ordinance Interpretation
- ARTICLE 2. DEFINITIONS
17.08.010. General Construction
17.08.020. Definitions
- ARTICLE 3. GENERAL PROVISIONS
17.12.010. Limitations
17.12.020. Zoning Map Interpretation
- ARTICLE 4. LAND USE DISTRICTS
17.16.010. Purpose
17.16.020. Districts
R-1, Low Density Residential
R-4, Moderate Density Residential
C-1, Land Intensive Commercial
C-2, Land Extensive Commercial
C-3, Light Commercial
I-1, Light Industrial
I-2, Heavy Industrial
- ARTICLE 5. COMBINING DISTRICTS
17.40.010. Definition
17.40.020. Flood Hazard or FH Combining District
17.40.021. Permitted Uses
17.40.022. Regulations
- ARTICLE 6. SPECIAL CONDITIONS
17.44.010. Purpose
17.44.020. Special Use Regulations
17.44.021. Temporary Amusements & Public Assembly
17.44.022. Home Occupations
17.44.023. Resource Extraction & Grading
17.44.024. Animals
17.44.025. Architectural Features

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- 17.44.026. Special Requirements for Corner Lots
- 17.44.027. Exceptions to Height Restrictions
- 17.44.028. Storage of Vehicles & Other Materials
- 17.44.029. Location of Off-Street Parking
- 17.44.030. Improvement of Parking Space & Access

ARTICLE 10. BOARD OF ADJUSTMENT

- 17.48.010 Establishment
- 17.48.020 Membership
- 17.48.030 Officers
- 17.48.040 Meetings
- 17.48.050 Procedure
- 17.48.060 Appeals from Administrative Decisions
- 17.48.070 Appeal Forms
- 17.48.080 Public Notice & Procedure of Meetings
- 17.48.090 Decision
- 17.48.100 Revocation
- 17.48.110 Record

ARTICLE 11. CONDITIONAL USE PERMITS

- 17.52.010 Purpose
- 17.52.020 Application
- 17.52.030 Report of Findings
- 17.52.040 Final Authorization
- 17.52.050 Expiration

ARTICLE 12. VARIANCES

- 17.54.010. Purpose & Intent
- 17.54.020. Authorization
- 17.54.030. Application
- 17.54.040. Notice of Hearing
- 17.54.050. Criteria for Granting a Variance

ARTICLE 13. NON-CONFORMING USES, LOTS, OR STRUCTURES

- 17.58.010. Purpose
- 17.58.020. Provisions for Non-Conforming Uses
- 17.58.030. Alteration of Non-Conforming Uses
- 17.58.040. Previously Granted Conditional Use Permits and Variances
- 17.58.050. Non-Conforming Lots

ARTICLE 14. TERRITORIES ANNEXED

- 17.62.010. Preliminary Classification
- 17.62.020. Previously Zoned Non-Residential Territories

	17.62.030.	Classification Other than R-1
ARTICLE 15.	AMENDMENTS AND CHANGES	
	17.66.010.	Purpose
	17.66.020.	Initiation of Amendment
	17.66.030.	Referral to Planning Commission
	17.66.040.	Planning Commission Action
	17.66.050.	Council Action
	17.66.060.	Public Hearing
ARTICLE 16.	FEES	
	17.70.010.	Purpose
	17.70.020.	Processing Fees
	17.70.030.	Permit Issuance Fees
ARTICLE 17.	ENFORCEMENT, VIOLATION, AND PENALTIES	
	17.72.010.	Enforcement
	17.72.020.	Applications for Building Permits
	17.72.030.	Violations
	17.72.040.	Penalties

ARTICLE 1. TITLE AND CONTENT

Section 17.04.010. Title and Purpose. This Ordinance and all amendments thereto shall be known as "The Zoning Ordinance for the City of Elma, Washington."

Section 17.04.020. Content. This Ordinance shall consist of the text hereof as well as that certain map identified by the approving signature of the Mayor and City Clerk as the Zoning Map of the City of Elma, now on file in the office of the city clerk.

Section 17.04.030. Ordinance Interpretation. This Ordinance and each and all of the terms within the text are to be read and interpreted in light of the Zoning Map. If any conflict between the Map and the text of this Ordinance is deemed to arise, the text of the Ordinance will prevail.

Where this Ordinance imposes greater restrictions upon the use or development of land than is required by other laws, ordinances, rules, or regulations, the provisions of this ordinance shall apply.

Unless specifically stated, it is not intended by this ordinance to abolish or in any way interfere with any existing provision of law, regulation, permits, easements, covenants, or previous agreements between parties relating to the use of buildings or land, and such provisions shall apply unless provisions within this Ordinance impose greater restrictions upon the use, erection, moving or alteration of buildings or land.

ARTICLE 2. DEFINITIONS

Section 17.08.010. General Meaning. For purposes of defining terms within this Ordinance, words used in the present tense include the future; words in the singular include the plural and words in the plural number include the singular. The word "shall" denotes a mandate and the word "may" denotes the use of discretion in making a decision. Words not defined herein shall be construed as defined in the Building Code of the City of Elma.

Section 17.08.020. Definitions.

Accessory Building. A detached building subordinate to the main building located on the same lot as the main building in which an accessory use may be located.

Accessory Use. A subordinate use which is customarily incidental to the primary use of the premises and which does not alter or change the character of the premises.

Advertising Area. The total number of square feet within the boundaries of visual medium visible from any one direction and in the case of a cylindrical or sperical shaped sign, the advertising area shall be the largest cross-section thereof.

Alley. A public right-of-way not over thirty (30) feet wide affording a secondary means of vehicular access to abutting lots but which is not intended for general traffic circulation.

Arterial. Those streets designated within the Elma Comprehensive Plan as those basically providing for through and major traffic movement between areas and across the city.

Appurtenant Sign. A sign located on the premises of the business, institution, or area providing the advertised product or service.

Board. The Board of Adjustment described in Article 10.

Boarding House. Any building or groups of buildings on the same lot containing guest rooms where meals may be provided by the management as a part of the consideration for the guest room.

Building. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

Building Height. The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Child Care Center. Any type of group child day-care center, including nurseries for children of working mothers, nursery schools for children under minimum age for education in public schools, privately conducted kindergartens when not a part of a public or parochial school, a facility providing after-school care for school children, all of which must be licensed by the State or City and conducted in accordance with State and City requirements.

Church. A building intended primarily for religious worship and accessory uses including Sunday School, religious education classrooms, assembly rooms, kitchen, library or reading rooms, recreation hall, a one-family dwelling unit for religious staff, facilities for training of religious orders.

Club. (private) A non-profit social organization whose premises are restricted to members and their guests.

Collector. Streets designated within the Comprehensive Plan as collecting vehicular traffic from local streets and directing it to larger arterials.

Conditional Use. A use within a district which the Planning Commission indicates will not disrupt the character of the area in which it is located yet will conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

Density. The Total number of square feet in a lot divided by the number of dwelling units located on the lot.

Dwelling Unit. One or more habitable rooms for one family with facilities for living, sleeping, cooking, and eating, excluding rooms for temporary living in hotels and motels.

Dwelling, efficiency. A one-bedroom dwelling unit designed to shelter one or two persons.

Dwelling, Multiple Family. A building containing two or more dwelling units on a lot, intended for occupancy by three or more families which may be owners, renters, or a combination of tenure.

Dwelling, Single Family or One Family. A building other than a mobile home or trailer containing one dwelling unit on a lot, intended for occupancy by one family which may be either the lot owner or a renter.

Family. An individual, or two or more persons related by blood or marriage or legal custody, or a group of not more than five persons who are not all related by blood, marriage, or legal custody, living together in a dwelling unit.

Grade. The average of the finished ground level at the center of all walls of a building.

Gross Floor Area. The total area included within the surrounding walls of a building.

Home Occupation. A use conducted within a dwelling unit or accessory building by the inhabitants of the dwelling and which use is clearly incidental and secondary to the use of the premises for dwelling purposes and which does not change the character of the dwelling or premises.

Home, Convalescent or Rest. A home operated similarly to a boarding house, but not restricted to any number of guest rooms, the operation of which is licensed by the State or City, where special care such as nursing, dietary, and other personal services are furnished to convalescents, invalids, and aged persons for compensation and where no surgery, maternity, or other primary treatments are performed.

Hotel or Motel. Any building or group of buildings, or portions thereof, located on the same lot containing guest rooms which are designed and/or used primarily for temporary residence, for compensation. Terms such as motor inn, motor lodge, and others with similar names are also included.

Kennel. A premises where four or more dogs or cats or combinations thereof, at least six months of age, are kept by the owners of the animals or by persons providing facilities and care, whether or not compensation is paid.

Lot. A contiguous tract of land whether described by metes and bounds and/or by lot-by-lot and block designation in the recorded plat, which constitutes a unit of land under single ownership.

Lot, Area, or Size. The total horizontal space included within the lot lines.

Lot, Corner. A lot at the junction of and abutting on two or more intersecting streets where the angle of intersection is 135 degrees or less.

Lot, Depth. The horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line.

Lot, Interior. A lot other than a corner lot.

Lot, Width. The lot area divided by the lot depth.

Lot Line, Front. For corner lots the shortest boundary of the lot abutting a street. For interior lots, the boundary abutting the street, except for "panhandle" lots where the front lot line shall be the boundary line (extended the width of the lot) which represents the intersection of the driveway portion of the lot with the buildable area of the lot.

Lot Line, Rear. The boundary of a lot opposite and most nearly parallel to the front lot line.

Lot Line, Side. Any boundary line of a lot which is not a front line or a rear lot line.

Lot of Record. A lot which has been recorded, as required by the laws of the State in the office of the Auditor of Grays Harbor County.

Mobile Home. A dwelling unit permanently equipped with a transport chassis, without motor power, at least fourteen (14) feet in width with more than 700 square feet of floor area, including all facilities required for a dwelling unit and complying with the construction requirements of the State of Washington for such units.

Mobile Home Park. A lot on which two or more mobile homes are located and used for sleeping, cooking, eating.

Non-appurtenant Sign. A sign not located on the premises of the business, institution, or area providing the advertised product or service.

Nonconforming Building. A building, or portion thereof, which was lawfully erected and maintained prior to the adoption of this ordinance but which does not conform to the requirements of the zone in which it is located, as provided by this ordinance.

Nonconforming Use. A use which was lawfully established and maintained prior to the adoption of this ordinance but which does not conform to the requirements of the zone in which it is located, as provided by this ordinance.

Ownership. Possession of fee title to real estate, or a legal contract to purchase, or a legal contract (lease) assigning sole or pre-emptive right to use or occupy real estate for a specified period of time.

Off-street Parking. An area not on a street right-of-way for the parking of one automobile having convenient access to a street or alley.

Parking Area, Public. An open area other than street, alley or reserved parking area, which is available for parking of vehicles.

Permitted Use. A use allowed outright by the provisions of the various zones or districts of this title.

Personal and Professional Services. Beauty and barber shops; offices for doctors, dentists, and others engaged in human healing arts, provided no over-night care is given; offices for engineers, attorneys, architects, real estate sales, insurance agencies, travel agencies, ambulance services, bail bonds, art and photography services; and other services similar to the above and which do not principally involve the sale or repair of merchandise or equipment.

Projecting Sign. Any sign which sticks out away from the building or structure to which it is attached.

Rental. Permission to use or occupy real estate granted by the owner thereof, which permission or occupancy may be terminated by either party at any time without cause subject to appropriate notice.

Residential Rehabilitation Centers. Places harboring services, equipment, and supplies used exclusively for housing repair or remodeling.

Right-of-way. Land over which the public has full dominance to place alleys, streets, roads, rail tracks, or utility lines.

Secondhand Sales. Sale of items previously used by other persons.

Service Station. A use which provides for the servicing of motor vehicles and operations incidental thereto, limited to the retail sales of petroleum products and automobile washing, waxing, or polishing by hand; tire changing and repairing; battery charging and replacement; radiator cleaning and flushing; installation of accessories; minor repair (excluding any painting of the vehicle frame or body).

Sign. Any message, word, symbol, design, picture, or visual medium which is intended to draw attention to a product, service, business, person, institution, or location and is placed or painted on the ground, or on any tree, wall, fence, rock, structure, or thing whatsoever, and placed thereon, whether indoor or outdoor, so as to be visible from off-premises, but excluding legal notices and safety and directional signs posted by public agencies.

Slope. The horizontal distance divided into the average vertical rise over that distance.

Story. That portion of a building included between the upper surface of any floor and the surface of the next floor or roof above and equaling at least ten (10) feet.

Street Access. A land service street generally limited to providing access to abutting property; a street generally tributary to major and secondary streets and which generally discourages through traffic.

Structure. Anything constructed in the ground, or anything erected which

requires location on the ground or on water, or is attached to something having location on or in the ground, but not including unroofed paved areas.

Trailer. A transportable vehicle with or without motor power designated primarily for recreational purposes and equipped for cooking, eating, and/or sleeping; OR a dwelling unit with characteristics of a mobile home with less than 700 square feet of floor area.

Trailer Park. A lot on which one or more trailers, motor homes, campers, or tents are parked or located and used for cooking, eating, and/or sleeping purposes.

Use. The nature of the occupancy, the type of activity, or the character and form of improvement to which lands or buildings are or may be devoted.

Yard. An open space abutting a lot line unobstructed and unoccupied from the ground upward except for certain exceptions allowed herein. A yard shall extend into the lot to the exterior wall of the building.

Yard, Front. A yard extending the full width of the lot abutting the front lot line.

Yard, Rear. A yard extending the full width of the lot abutting the rear lot line.

Yard, Side. A yard extending from the front yard, or from the front lot line where no front yard exists, to the rear yard, or rear lot line where no rear yard exists, and abutting a side lot line.

ARTICLE 3. GENERAL PROVISIONS

Section 17.12.010. Limitations. No building, structure, or land shall be erected, reconstructed or used except as provided and allowed in the zone in which such building, structure, or land is located. No existing lot nor any lot hereafter established shall be altered to reduce yard, open space, or lot area required by this ordinance.

No area reserved for street purposes, nor any area from an abutting lot shall be included in determining total yard area within a specific lot, unless specifically allowed elsewhere within this ordinance.

Section 17.12.020. Zoning Map Interpretation. Where a zone boundary is shown as a lot line, such lot line as surveyed on the ground or established on the ground by a final decision of court of competent jurisdiction shall constitute such boundary.

Where a zone boundary is shown as a waterway, the boundary shall be the center of the waterway.

Where a street or alley is officially vacated, the vacated area shall acquire the classification of the property it abuts. Areas of dedicated streets, alleys, and railroad rights-of-way, unless otherwise classified, shall be deemed unclassified and in the case of streets and alleys shall be permitted to be used only for street and alley purposes as herein defined. Railroad rights-of-way shall accommodate only tracks, signals, other operative devices, and the movement of rolling stock.

ARTICLE 4. LAND USE DISTRICTS

Section 17.16.010. Purpose. In order to accomplish the stated goals, objectives, and policies of the Elma Comprehensive Plan, the following use classifications are established for the City of Elma:

Primary Districts

- "R-1" or Low Density Residential
- "R-4" or Moderate Density Residential
- "C-1" or Land Intensive Commercial
- "C-2" or Land Extensive Commercial
- "C-3" or Light Commercial
- "I-1" or Light Industrial
- "I-2" or Heavy Industrial

Combining District

- "F" or Flood Hazard

[District]

R-1 or Low Density Residential:

[Purpose] This use is designed to preserve small-town qualities enjoyed by area residents in the face of rapid growth and development; to reserve adequate areas for play; to provide protection from building congestion which might reduce light and healthful air.

[Permitted Uses]

1. Single-family dwelling units.
2. Accessory uses and building incidental to single-family dwellings subject to "Special Conditions."
3. Agricultural Uses less than one (1) acre.

[Conditional Uses]

1. Multiple-family dwelling structures containing two (2) but no more than six (6) regular dwelling units or two (2) but no more than twelve (12) efficiency units or boarding houses subject to conditions and other regulations within this ordinance.
2. Home Occupations subject to provisions in 17.44.022.
3. Mobile Homes which conform to the regulations and requirements of single family structures.
4. Public uses including, but not limited to, parks, playgrounds, playfields, community centers, swimming pools, libraries, fire stations, public utilities and other public buildings and structures;
5. Quasi-public uses, including churches, parochial schools, sanitariums, hospitals, Medical-Dental clinics, and nursing homes;

6. Golf courses, except midget golf courses or driving ranges or similar commercial enterprises.

All conditional uses approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

[Special Conditions]

Accessory Buildings. To maintain the open space characteristics in a low density district, accessory buildings and uses shall not extend sixteen (16) feet in height and shall be located in the rear area of the lot not closer than ten (10) feet to any dwelling nor closer than fifteen (15) feet to any side property line adjacent a street. The sideyard requirements for lots in this district shall also be the side yard requirements for accessory buildings. The building or use shall also be at least three (3) feet from the rear lot line and no closer than fifty (50) feet from the front lot line,

-Architectural Features. Section 17.44.025.

-Resource Extraction and Grading. Section 17.44.023.

-Corner Lots. Section 17.44.026/

-Storage of Vehicles and Other Materials. Section 17.44.028.

-Location and Improvement of Parking Spaces. Sections 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

Minimum average lot width - fifty (50) feet

Minimum average lot depth - ninety (90) feet

Minimum lot area - 6000 square feet and 3000 square feet per dwelling unit

Minimum Front Yard - fifteen (15) feet.

Minimum Side Yard - seven (7) feet measured from the drip line to the property line.

In determining setback requirements within the "R-1" District, all measurements shall utilize as their beginning point the structure's drip line closer to the lot line which the setback is being determined.

[Height/Density Regulations]

Maximum Building Height - Thirty-five (35) feet and three (3) stories.

Maximum Density - One (1) dwelling unit for every 4500 square feet within a 260 x 260 feet block or one (1) efficiency dwelling unit for every 1200 square feet within a 260 by 260 feet block.

Other buildings shall meet lot setbacks unless requirements are increased by Planning Commission with City Council during conditional review period.

[Sign Limitations]

Permitted Signs include:

1. Unlighted or indirectly lighted residential nameplate not exceeding two (2) square feet in area.
2. On-site identifying sign and/or bulletin board for church, school, or other public or semi-public institution or service, either illuminated or indirectly lighted, not exceeding thirty-two (32) square feet in area, and without any sign portion closer than ten (10) feet to any property line.
3. One (1) or two (2) on-site unilluminated signs which:
 - a) advertise(s) a subdivision with a total sign area less than thirty-two (32) square feet and with no sign portion closer than ten (10) feet to any property line; or
 - b) announce(s) the sale or lease of residential property and which do (does) not exceed a total area of six (6) feet.

[Required Parking]

Building, structures, or uses established, enlarged or intensified in this zone after the effective date of this ordinance shall provide off-street parking space as follows:

1. Detached single-family dwellings - two (2) parking spaces per unit.
2. Multiple-family dwelling structures - one and one-half (1.5) parking spaces per unit.
3. Efficiency structures to be continually occupied by those over 61 years of age - one (1) space per two (2) units.
4. Churches, community centers, and places of public assembly - one (1) space for every six (6) seats in the main auditorium.
5. Hospitals, sanitariums and nursing homes - one (1) space for every three (3) beds plus one (1) space for every three (3) employees.

[District]

R-4 or Moderate Density Residential

[Purpose] To allow space for housing types and appropriate services which supply the more economical housing opportunities to area residents without interfering with other residential or service areas.

[Permitted Uses]

1. Multiple-family dwelling structures not to exceed thirty (30) units per 260 by 260 feet block.

[Conditional Uses]

1. Single-family dwelling structures.

2. Multiple-family dwelling structures exceeding thirty (30) units per 260 by 260 feet block.
3. Public, private, or parochial institutions of elementary and secondary education, churches, community centers, and country clubs.
4. Parks, playgrounds, or golf courses.
5. Utility substations, fire stations, and hospitals provided:
 - a) such uses are located on a collector or arterial street.
 - b) structures do not exceed a height of fifty (50) feet.
 - c) the front, side, and rear yard setbacks shall be one (1) foot for each foot of building height.
 - d) substations are enclosed by a solid six (6) foot high fence with a five (5) foot wide landscaped area in front of this fence subject to special provisions for corner lots noted in Section 17.44.026.2.
6. Home occupations subject to provisions in Section 17.44.022.
7. Boarding houses, rest homes, and residential rehabilitation centers.
8. Child care centers.
9. Personal and professional services.
10. Clinics and pharmacy incidental to a clinic, and hospitals.
11. Mobile home parks.

All conditional uses approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

[Special Conditions]

Accessory buildings - To maintain the open space characteristics in a low density district, accessory buildings and uses shall not exceed sixteen (16) feet in height and shall be located in the rear area of the lot not closer than ten (10) feet to any dwelling nor closer than fifteen (15) feet to any side property line adjacent a street. The sideyard requirements for lots in this district shall also be the side yard requirements for accessory buildings. The building or use shall also be at least three (3) feet from the rear line and no closer than fifty (50) feet from the front lot line.

-Architectural Features. Section 17.44.025

-Resource Extraction and Grading. Section 17.44.023.

-Corner Logs. Section 17.44.026.

-Storage of Vehicles and Other Materials. Section 17.44.028.

-Location and Improvement of Parking Spaced. Sections 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

Minimum average lot width - fifth (50) feet

Minimum average lot depth - One hundred (100) feet

Minimum lot area -

Single-family units - 5000 square feet

Multi-family units - 6000 square feet and 1500 square feet per unit

Yard

Front yard depth -

On blocks where frontage of other buildings varies by less than six (6) feet - the average front yards on that block:

Minimum - ten (10) feet

Maximum - twenty (20) feet

Minimum Rear Yard - twenty-five (25) feet

Minimum Side Yard - seven (7) feet measured from the drip line to the property line.

[Height/Density Regulations]

Maximum Building Height -

Permitted uses - forty-five (45) feet and three (3) stories

Conditional uses - as designated by the Planning Commission

No building within an R-4 zone shall exceed a height of forty-five (45) feet.

Maximum Development Density:

Residential developments - thirty (30) dwelling units per acre or one (1) unit per 1500 square feet, or thirty-five (35) efficiency dwelling units per acre.

Other buildings shall meet required lot setbacks unless requirements are increased by Planning Commission with the City Council during the conditional review period.

[Sign Limitations]

Permitted Signs Include:

1. Unlighted or indirectly lighted residential nameplate not exceeding two (2) square feet in area,
2. On-site identifying sign and/or bulletin board for a church, school, or other public or semi-public institution or service, either illuminated or indirectly lighted, not exceeding thirty-two (32) square feet in area, and without any sign portion closer than ten (10) feet to any property line.

3. One (1) or two (2) on-site unilluminated signs which:
 - a) advertise(s) a subdivision with a total sign area less than thirty-two (32) square feet and with no sign portion closer than ten (10) feet to any property line; or
 - b) announce(s) the sale or lease of residential property and which do (does) not exceed a total area of six (6) square feet.
4. Appurtenant Signs with:
 - a) maximum area facing an abutting street - 200 square feet plus 1/2 square foot for each foot the lot width exceeds fifty (50) feet or for each foot the lot length exceeds fifty (50) feet, whichever is lesser. No sign shall exceed 300 square feet.
 - b) maximum height - twenty (20) feet.
5. Signs projected over public rights-of-way, shall:
 - not exceed 100 square feet in area;
 - be non-rotating;
 - be no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy in which case the sign shall not exceed six (6) square feet in area nor be closer than nine (9) feet to the ground;
 - not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor-travelled way.
6. Plans for extending signs over public rights-of-way shall be examined by a registered engineer.
7. Appurtenant signs shall be illuminated only by a lighting unit separate from the sign structure, directed away from any street or nearby residence with an intensity no greater than 1.25 times the intensity of other lighting units within the same advertising area. On-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) point flashes are not permitted.

[Required Parking]

Buildings, structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking as follows:

1. Detached single-family dwellings - two (2) parking spaces per unit.
2. Multiple-family dwelling structures - one and one-half (1.5) parking spaces per unit.
3. Efficiency structures to be continually occupied by those over 61 years of age - one (1) space per two (2) units.

4. Churches, community centers, and places of public assembly - one (1) space for every six (6) seats in the main auditorium.
5. Clinics and pharmacies incidental to clinic - one (1) space per patient bed or room.

[District]

C-1 or Land Intensive Commercial

[Purpose] To preserve adequate areas for commercial activities serving primarily local residents and requiring relatively small amounts of land.

[Permitted Uses]

1. Personal or professional services.
2. Indoor banks.
3. Retail sales in a building.
4. Financial services.
5. Sit-down restaurants.
6. Small appliance sale and repair in a building.
7. Indoor amusements and entertainment.
8. Libraries, police, and fire station.
9. Professional laundry services.
10. Parking areas for permitted uses.

[Conditional Uses]

1. Drive-in services.
2. Hospitals, convalescent centers, and clinics.
3. Transmission lines, utility substations.
4. Printer or data processing.
5. Service stations and car washes.
6. Retail sales outside a building.
7. Club, fraternal organizations, and churches.
8. Taverns, cocktail lounges and drive-in or take-out restaurants.
9. Boarding houses.

All conditional uses shall be approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

[Special Conditions]

Loading space. For commercial or public uses with more than 5000 square feet of gross floor area, there shall be provided space either inside or outside a building reserved for the loading and unloading of goods. Such space shall not be less than ten (10) feet wide, twenty-five (25) feet long, nor less than fifteen (15) feet in height if covered and shall have direct access to an alley or street.

-Temporary Amusements and Public Assembly. Section 17.44.021.

-Resource Extraction and Grading. Section 17.44.023.

-Architectural Features. Section 17.44.025.

-Storage of Vehicles and Other Materials. Section 17.44.028.

-Location and Improvement of Off-Street Parking. Section 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

Minimum lot width - twenty-five (25) feet.

Minimum lot length - one hundred (100) feet.

Minimum lot area - 2500 square feet.

Yard

Minimum land requirements when adjacent other commercial uses -

As required within Uniform Building Code for such uses.

Minimum yard requirements when adjacent residential -

Side Yard adjacent residential use - ten (10) feet.

Rear Yard adjacent residential use - twenty-five (25) feet.

[Height/Density Regulations]

Maximum Building Height

Permitted Uses - forty-five (45) feet and three (3) stories.

Conditional Uses - as designated by the Planning Commission.

No building within the C-1 zone shall exceed a height of forty-five (45) feet.

[Sign Limitations]

Sign limitations for residential purposes are as indicated in the District where such residential use is permitted.

Other permitted signs include:

1. Unilluminated signs not exceeding a total area of thirty-two (32) square feet, and not more than two (2) in number, pertaining to the sale or lease of commercially-zoned land.
2. Public service signs subject to obtaining a conditional use permit. (Such signs will not be subtracted from the property's allowable advertising area.)
3. Appurtenant signs with:
 - a) a maximum area of 200 square feet plus 1/2 square foot for each foot the lot width or lot length (whichever is lesser) exceeds fifty (50) feet, and

- b) a maximum height of fifty (50) feet.
4. Signs projecting over public rights-of-way provided they:
 - a) not exceed 100 square feet in total area;
 - b) are non-rotating;
 - c) are no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not exceed six (6) square feet nor be closer than nine (9) feet to the ground.
 - d) not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor-travelled way.
5. Plans for any projecting signs or free standing signs higher than twenty (20) feet shall be reviewed by a registered engineer.
6. Appurtenant signs shall be lighted only by a unit or group of units with an intensity of not more than 1.25 times the intensity of other lighting units within the same advertising area. On-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) point flashers are not permitted.

[Required Parking]

Buildings, structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking as follows:

1. Retail, sales of small items (groceries, drugs, department stores, etc.) - one (1) space for every 250 square feet of floor area in a new building and one (1) space for every 250 square feet floor area added to an existing building with such uses.
2. Personal, professional, business offices, financial services, public buildings - one (1) space for every 350 square feet of floor area in a new building and one (1) space for every 350 square feet of floor area added to an existing building with such uses.
3. Retail sales of bulky items (furniture, appliances, major tools, etc.) - one (1) space per 750 square feet of gross floor area.
4. Hospitals, clinics, and convalescent centers - one (1) space for every three (3) patient beds and one (1) space for every three (3) employees.
5. Sit-down restaurants, taverns, lounges, indoor amusements and entertainment - one (1) space for every three (3) persons of legal occupancy or practical occupancy (if legal occupancy does not exist) plus one (1) space per employee.
6. Churches, clubs, fraternities, places of public assembly - one (1) space for every six (6) seats fixed to the floor or one (1) seat for every

175 square feet in the main assembly areas without fixed seats.

All areas shall have a minimum of four (4) off-street parking spaces provided on-site.

[District]

C-2 or Land Extensive Commercial

[Purpose] To allow non-conflicting space for commercial activity serving regional shoppers and travelers or for commercial services producing high noises or requiring large amounts of land for buildings, parking, and/or storage area.

[Permitted Uses]

1. Service stations and car washes;
2. Warehousing and storage facilities;
3. Hotels, motels, and boarding structures;
4. Large-lot and outdoor sales, such as mobile home sales, car lot sales, building suppliers, etc.;
5. Automotive and heavy equipment rental, repair, and cleaners;
6. Self-service laundries and professional cleaners;
7. Cabinet-makers, and other craft shops, residential rehabilitation centers;
8. Machine shops, and printing shops;
9. Animal hospitals or kennels;
10. Bottling and distribution shops;
11. Police and fire stations;
12. Hospitals, convalescent centers, and clinics;
13. Public parking areas and garages;
14. Utility transmission lines and substations;
15. Data processing and print presses;
16. Drive-in restaurants;
17. Retail sales outlets.

[Conditional Uses]

1. Truck and heavy equipment terminals;
2. Fabrications;
3. One-family dwelling for a caretaker incidental to a permitted use;
4. Indoor amusements and entertainment;
5. Restaurants, lounges, and cocktail lounges.

All conditional uses shall be approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

[Special Uses]

-Loading Space. For commercial or public uses with more than 5000 square feet of gross floor area, there shall be provided space either inside or outside a building reserved for the loading and unloading of goods. Such space shall

not be less than ten (10) feet wide, twenty-five (25) feet long, nor less than fifteen (15) feet in height if covered and shall have direct access to an alley or street.

-Temporary Amusements and Public Assembly. Section 17.44.021.

-Resource Extraction and Grading. Section 17.44.023.

-Architectural Features. Section 17.44.025.

-Storage of Vehicles and Other Materials. Section 17.44.028.

-Location and Improvement of Off-Street Parking. Sections 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

Minimum lot width - twenty-five (25) feet.

Minimum lot length - one hundred (100) feet.

Minimum lot area - 2500 square feet.

Yard

Minimum yard requirements when adjacent other commercial uses -

As required within Uniform Building Code for such uses.

Minimum yard requirements when adjacent residential -

Side yard adjacent residential use - ten (10) feet.

Rear yard adjacent residential use - twenty-five (25) feet.

[Height/Density Regulations]

Maximum building height:

Permitted Uses - Sixty (60) feet.

Conditional Uses - as designated by the Planning Commission.

No building within the C-2 zone shall exceed a height of sixty (60) feet.

[Sign Limitations]

Sign limitations for residential purposes are as indicated in the District where such residential use is permitted.

Other permitted signs include:

1. Unilluminated signs not exceeding a total area of thirty-two (32) square feet, and not more than two (2) in number, pertaining to the sale, or lease of commercially-zoned land.
2. Public service signs subject to obtaining a conditional use.
3. Appurtenant and non-appurtenant signs with:

- a) a maximum area of 200 square feet plus 1/2 square foot for each foot the lot width or lot length (whichever is lesser) exceeds fifty (50) feet, and
 - b) a maximum height of fifty (50) feet.
4. Signs projecting over public rights-of-way provided they:
- a) not exceed 100 square feet; in total area;
 - b) are non-rotating;
 - c) are no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy in which case the sign shall not exceed six (6) square feet nor be closer than nine (9) feet to the ground;
 - d) not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor travelled way.
5. Plans for any projecting sign or free standing signs higher than twenty (20) feet shall be reviewed by a registered engineer.
6. Appurtenant signs shall be lighted only by a unit or group of units with an intensity of not more than 1.25 times the intensity of the other lighting units within the same advertising area.
- One-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) flashers are not permitted.

[Required Parking]

Buildings, structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking as follows:

1. Service stations, car washes, professional laundries, large-lot sales, drive-in restaurants, warehousing and storage facilities, craft shops, machine shops, bottling and distribution shops, printing shops and print presses, animal hospitals or kennels, truck terminals - one (1) space for every two (2) employees.
2. Hospitals, convalescent centers, and clinics - one (1) space for every three (3) patient beds and one (1) space for every three (3) employees.
3. Sit-down restaurants, taverns, lounges, indoor amusements and entertainment - one (1) space for every three (3) persons of legal occupancy or practical occupancy (if legal occupancy does not exist) - plus one (1) space per employee.
4. Retail outlets - One (1) space per 250 square feet of gross floor area.

All uses shall have a minimum of four (4) off-street parking spaces provided on-site.

[District]

C-3 or Light Commercial

[Purpose] To designate areas and commercial activities which do not conflict with adjacent residential activity.

[Permitted Uses]

1. Professional offices which can accommodate necessary parking on the property.

[Conditional Uses]

1. Single-family dwelling structures.
2. Other uses which are shown not to have a negative impact upon adjacent residential developments.

All conditional uses shall be approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan,

Special Conditions. For special architectural regulations, see Section 17.44.025.

For location and improvement of off-street parking, see Sections 17.44.029 and 17.44.030.

[Lot/Yard Requirements]

Lot

- Minimum lot width - fifty (50) feet,
- Minimum lot length - one hundred (100) feet,
- Minimum lot area - 5000 square feet.

Yard

Minimum yard requirements when adjacent other commercial uses - as required within Uniform Building Code for such uses -

Minimum yard requirements when adjacent residential uses -

Side yard adjacent residential use - ten (10) feet.

Rear yard adjacent residential use - twenty-five (25) feet.

[Height/Density Regulations]

Maximum Building Height.

Permitted Uses - forty-five (45) feet and three (3) stories,

Conditional Uses - as designated by the Planning Commission.

No building within the C-3 zone shall exceed a height of forty-five (45) feet.

Sign Limitations. Sign limitations for residential purposes are as indicated in the District where such residential use is permitted. Other permitted signs include:

1. Unilluminated signs not exceeding a total area of thirty-two (32) square feet, and not more than two (2) in number, pertaining to the sale or lease of commercially-zoned land.
2. Public service signs subject to obtaining a conditional use permit. (Such signs will not be subtracted from the property's allowable advertising area.)
3. Appurtenant signs with:

- a) a maximum area of 200 square feet plus 1/2 square foot for each foot the lot width or lot length (whichever is lesser) exceeds fifty (50) feet, and
 - b) a maximum height of fifty (50) feet.
4. Signs projecting over public rights-of-way provided they:
- a) not exceed 100 square feet in total area;
 - b) are non-rotating;
 - c) are no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy, in which case the sign shall not exceed six (6) square feet nor be closer than nine (9) feet to the ground.
 - d) not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor-travelled way.
5. Plans for any projecting signs or free standing signs higher than twenty (20) feet shall be reviewed by a registered engineer.
6. Appurtenant signs shall be lighted only by a unit or group of units with an intensity of not more than 1.25 times the intensity of other lighting units within the same advertising area. On-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) flashers are not permitted.

[Required Parking]

Buildings structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking space as follows:

1. Single-family dwelling units - two (2) spaces per dwelling unit.
2. Professional and personal services offices and other conditional uses - one (1) space for every 350 square feet of office space.

All uses in a C-3 district shall provide a minimum of two (2) off-street parking spaces

[District]

I-1 or Light Industrial

[Purpose] To allow development of wholesale, industrial, or manufacturing activities which are primarily rail dependent or which do not depend upon a level of road transportation affecting the general residential activities.

[Permitted Uses]

1. Public food, clothing and furniture warehouses.
2. Personal property storage warehouses.
3. Laundry cleaning plants.
4. Utility transmission lines and substations.
5. Print presses and printing shops.

6. Cabinet makers and other craft shops.
7. Machine shops.
8. Second hand sales.
9. Residential rehabilitation centers.

[Conditional Uses]

1. Any commercial or industrial use shown to have only marginal dependence upon vehicular traffic, or shown to be rail dependent.
2. Multiple-family dwelling structures complementing the adjacent environment.
3. Mortuaries or funeral homes.
4. Parks, playgrounds, or golf courses.
5. Animal hospitals or kennels.

All conditional uses shall be approved on condition that they conform to the goals, objectives and policies of the Elma Comprehensive Plan.

[Special Conditions]

-Loading Space. For industrial, commercial or public uses with more than 5000 square feet of gross floor area, there shall be provided space either inside or outside a building reserved for the loading and unloading of goods. Such space shall not be less than ten (10) feet wide, twenty-five (25) feet long, nor less than fifteen (15) feet in height if covered and shall have direct access to an alley or street.

-Temporary Amusements and Public Assembly. Section 17.44.021.

-Resource Extraction and Grading. Section 17.44.023.

-Architectural Features. Section 17.44.025.

-Storage of Vehicles and Other Materials. Section 17.44.028.

-Location and Improvement of Off-Street Parking. Sections 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

Minimum lot width - fifth (50) feet.

Minimum lot length - one hundred (100) feet.

Minimum lot area - 5000 square feet.

Yard

Minimum yard requirements when adjacent other commercial or industrial uses - as required within Uniform Building Code for such uses.

Minimum yard requirements when adjacent residential uses:

Side Yard adjacent residential use - ten (10) feet.

Rear Yard adjacent residential use - twenty-five (25) feet.

[Height/Density Regulations]

Maximum Building Height -

Permitted Uses - sixty (60) feet and three (3) stories.

Conditional Uses - as designated by the Planning Commission.

No building within the C-1 zone shall exceed a height of sixty (60) feet.

[Sign Limitations]

Sign limitations for residential purposes are as indicated in the District where such residential use is permitted.

Other permitted signs include:

1. Unilluminated signs not exceeding a total area of thirty-two (32) square feet and not more than two (2) in number, pertaining to the sale, or lease of commercially-zoned land.
2. Public service signs subject to obtaining a conditional use permit. (Such signs will not be subtracted from the property's allowable advertising area.)
3. Appurtenant and Non-appurtenant signs with:
 - a) a maximum area of 200 square feet plus 1/2 square foot for each foot the lot width or lot length (whichever is lesser) exceeds fifty (50) feet and
 - b) a maximum height of fifty (50) feet.
4. Signs projecting over public rights-of-way provided they:
 - a) not exceed 100 square feet, in total area;
 - b) are non-rotating;
 - c) are no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy in which case the sign shall not exceed six (6) square feet nor be closer than nine (9) feet to the ground;
 - d) do not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor-travelled way.
5. Plans for any projecting sign or free standing sign higher than twenty (20) feet shall be reviewed by a registered engineer.
6. Appurtenant signs shall be lighted only by a unit or group of units with an intensity of not more than 1.25 times the intensity of other lighting units within the same advertising area. On-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) flashers are not permitted.

[Required Parking]

Buildings, structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking space as follows:

1. Warehouses, laundry cleaning plants, presses and print shops, craft shops, machine shops, other industrial uses - one (1) space for every two (2) employees.
2. Multiple-family dwelling structures - one (1) space for each dwelling unit.
3. Mortuaries or funeral homes - one space for each 250 square feet in the main assembly room.

All uses shall have a minimum of four (4) off-street parking spaces provided on-site.

[District]

I-2 or Heavy Industrial.

[Purpose] To reserve adequate space for manufacturing activities in areas which do not conflict with commercial and residential activities or city amenities.

[Permitted Uses]

1. Laundry cleaning plants;
2. Heavy equipment repair and sale;
3. Warehousing and food or property storage facilities;
4. Manufacturing, fabricating and processing, providing such uses comply with regulations of the Olympic Air Pollution Control Authority;
5. Retail and wholesale outlets appurtenant and incidental to a permitted use;
6. Utility transmission lines and substations;
7. Sewage or Water Treatment plants;
8. Caretakers dwelling incidental to a permitted use;
9. Truck and heavy equipment terminals.

[Conditional Uses]

1. Outdoor storage of supplies and heavy equipment not in frequent use.
2. Wrecking yards provided they comply with policies of the Comprehensive Plan.
3. Restaurants, lunch rooms, and cafeterias.
4. Wholesale storage or processing of flammable or explosive materials.
5. Excavation and mining.

All conditional use shall be approved on condition that they conform to the goals, objectives, and policies of the Elma Comprehensive Plan.

[Special Conditions]

- Loading Space. For commercial, industrial, or public uses with more than 5000 square feet of gross floor area, there shall be provided space either inside or outside a building reserved for the loading and unloading of goods. Such space shall not be less than ten (10) feet wide, twenty-five (25) feet long, nor less than fifteen (15) feet in height if covered and shall have direct access to an alley or street.

- Temporary Amusements and Public Assembly. Section 17.44.021.

- Resource Extraction and Grading. Section 17.44.023.

- Architectural Features. Section 17.44.025.

- Storage of Vehicles and Other Materials. Section 17.44.028.

- Location and Improvement of Off-Street Parking. Sections 17.44.029 and 17.44.030.

[Lot/Yard Regulations]

Lot

- Minimum lot width - fifty (50) feet.
- Minimum lot length - one hundred (100) feet.
- Minimum lot area - 5000 square feet.

Yard

- Minimum yard requirements when adjacent other commercial uses - as required within Uniform Building Code for such uses.
- Minimum yard requirements when adjacent residential:
 - Side Yard adjacent residential use - ten (10) feet.
 - Rear Yard adjacent residential use - twenty-five (25) feet.

[Height/Density Regulations]

Maximum Building Height

- Permitted Uses - sixty (60) feet and three (3) stories.
 - Conditional Uses - as designated by the Planning Commission.
- No building within the C-1 zone shall exceed a height of sixty (60) feet.

[Sign Limitations]

Sign limitations for residential purposes are as indicated in the District where such residential use is permitted.

Other permitted signs include:

1. Unilluminated signs not exceeding a total area of thirty-two (32) square feet and not more than two (2) in number, pertaining to the sale, or lease of commercially-zoned land.
2. Public service signs subject to obtaining a conditional use permit. (Such signs will not be subtracted from the property's allowable advertising area.)
3. Appurtenant and Non-appurtenant signs with:
 - a) a maximum area of 200 square feet plus 1/2 square foot for each foot the lot width or lot length (whichever is lesser) exceeds fifty (50) feet and
 - b) a maximum height of fifty (50) feet.
4. Signs projecting over public rights-of-way provided they:
 - a) not exceed 100 square feet, in total area;
 - b) are non-rotating;
 - c) are no closer than fourteen (14) feet to the ground unless attached to the underside of a projecting canopy in which case the sign shall not exceed six (6) square feet nor be closer than nine (9) feet to the ground;
 - d) do not extend more than ten (10) feet over the public way nor come closer than two (2) feet to the edge of the motor-travelled way.
5. Plans for any projecting sign or free standing sign higher than twenty (20) feet shall be reviewed by a registered engineer.
6. Appurtenant signs shall be lighted only by a unit or group of units with an intensity of not more than 1.25 times the intensity of other lighting units within the same advertising area.
on-and-off lighting units shall be on at least one (1) second and off one (1) second. One (1) and two (2) point flashers are not permitted.

[Required Parking]

Buildings, structures, or uses established, enlarged, or intensified in this zone after the effective date of this ordinance shall provide off-street parking space as follows:

1. Warehouses, cleaning plants, permitted manufacturing, fabricating or processing plants, truck terminals, wholesale storage areas - one (1) space for every two (2) employees.
2. Retail or wholesale outlets incidental to a permitted use - one (1) space for every 750 square feet of gross floor area.
3. Restaurants, lunchrooms, cafeterias - one (1) space for every three (3) persons of legal occupancy or practical occupancy (if legal occupancy does not exist plus one (1) space for every employee.

All uses shall have a minimum of four (4) off-street parking spaces provided on-site.

ARTICLE 5. COMBINING DISTRICTS

Section 17.40.010. Definition. Whenever any of the following combining districts are combined with any of the previously described primary districts, the requirements of the resultant combining district shall be in addition to those specified for the primary district and, in the case of conflict, the combining district provisions shall apply.

Section 17.40.020. Flood Hazard of "FH" Combining District. The purpose of this district is to regulate land uses, located within areas where during periods of high water there is potential for causing damage to other property. It is intended that this district be applied to those areas where evidence indicates that the land has at least one (1) percent chance of being inundated in any year.

Section 17.40.021. Permitted Uses. Any use permitted within the primary district may be permitted subject to first obtaining a conditional use permit.

Section 17.40.022. Special Regulations. No structure, use, or storage shall be permitted within the "flood hazard district" which because of its bulkiness, flimsiness, light weight, floating or hazardous characteristics could be damaged and/or dislodged and carried onto other property, or obstruct the flow of water, or reduce the capacity of water storage areas, during high water. Such conditions may be imposed as reasonably will eliminate the potential hazard.

Where structures are permitted, special construction methods may be required to protect any sewer, water, electrical, gas, or other utility service to anchor the structure.

ARTICLE 6. SPECIAL CONDITIONS

Section 17.44.010. Purpose. The following specific regulations are intended to provide for the location and control of certain special conditions which may arise in order to insure the greatest conformance to the Elma Comprehensive Plan.

Section 17.44.020. Special Use Regulations. The following regulations shall apply in all districts. Where the provisions of this Section conflict with the provisions of any district the provisions of this Section shall apply.

Section 17.44.021. Temporary Amusements and Public Assembly. Amusements, entertainment, and similar temporary activities may occur on commercially or industrially zoned property upon obtaining a permit from the City Council provided the amusement, entertainment, public assembly, or activity does not involve attendance for more than sixteen (16) hours in any twenty-four (24) hour period. Such permit shall be for a maximum period of 30 days and shall be issued only if evidence indicates that:

1. There will be no serious interference with the activities of nearby residents, if any.
2. Traffic circulation will not unnecessarily impeded and that there will be provisions for adequate on-site parking and a reasonable means of ingress and egress.
3. Sound or lighting will not be a nuisance to neighboring residents.
4. There will be adequate provisions for water supply and sanitary facilities. Outdoor public assemblies, music festivals, and similar uses which involve occupancy of a privately owned outdoor area for more than sixteen (16) hours in any twenty-four (24) hour period shall not be permitted.

Section 17.44.022. Home Occupations. Home occupations, including but not limited to sewing, room rental, music studio, art studio, home and health care product distributor, bookkeeping, etc., may be permitted by a conditional use permit subject to the following conditions:

1. That the operation shall be within the confines of the residence of the operator, and provided there shall be no more than 100 cubic feet of storage within the residence not visible from the street and not more than 500 cubic feet of storage shall be permitted within an accessory building or attached garage.
2. That not more than one (1) unlighted sign, that sign not exceeding six (6) square feet in area and attached to the main building, shall be permitted.
3. That no display of products, or sales, on the premises shall be permitted.

4. That no one other than members of the resident family shall be employed in said home occupation.
5. That rooming and boarding of not more than two (2) persons exclusive of the resident family shall be involved.

Section 17.44.023. Resource Extraction and Grading. Removal and grading of less than seventy-five (75) yards of earth or topsoil is permitted on any construction on development site. Where more than seventy-five (75) cubic yards of earth material will be removed or graded, a conditional use permit shall be required. Such a permit shall include a map at a scale of 1" = 400' showing major city transportation lines, existing topography, access roads and property lines. Another map shall be submitted showing the extent of the proposed excavation and final grading.

Section 17.44.024. Animals. The number and kind of animals kept per dwelling unit in any residential district shall be limited to three (3) cats or three (3) dogs. Gnawing animals, reptiles, or fowl shall be permitted provided they are caged and kept within the dwelling. Only animals over six (6) months old shall be considered when determining the number of animals permitted.

Section 17.44.025. Architectural Features.

1. Chimneys, cornices, canopies, eaves, or similar architectural features may project into any required yard only to the extent permitted by the Building Code.
2. Fire escapes and outside stairways which are unroofed and unenclosed above the steps thereof may project not more than six (6) feet into any required front yard, not more than three (3) feet into any required side yard, and not more than ten (10) feet into any required rear yard. A guard rail no higher than three (3) feet shall be provided at or around such stairs and landing places.
3. Sight obscuring fences, walls or hedges within a required front yard, adjacent to a street, shall not exceed three (3) feet in height. Open rail fences and non-sight obscuring fences, where solid members do not constitute more than one-third (1/3) of the total surface area of such fence, located within a required front yard, or side yard adjacent to a street shall not exceed four (4) feet in height.
4. Fences, walls, and hedges located within a required interior side yard or required rear yard shall not exceed six (6) feet in height. When such fence, wall or hedge is closer than five (5) feet to any off-premises dwelling, a conditional use permit shall be required to determine the effect upon that dwelling. Fences, walls, and hedges located within the buildable portion of a lot shall not exceed six (6) feet in height.

in residential districts. In commercial and industrial districts fences and walls shall not exceed eight (8) feet and shall not obstruct visibility at points of ingress and egress:

5. In any residential district the Building Inspector may approve fences, walls and hedges higher than six (6) feet within a required interior side yard, required rear yard, or within the buildable portion of a lot where the adjacent property is at a higher elevation and such extra height is necessary to obtain privacy. Such extra height shall be approved only if adequate emergency access is provided to the perimeter of the building.
6. Limitations on height shall not be deemed to prohibit safety or security fences of any height necessary for public playgrounds, public utilities, and other public installations.

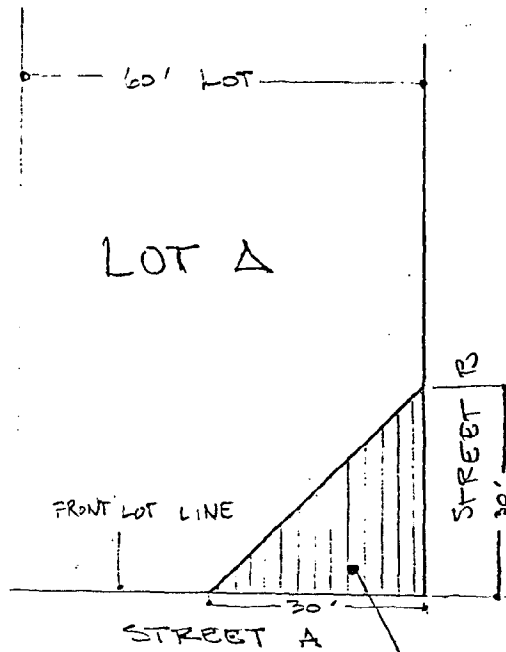
Section 17.44.026. Special Requirements for Corner Lots.

1. Where a side lot line is also a street right-of-way line the side yard setback in any residential district shall be fifteen (15) feet; Subject to the approval of the Planning Commission consulting with the Building Inspector, on corner lots in any residential districts, the side lot line adjacent to the street may be considered the front lot line and the front, side, and rear yards adjusted accordingly. Approval shall be granted when the shifting of yards will result in better siting of the dwelling without adversely affecting adjacent properties as determined by the City Planning Commission.
2. Within the area lying between the intersection of the front lot line and streets side lot lines and a line connecting points of these lot lines thirty (30) feet from their intersection (as shown in Figure 1), sight obscuring fences, walls, and vegetation shall not exceed three (3) feet in height above the established grade of either street. Tree trunks, posts or columns not exceeding eighteen (18) inches in cross-sectional width, measured at three (3) feet above the established grade of either street, shall be permitted provided tree branches are removed up to eight (8) feet above the established grade of either street.

Section 17.44.027. Exceptions to Height Restrictions. Towers, gables, scenery lofts, cupolas, water tanks, and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit established in any district provided that no such exception shall cover more than 15 percent of the area of the building.

Chimneys, water tanks, civil defense siren, flag pole, monument, radio or T.V. antenna, government or public utility structure, and similar free-standing structures may be erected to a height greater than the limit established for any district provided such exception shall not cover more than 15

FIGURE 1



FENCES, WALLS, AND VEGETATION
SHALL NOT EXCEED THREE (3)
FEET, IN SHADED AREA,
IN HEIGHT

percent of the site.

Such exceptions shall be approved by the City Planning Commission.

Section 17.44.028. Storage of Vehicles and Other Materials. Unless parked within the confines of a legal wrecking yard or on the premises of a legally established vehicle repair business, abandoned, inoperable, or partially dismantled vehicles shall not be parked outdoors. Not more than two (2) vehicles intended to be repaired or restored may be parked outdoors if they are located in the rear yard and are screened by a sight obscuring fence, wall, or hedge, or covered by a tarpaulin.

Used building materials, equipment and appliances, recreational vehicles, campers, boats, and similar items shall not be stored within the required front or street side yard for more than thirty (30) days in any year unless located within a district which specifically permits outdoor sales or storage, or unless access to a rear yard is precluded by location, topography, or absence of a rear alley.

Section 17.44.029. Location of Off-Street Parking.

1. In commercial or industrial districts off-street parking shall be located on the same lot with the use or within 200 feet thereof.
2. Parking for any non-residential use shall not be located closer than five (5) feet from any front or side property line. This provision shall not apply to any property or use which lawfully existed on the effective date of this ordinance and which does not conform to the requirements within this ordinance until such times as such use is discontinued or abandoned.
3. Outdoor parking spaces or driveways serving an outdoor parking facility which are adjacent property in a residential zone shall have a sight obscuring fence four (4) feet in height on the property line abutting said residential zone. This provision shall not apply to any outdoor parking facility which on the effective date of this ordinance existed in conformance with prior city ordinances until such time as such use is discontinued or abandoned.
4. Parking for residential uses shall not be located in a required front yard nor within fifteen (15) feet of the street side property line on a corner lot. Where four (4) or more residential units are located on the same lot, outdoor parking shall not be closer than five (5) feet to any on-site building and not closer than three (3) feet to any side or rear lot line.

Section 17.44.030. Improvement of Parking Space and Access. Any parking facility for four (4) or more vehicles, including access driveways and aisles, shall be graded and drained so as to dispose adequately of surface water, to the satisfaction of the City Engineer, and shall be surfaced with concrete, asphaltic concrete, bituminous surface treatment or an equivalent satisfactory to the City Engineer and shall be maintained in good condition free of weeds, dust, trash, and debris.

Required individual parking spaces shall be designated by contrasting paint or markers and shall be a minimum of nine (9) feet wide and twenty (20) feet long. Driveways providing access to a parking facility shall be at least twelve (12) feet wide for each lane of travel and aisles providing access to parking spaces shall be as follows:

One-way aisle serving angle parking 50° to 75° or less - 12 feet wide.

One-way aisle serving angle parking 50° to 75° or two-way aisle serving angle parking 50° or less - 18 feet wide.

Two-way aisle serving angle parking 50° or more or aisle serving 75° to 90° - 25 feet wide.

Parking facilities for non-residential uses which will be used after dark shall be lighted provided that the light source shall be directed away from nearby residential premises.

ARTICLE 10. BOARD OF ADJUSTMENT

Section 17.48.010. Establishment. The word "Board" when used herein shall mean the Board of Adjustment. The members of the Board of Adjustment at the time this ordinance goes into effect shall automatically remain as members of the Board herein established for the period of the remainder of their present terms without the necessity of reappointment.

Section 17.48.020. Membership. The Board shall consist of five members, all of whom shall serve without compensation. The members shall be appointed by the Mayor with the consent of the City Council and shall be citizens resident of the City of Elma. (Their terms shall be for four (4) years, and shall be for such terms as will result in the expiration of the term of one member at the end of each first, second, and third year, and of the terms of two members at the end of each fourth year.) In the event of a vacancy, the Mayor shall appoint, with the approval of the City Council, a suitable person to serve for the remainder of the unexpired term. The members of the Board may be removed by the Mayor subject to the approval of the City Council, for such causes as may be deemed sufficient and which causes shall be set forth in a letter filed with the Council.

No member of the Board shall be a member of the Planning Commission or of the City Council.

Section 17.48.030. Officers. The Board shall select a Chairman and Vice-Chairman from among its members. The City Clerk or other designated staff person shall serve as Secretary as part of his or her staff duties.

The Secretary shall receive, prepare, keep, and transmit all correspondence, applications, notices, and minutes as directed by the Board. The Building Inspector shall assist in reviewing and presenting applications and conducting hearings.

Section 17.48.040. Meetings. Regular meetings of the Board shall be held at least once each month at a fixed time, date, and place unless there is no business to be considered in which case the meeting may be called off by the Chairman and the members notified by the Secretary. All regular meetings of the Board shall be open to the public. Special meetings may be called by the Chairman on not less than 3 days prior notice to the members of the Board.

Section 17.48.050. Procedure. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings, findings, and decision in each case, and a record of the vote of each member on each question decided by

the Board. The presence of three (3) members shall constitute a quorum, and a majority vote of three members shall be necessary for any valid Board decision or order. Any administrative decision shall become final unless an appeal is filed with the Board within thirty (30) days of said decision.

Section 17.48.060. Appeals from Administration Decisions. The Board of Adjustment shall have the authority to hear and decide appeals to it from any administrative decision or determination made by any officer of the City in the administration or enforcement of this ordinance. Appeals from administrative decisions may be filed by any aggrieved person, or by any officer, board or department of the City affected by the decision. Any administrative decision shall become final unless an appeal is filed with the Board within 30 days of said decision.

Section 17.48.070. Appeal Forms. The Board shall prescribe the form and information required for applications for appeals from administrative decisions. The Secretary shall accept no appeal unless it complies with such requirements and is signed under oath.

Four (4) copies of an appeal from an administrative decision must be filed with the Secretary of the Board and must be accompanied by the necessary fee as in this ordinance provided and with a certified list of all parties having a financial ownership interest in property within 300 feet from the exterior boundaries of the subject property.

Section 17.48.080. Public Notification and Procedure of Meetings. Upon receipt of a notice of appeal, the Board Secretary shall:

1. Transmit one copy thereof to the Building Inspector, one copy to the Planning Commission, and one copy with the City Council, and file one copy with the Board. The Building Inspector shall forthwith transmit to the Board all papers constituting the record, findings, and decision relating thereto.
2. Schedule a hearing of the Board for the first regular meeting of the Board which will allow time for the giving of the notices herein required, and shall notify the Board members, the Chairman of the Planning Commission, and the Building Inspector of the time and place of said hearing.
3. Place in the mails a written notice addressed to all owners of record property within 300 feet from the exterior boundaries of the subject property, said mailing to be not less than 15 days prior to the hearing, and which notice shall contain the name of the applicant or appellant a description of the property, the nature of the requested or proposed use, and the time and place of said hearing.
4. File with the Board, at or prior to said hearing, an affidavit that the

mailing was made as herein provided.

The hearing shall be open to the public. All parties in interest may be present in person and/or represented by counsel. All persons present shall be entitled to be heard. If the hearing cannot be completed in one session, the Board may continue the hearing for five (5) days and shall announce publicly to those present at each session the time and place for any subsequent session. No further notice shall be required.

Section 17.48.090. Decision. The Board shall announce its decision within a reasonable time but in all cases within 45 days after the conclusion of the hearing. The decision of the Board shall be in the form of a written order and shall contain a recitation of the Board's findings in support thereof. Copies shall be delivered to the applicant or appellant, to the Building Inspector, and one copy shall be filed with the Board as a permanent record.

The decision of the Board shall be final and conclusive unless within 10 days from the date of said decision the original applicant (or appellant) or an adverse party makes application to the Superior Court of Washington for Grays Harbor County for a writ of certiorari, prohibition or mandamus.

Section 17.48.100. Revocation. The Board of Adjustment shall have the authority to revoke granted variances on any one or more of the following grounds:

1. That the variance was obtained by fraud.
2. That the variance is being exercised contrary to its terms and conditions or in violation of law.
3. That the variance is being exercised so as to be detrimental to public health, safety, or welfare.
4. That the variance is contrary to the provisions in the Comprehensive Plan.

The Board of Adjustment may initiate proceedings to revoke a variance. The Building Inspector or any other city official charged with the enforcement of this ordinance or any aggrieved person may petition the Board to conduct a revocation hearing on the grounds previously listed. Notice requirements and hearing procedures shall be the same as required for the initial consideration thereof.

Section 17.48.110. Record. The Board shall prescribe record keeping procedures which shall be sufficient in detail to provide a transcript adequate in the event a writ or review is granted. No portion need be transcribed unless an applicant for a writ of review is granted. A file shall be maintained for each appeal and the application, exhibits, and correspondence shall become a part of the file. Each file shall, after conclusive action, include a brief record of the findings, action, and decision, and other information deemed necessary to maintain an adequate permanent record.

ARTICLE 11. CONDITIONAL USE PERMITS

Section 17.52.010. Purpose. A conditional use permit shall be used to assure perhaps by means of imposing special conditions or requirements that:

1. The compatibility of surrounding uses are maintained.
2. Nuisance or hazard to life or property will not develop from the establishment of the use.
3. The proposed use conforms to the Elma Comprehensive Plan.

The conditional use permit shall not be used to reduce the zoning requirements of the zones in which the use is to be located.

Section 17.52.020. Application. The applicant seeking a conditional use permit shall submit the proposal to the City Clerk at least twenty (20) days prior the planning commission meeting along with the fees required for conditional use permits noted within Article 16. Once a hearing time is established, proper notification shall be given concerning time, place, and purpose of such a hearing and shall be in conformance with provisions of Section 17.66.060.

Section 17.52.030. Report of Findings. The planning commission shall verbally or textually report its findings and recommendations regarding the conditional use permit to the City Council within ninety (90) days following the hearing.

Section 17.52.040. Final Authorization. A conditional use permit may be authorized by the City Council when it receives the recommendations from the planning commission or ninety (90) days following the hearing described in Section 17.52.020. In authorizing a conditional use permit, the City Council may attached thereto such conditions regarding the location, character, and/or other features of the proposed use as the council deems necessary in the public interest, in the interest of furthering the purpose of this title, and for the purpose of fulfilling the Elma Comprehensive Plan.

Section 17.52.050. Expiration. A conditional permit shall become void if after the expiration of one (1) year, no substantial construction has taken place in accordance with the plans for which such conditional use permit was authorized.

ARTICLE 12. VARIANCES

Section 17.54.010. Purpose and Intent. A variance is granted to allow relief from total compliance with the zoning ordinance where such compliance would create an unnecessary hardship or deprive an owner of any reasonable use of the property.

Section 17.54.020. Authorization. The Board of Adjustment is empowered to hear and decide all applications for variances from the provisions of this ordinance.

Section 17.54.030. Application. Written application for variance shall be filed with the city clerk accompanied by the fees for variance application noted in Article 16.

Section 17.54.040. Notice of Hearing. Prior to the consideration at a public hearing of an application for a variance, proper public notification shall be given concerning the time, place, and purpose of such hearing. Such notification shall be made in accordance with the provisions of Chapter 17.66.060.

Section 17.54.050. Criteria for Granting a Variance. The Board of Adjustment shall not grant a variance unless it finds:

- 1) That the applicant experiences unnecessary hardship and that this hardship:
 - a) does not result from the applicant's own action;
 - b) arises from unique physical circumstances relating to the size, shape, topography, locations, or surroundings of the subject property which deprives the owner of the use, rights and privileges permitted to owners of other properties in the zone classification the subject property is located;
 - c) results from strict application of the provisions of the zoning ordinance.
- 2) That the granting of such variance will not adversely affect adjacent property;
- 3) That the variance does not constitute a "use" variance or a special privilege to the applicant to use property for purposes other than those allowed within the zone district the property is located;
- 4) That the granting of a variance on non-conforming properties will not increase the degree of non-conformance;
- 5) That the variance will not conflict with the goals, objectives, or policies of the Elma Comprehensive Plan;
- 6) That the variance will not result in the change of the boundaries of a zoning district.

ARTICLE 13. NON-CONFORMING USES, LOTS, OR STRUCTURES

Section 17.58.010. Purpose. The following guidelines are provided to regulate uses on structures which were lawfully established at the time this ordinance was adopted but which do not conform to the requirements of this ordinance.

Section 17.58.020. Provisions for Non-Conforming Uses. Any non-conforming use of land or building may be continued subject to the following provisions:

1. The use or structure lawfully existed at the time of passage of this ordinance.
2. The use or particular use of structure has not been discontinued for a period of one (1) year or more.
3. The use occupying a part of a lot or a building is not expanded or intensified.
4. The use or structure has not discontinued for greater than six (6) months after seventy-five (75) or more of its value has been destroyed by accidental fire or other act of God.

Section 17.58.030. Alteration of Non-Conforming Uses. Any building or structure non-conforming as to use at the effective date of this ordinance may be altered or repaired provided such alteration or repair shall not increase the existing degree of non-conformity as determined by the City Council.

Section 17.58.040. Previously Granted Conditional Use Permits and Variances. Any conditional use permit, or a variance granted under previous regulations, are hereby declared to be continued subject to any conditions and/or time limits specified in the original permit, provided that if the particular use is not otherwise permitted by this ordinance in the zone in which it is located, such established uses and improvements incident thereto shall be considered non-conforming, and shall be subject to the provisions of this Section and Article.

Section 17.58.050. Non-conforming Lots. A lot which existed prior to the effective date of this ordinance and which is non-conforming as to area, or dimension, as required by the districts where the lot is located shall be considered a legal building site provided:

1. Such lot has at least twenty (20) feet of frontage on a public street.
2. All other regulations for the district, and other rules and regulations of the City shall be satisfied.

ARTICLE 14. TERRITORIES ANNEXED

Section 17.62.010. Preliminary Classification. All territory which may be annexed to the city after the effective date of the ordinance codified in this section shall automatically be classified as an R-1, single-family dwelling district, as of the date of annexation until the city planning commission makes a study of such annexed area and reports its recommendation for the final district classification to the city council, which shall then act in the manner provided by Section 17.52.050. This study and report shall be made within a reasonable time after such annexation. (Ord. 611 §:1 (part), 1976: Ord. 466 §3(b)(part), 1967).

Section 17.62.020. Previously Zoned Non-residential Territories. In the event that an area annexed by the city has been previously zoned by Grays Harbor County in other than a residential manner, then that area, when annexed, shall be declared by the city council in the ordinance of annexation to be within the zone of comparable nature, provided that said classification may be later changed in the manner provided by zoning law of the city. (Ord. 611 §1 (part) 1976: Ord. 446 §3 (B) (part), 1967).

Section 62.030. Classification Other than R-1. If, prior to annexation, the planning commission provided the city council with recommendation to re-zone the area to be annexed other than R-1, the city council, in the annexation ordinance, may establish the zoning classification of said land, provided that notification of the proposed classification shall be either given personally or mailed to all owners of record of land within the area to be annexed at least seven (7) days prior to the council's final hearing on annexation; PROVIDED FURTHER, that the classification so established may be later changed in the manner provided by the Elma zoning law.

ARTICLE 15. AMENDMENTS AND CHANGES

Section 17.66.010. Purpose. Public necessity and general welfare determined through council motion, through public application, or through recommendation of the planning commission or implementation of the Elma Comprehensive Plan may require the city council to amend or supplement the regulations or defined districts of this ordinance.

Section 17.66.020. Initiation of Amendment. An amendment or supplement to the text or to the zoning district boundaries of this title may be initiated by:

1. A resolution of request by the city council;
2. An official proposal by the planning commission;
3. An application to the city council listing the names, mailing addresses, and property descriptions of the legal owners of property proposing amendments or supplements.

Application shall be filed with the city clerk-treasurer and shall be accompanied by the fee indicated in Section 17.70.020 which covers expenses incident to the investigation of such application and the cost of public notification.

Section 17.66.030. Referral to planning commission. Upon receipt of a properly submitted application, the city council shall, at its next regular meeting, refer such application to the planning commission for its report and recommendations by setting a date for a public hearing and by instructing the city clerk to advertise for public hearing in accordance with provisions in Section 17.66.060.

Section 17.66.040. Planning Commission Action. As a result of the hearing held by the planning commission, that body may or may not recommend approval of such requested or proposed amendment or change.

The findings and determinations of the planning commission resulting from the hearing shall be made in writing and a copy shall be transmitted to the applicant and to the city council within fourteen (14) days of the date of such hearing.

Section 17.66.050. Council Action. Upon receipt of the recommendations of the planning commission, the council shall instruct the city clerk to set a date for a public hearing to hear public reactions to the commission's recommendations on the proposed amendment or supplement. Such hearing shall be established according to the provisions outlined in Section 17.66.060.

Upon conclusion of the public hearing held by the city council on a proposed amendment or supplement to the ordinance, the council, within forty-five (45) days shall either affirm, disapprove, or modify in whole or in part, the recommendations made by the planning commission.

Section 17.66.060. Public Hearing. Necessary public hearings for proposals to amend, supplement or change requirements of this ordinance or to reclassify property or change zone boundary lines shall be advertised in a newspaper of general circulation published in the City of Elma at least five (5) days prior to any such hearing. Said notice shall include the time and place of hearing, a brief statement of the purpose thereof, and shall indicate that copies of the proposal are on file at the office of the city clerk. Said notice shall also be posted at two (2) entrances to City Hall not less than five (5) days prior advertised public hearing.

Hearings relating to the reclassification of property shall be additionally advertised by sending said notice to all property owners within three hundred (300) feet from the exterior boundaries of the subject property and by posting said notice in three (3) conspicuous places on or adjacent property being reclassified, not less than ten (10) days prior to hearing.

ARTICLE 16. Fees

Section 17.70.010. Purpose. The following fees shall be paid by every applicant toward defraying the city's costs in connection therewith, including publication and advertising costs, and no application shall be filed or accepted unless the amount specified accompanied the application.

Section 17.70.020. Processing Fees.

Change of Zone _____

Variance _____

Conditional Use Permit _____

Section 17.70.030. Permit Issuance Fees

Certificate of Occupancy

Residential _____

Non-Residential _____

Variance _____

Conditional Use Permit for Home Occupation or Business _____

All Other _____

These fees may be amended as determined necessary by the City Clerk with the City Council.

ARTICLE 17. ENFORCEMENT, VIOLATION, AND PENALTIES

Section 17.72.010. Enforcement. It shall be the duty of the Building Inspector to see that this ordinance is enforced through the proper legal channels, including, in addition to the imposition of criminal penalties hereinafter provided for, any appropriate action or proceeding to require compliance with, or to enjoin violation of, the provisions of this ordinance.

Section 17.72.020. Applications for Building Permits. All applications for building permits shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon, the size, use, and location of existing buildings and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the Building Inspector.

Section 17.72.030. Violations. It shall be unlawful in any way to violate this ordinance or for any person to use or occupy any portion of any premises, any part of which has been constructed, equipped, or is used in violation of the provisions of this ordinance, until such unlawful use has ceased and such unlawful construction or equipment has been removed. Any premises which have been constructed, equipped, or used in violation of this ordinance shall be posted by the Building Inspector with a sign directing the vacation of the entire premises within ten (10) days from the date noted thereon. Any person removing or defacing such sign without the permission of the proper authority shall be guilty of a misdemeanor and shall be subject to the penalties hereinafter provided.

Section 17.72.040. Penalties. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be fined in any sum not exceeding \$500.00 or be imprisoned in the City Jail for a period not exceeding six (6) months, or be punished by both such fine and imprisonment, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

ARTICLE 18. VALIDITY

Section 17.77.010. Severence. Should any section, clause, or provision of this ordinance be declared invalid by any final decree of any court of competent jurisdiction, such invalidity shall not affect the validity of this ordinance as a whole or of any part thereof other than the part so declared to be invalid.

Section 17.77.020. Repeal of Prior Ordinances. All ordinances in conflict herewith including Ordinance No. 466 and all ordinances amendatory thereto are hereby repealed; provided, however, that it is specifically intended that this ordinance is a reclassification and recodification of Ordinance No. 466 as amended. Any prosecutions commenced under said ordinance or ordinances amendatory thereto shall not be abated by reason of this ordinance, and provided further that the location of any building or use of property which is in violation of said ordinance No. 466 and the maps adopted by said ordinance, and which is also declared to be a use in violation of this ordinance shall not become valid or become a non-conforming use by reason of its establishment prior to the adoption of this ordinance, and for such purpose this ordinance is intended as a re-enactment and recodification of said Ordinance No. 466 and all ordinances amendatory thereto.

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