

property in question is sought to be devoted under the terms of this section, shall be heard to protest against such proposed use, nor shall property so devoted to a non-conforming use be taken into consideration in calculating the area above described.

**Section 12
EXISTING BUILDINGS AND
NON-CONFORMING USES**

Whenever any property or existing building, at the time of the passage of this ordinance, is being devoted to a use which is legal prior to the passage of this ordinance, such use may continue even though the same be not in conformity to the regulations of this ordinance. If, however, the use of buildings or premises shall be changed subsequent to the passage of this ordinance, such change shall be to a use conforming to the regulations herein set forth, and after such change the building or premises shall not again thereafter be devoted to the original or to any non-conforming use. When a building which is devoted to a non-conforming use is damaged by fire or by any cause so that the total deterioration exceeds eighty per cent. (80%) of the cost of replacing the building, using new materials, then such building shall not be rebuilt unless its construction and use conforms in all respects to the requirements of this ordinance and all other ordinances of this City as applied to buildings and uses in the district in which it is located. No premises or buildings devoted to a non-conforming use shall be enlarged, remodeled or altered unless such enlargement, remodeling or alteration has the approval of the City Commission. Any building sought to be repaired or restored, after being damaged by fire, shall be so restored and repaired within six months in order to be entitled to the provisions of this section.

Section 1. That Section 13 of said Ordinance No. 1167 be amended to read as follows:

**Section 13
GENERAL PROVISIONS**

a. Non-zoned Portions: All portions of the City of Port Angeles not zoned into specified districts are hereby zoned and classified and subject to the provisions and restrictions of a first class residence district, subject, however, to the right to petition the City Council to include said non-zoned portion in the zoning plan or reclassified district.

b. Public Hearing on Conditional Use, Applications and Variances: Any person desiring to establish on any premises a conditional use or variance from the terms of this ordinance shall file a written application, together with a filing fee of Ten Dollars (\$10.00) with the Building Inspector, who shall transmit such application to the City Planning Commission. The Planning Commission shall fix a date of hearing on said application and shall at least ten (10) days prior to such date of hearing cause to be posted in conspicuous places within 400 feet of the proposed conditional use or variance a minimum of two (2) placards, each containing a notice advising the public of the following information: the proposed conditional use or variance, the time and

places on which it is proposed to establish the conditional use or variance, may, not later than the day prior to the hearing, file with the City Clerk a written protest, which must contain the legal description of the property owned by each protestant, and the City Clerk shall on the same day advise the Planning Commission, through its Chairman, of the protests so filed. The Planning Commission shall on the date set, or on such date as the hearing may be continued, conduct a public hearing to determine the objections to said conditional use or variance, if any. Such public hearing shall be conducted by not less than a quorum of the Planning Commission. The Planning Commission shall after said hearing refer its recommendation to the City Council for final action. The decision of the City Council on the application shall be filed with the City Clerk and by him transmitted to the Building Inspector.

Section 2. That Section 14 of said Ordinance No. 1167 be amended to read as follows:

**Section 14
ENFORCEMENT AND APPEALS**

a. It shall be the duty of the Building Inspector to enforce this ordinance. It shall also be the duty of the Fire Chief to assist the Building Inspector in enforcing the provisions herein contained in so far as it relates to the use of completed buildings or parts thereof. It shall also be the duty of the Building Inspector to see that all building permits shall comply with the terms and conditions of this ordinance and all applications for permits shall be accompanied by a plan drawn to scale showing the actual dimension of the lot to be built upon, the size, use and locations of existing buildings, and buildings to be erected, and such other information as may be necessary to provide for the enforcement of this ordinance.

b. 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 be deemed guilty of a misdemeanor and shall be fined in any sum not more than Fifty Dollars (\$50.00), or imprisoned in the City jail for a term of not exceeding thirty (30) days, for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

c. Any party desiring to appeal from the decision of the Planning Commission or the ruling of the Building Inspector shall file written notice of such appeal from the decision with the City Clerk within ten (10) days from the date of such decision, and the City Council shall at its next regular meeting, consider such appeal and render a decision thereon.

Section 3. This ordinance shall be in full force and effect five (5) days after its passage, signing and lawful publication.

INTRODUCED February 18, 1954.

PASSED February 18, 1954.

APPROVED and SIGNED by the Mayor February 18, 1954.

W. IVOR SMITH,
Mayor

ATTEST:
J. E. Law, City Clerk
APPROVED FOR THE BOARD

Ordinance No. 1167

as amended by Ordinance No. 1323.

BUILDING AND ZONING REGULATIONS

of the

CITY OF PORT ANGELES
WASHINGTON



Approved and Adopted

April 30, 1947

Amended

February 18, 1954

ORDINANCE NO. 1167
AN ORDINANCE to regulate and restrict the location and use of buildings and the use of land within the City of Port Angeles; to limit the height of buildings; to prescribe building lines and the size of yards; and for these purposes to divide the City into districts; providing penalties and repealing any ordinances in conflict herewith.

THE CITY COMMISSION OF THE CITY OF PORT ANGELES DOES ORDAIN AS FOLLOWS:

Section 1. This ordinance shall be known as the Zoning Ordinance of the City of Port Angeles, Washington.

Section 2. This ordinance shall consist of the text hereof and in addition that certain map identified by the approving signatures of the Mayor and City Clerk now on file in the office of the City Clerk of this city. Said map has heretofore been examined by the City Commission and is hereby adopted as a part of this ordinance, together with all notations, references, districts, symbols and legends shown thereon. This ordinance and each and all of its terms, is to be read and interpreted in the light of said map and if any conflict between the map and the text of this ordinance is deemed to arise, the text of the ordinance shall prevail.

Section 3. There is hereby created in the City of Port Angeles five separate types of use districts as outlined on the zone map and described as follows:

- a. First residence district.
- b. Second residence district.
- c. First business district.
- d. Second business district.
- e. Manufacturing district.

Except as hereinafter provided, no buildings or premises shall be erected, altered, repaired, maintained, or used for any purpose other than that permitted in the use district in which said buildings or premises are located.

Section 4

FIRST RESIDENCE DISTRICT

a. Allowed Uses. In the use district known as First Residence District, there may be erected, altered, repaired and maintained, the following described buildings and structures, and the following uses and no others:

1. Single family dwelling; or duplex to accommodate two families in one unit and under one roof, without such other accessory buildings as are appropriate to such buildings, including private garages for motor vehicles, but such accessory buildings shall not include a business or industry, nor the repairing or servicing of motor vehicles.
2. Churches.
3. Public and private schools, when conducting regular classes.
4. Publicly owned and operated libraries, parks, playgrounds, fire stations, community buildings, non-commercial recreational uses.
5. Agriculture, when conducted exclusively for the use of the persons maintaining the same.
6. The occupants of the buildings allowed in the First Residence District may engage in carrying on such professions as are ordinarily carried on in the home, including the home office of physicians, surgeons or dentists. Signs indicating

such use and occupancy are permitted, providing they do not exceed two square feet in area and bear only the name and occupation of the occupant. Signs advertising for sale or lease the property on which they are located, but for no other purpose, may be erected and maintained.

Height: No building hereafter erected or structurally altered shall exceed thirty-five feet or two and one-half stories in height.

Area Regulations: There shall be a side yard on each side of the building of not less than seven feet in width; and, provided further, that accessory buildings, when located on the rear one-third of the lot, may be built to the lot line.

Setback: There shall be a setback of not less than twenty-five feet from the property line: Provided, however, that where lots comprising twenty-five per cent or more of the frontage of any block are developed with buildings having a predominant setback, no building hereafter erected or structurally altered shall project beyond the predominant setback line so established.

Density of Population: There shall be a lot area of not less than seven thousand square feet per building erected for family use.

b. Prohibited Uses.

1. Shack buildings. The erection, alteration, repair or maintenance of a temporary or shack building for residential purposes or other purposes is prohibited, except that the erection of temporary buildings for industry incidental to the development of a residence property will be permitted for a period of not to exceed six months.

2. Gardening and fruit raising. Nothing in this Section shall be construed to prohibit the use of vacant property for gardening or fruit raising, for private and not commercial purposes.

3. Sign posts. The erection and maintenance of sign posts and billboards and all signs except those specifically covered in Sub-paragraph 6, Paragraph a, Sec. 4, is prohibited.

Section 5

SECOND RESIDENCE DISTRICT

a. Allowed Uses. In the Second Residence District there may be erected, altered, repaired or maintained the following structures, buildings, occupancies and uses, and no others:

1. Any use permitted in the First Residence District.
2. Apartment houses.
3. Boarding and lodging houses.
4. Hotels.
5. Hospitals and clinics.
6. Private clubs, fraternities and lodges.
7. Mortuaries.

Height: No building hereafter erected or structurally altered shall exceed thirty-five feet or two and one-half stories in height.

Area Regulations: There shall be a side yard on each side of the building of not less than five feet in width; and, provided further, that accessory buildings, when located on the rear one-third of the lot, may be built to the lot line.

Density of Population: Where duplex or two houses per lot are built, an area of thirty-five hundred square feet per family shall be

maintained. Where arrangements are made to house more than one family per lot, provisions for parking at least one car per family shall be provided.

Section 6

FIRST BUSINESS DISTRICT

a. Allowed Uses: In the district known as First Business District, there may be erected, altered, repaired and maintained all of the residential buildings and uses allowed in the First and Second Residence Districts; Provided, that there shall not be erected more than one structure for residence purposes on an area of less than seven thousand square feet. In addition thereto, there shall be permitted buildings used for general assemblage, for public uses and for the general public purposes and uses set forth in the following list, No. 1-15 inclusive, only, and no other uses.

1. Stores, wholesale and retail.
2. Offices, business and professional.
3. Banks.
4. Restaurants.
5. Service stations and parking lots.
6. Police and fire stations.
7. Printing establishments.
8. Telephone and telegraph offices and exchange.
9. Theaters, dance halls, skating rinks and other commercial amusement places, subject to provision of City Ordinances.
10. Retail trade or shops for custom work for the making of articles to be sold at retail on the premises.
11. Sales rooms and store rooms for motor vehicles.
12. Garages, with or without repair shops.
13. Hand laundries, clothes cleaning and pressing establishments.
14. Manufacturing, only, however, clearly incidental to a retail business; lawfully conducted on the premises.
15. Armory.

b. Prohibited Uses:
1. Junk yards, car wrecking lots, trailer camps.

Section 7

SECOND OR OUTLYING BUSINESS DISTRICT

a. Allowed Uses: In the district known as the Second or Outlying Business District, there may be erected, altered, repaired and maintained, all of the buildings included in the provisions of the First and Second Residence Districts and First Business District, and in addition thereto, the following:

1. Tourist cabin camps.
2. Autels.
3. Coal, fuel or lumber yards, when housed.
4. Contractors' storage, when housed.
5. Material yards, when housed.
6. Bottling works.
7. Creameries.
8. Laundries.

Section 8

MANUFACTURING DISTRICT

a. Allowed Uses. In the manufacturing district, all buildings and premises may be used for any purpose permitted in the First and Second Residence Districts and First and Second Business Districts, or for any other lawful purpose not prohibited by ordinance of the City of Port Angeles and the statutes of the State of Washington,

Section 9

BOUNDARIES OF THE DISTRICT

a. It is the purpose of this ordinance to have all boundaries of districts follow streets and alleys, or where necessary, to follow lot lines. Where uncertainty exists regarding the boundaries of the districts shown on the zoning map, it is understood that the boundary is to follow either a street, alley or lot line, as shown on the said map. Where the property transversed by a district line has not been subdivided into lots and blocks, the boundary shall be understood to be parallel to street lines and at a designated distance therefrom, unless said line is otherwise definitely located.

Section 10

SETBACK ON FIFTH STREET

Notwithstanding any provisions of this ordinance regarding the location of buildings, no building shall be constructed nearer than six (6) feet from the property line bordering on Fifth Street as now established.

Section 11

LOCAL OPTION REGULATIONS:

In the portions of the City of Port Angeles designated as First Residence District there may be erected, altered, repaired and maintained apartment houses when authorized by the City Commission under the following procedure:

Any person or persons desiring to devote such property to such a use shall first submit to the City Commission an application for that purpose, setting forth the following information:

1. A description of the property and building or improvement contemplated.
2. Plans and specifications of the proposed buildings.
3. The names and addresses of all owners of property within a radius of four hundred (400) feet from the property in question.
4. A list of all parcels of property within a radius of Four Hundred (400) feet of the property in question with the description assigned to the same on the assessment and tax rolls of Clallam County. Where the property or building in question is in a district adjacent to another district of less restrictive character the four hundred (400) feet radius shall include no property in such adjacent district.

The City Commission shall, upon the filing of said application, notify the owners of the property within the four hundred (400) feet radius of the contemplated use of the premises or building by letter addressed to them at their last known address, with postage prepaid, and if within twenty (20) days from the mailing of such notice the owner or owners of more than forty per cent. (40%) of such property, calculated according to area, protest against such proposed use of the property or building in question, the application shall be denied and such use shall be declared by the City Commission to be unlawful. If protest is made by owners of less than forty per cent. (40%) in area of property within the four hundred (400) feet radius, then the City Commission may issue a permit and such use shall be declared lawful; Provided, however, that no nonconforming property devoted to a similar use to that to which the