

- Meetings may be viewed on the [City of Anacortes website](#), on the City of Anacortes [YouTube](#) Channel, or on TV [Channel 10](#).
- To watch, listen to, or participate in the meeting live, visit <https://us02web.zoom.us/j/84685300609> or telephone 1-253-215-8782 and enter Meeting ID 846 8530 0609.
- The public is encouraged to comment via email to pced@cityofanacortes.org, via written comment addressed to PCED, P.O. Box 547, Anacortes, WA 98221. Public comments received prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes Planning Commission meetings are available [here](#) (page 2). View the quick video example for connecting to the meeting [here](#).

Anacortes Planning Commission
Municipal Building - Council Chambers
904 6th Street

November 8, 2023
6:00 PM

PRELIMINARY AGENDA
[Packet Materials](#) / [Watch Meeting](#)

1. **Roll Call**
2. **Minutes**
3. **Public Comment**
4. **Public Hearing**
5. **Other Business**
 - a. LEG-2023-02 - Amend AMC 19.49 *Nonconforming uses and structures* to provide for alterations and additions to nonconforming historic buildings
 - b. LEG-2023-04 - Amend AMC 19.41.040 *Principal uses permitted in residential zones* and AMC 19.43.010 *Household living* to allow more housing types in more residential zones promoting middle and affordable housing
 - c. LEG-2023-05 - Amend AMC 19.47.030 *Accessory dwelling units* to remove owner occupancy requirements
6. **Adjournment**

**Citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment during a public hearing may do so as those items are considered by the Planning Commission during the course of the meeting.*

The City of Anacortes is committed to making public meetings available and accessible to all members of the community. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Planning Commission Agenda Bill

Meeting Date: November 8, 2023

Agenda Item: 5.a.

Subject: LEG-2023-02 - Amend AMC 19.49 *Nonconforming uses and structures* to provide for alterations and additions to nonconforming historic buildings

Staff Contact: LIBBY GRAGE

Approved for Submittal to Commission by

LIBBY GRAGE
John Coleman

Action Type

Discussion

Summary Statement: Planning staff propose amendments to Anacortes Municipal Code (AMC) Chapter 19.49 *Nonconforming Uses and Structures* to permit the enlargement or alteration of nonconforming historic buildings and structures in certain circumstances.

Background: There are multiple historic buildings in Anacortes that are considered nonconforming because the zoning or dimensional standards have changed since they were constructed. Alterations or other exterior changes to these buildings would have to comply with the nonconforming provisions of the AMC, which generally do not allow for enlargement of nonconforming structures. Additionally, reconstruction of a nonconforming building generally requires that the building come into conformance with current standards. These provisions can negatively impact the feasibility of adaptively reusing and preserving historic buildings.

The Anacortes Comprehensive Plan directs the protection, preservation and celebration of Anacortes's historic, cultural, and archeological resources and encourages flexibility in zoning standards to preserve historic buildings. The proposed code amendment would allow historic buildings to be restored, reconstructed, and enlarged so long as nonconformity is not increased and the building's eligibility for listing on the historic register is not affected.

Previous Action: None

Competing Viewpoints Considered: A public hearing on the proposed amendment will be scheduled for a future Planning Commission meeting.

Recommended Motion: No recommended motion - discussion only.

Alternative Actions:

Attachments (listed in order presented):

1. Proposed Amendments - AMC 19.49

11/2/23 Draft

Proposed changes are shown below in ~~Strikeout~~/Underline track changes format.

Chapter 19.49

NONCONFORMING USES AND STRUCTURES

19.49.010 Purpose.

The purpose of this chapter is:

- A. To permit nonconforming uses or structures to continue until they are removed, but not to encourage their survival, except as expressly provided in this chapter; and
- B. That nonconforming uses or structures may not be used as grounds for adding other structures or uses prohibited elsewhere in the same zone; and
- C. That nonconforming uses or structures not be allowed to expand, be altered, or be reconstructed except as otherwise outlined in this chapter. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

19.49.020 General rule.

- A. Any lot, building, structure, or use of land, legally permitted or established, must be permitted to continue consistent with this chapter. A change in occupancy or ownership does not affect the right to continue such use, building, or structure.
- B. Any use for which a conditional use permit has been obtained is not a nonconforming use so long as the requirements of the conditional use permit are met. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

19.49.030 Enlargement, alteration, expansion or change of nonconforming uses.

A. Nonconforming Uses.

1. A building containing a nonconforming use may be maintained, repaired, or brought up to more current structural and safety standards.
2. No nonconforming use may be permitted to be enlarged, altered, or expanded. This includes structural alterations not required by law and any enlargement that changes parking requirements.

Exception: A nonconforming use may be extended throughout any part of the building which was designed for the use prior to the adoption date of this chapter.

B. No nonconforming use may be allowed to be reestablished after abandonment. Thereafter, the use of the building, structure or site must be in conformity with the regulations for the zone in which it is located.

C. A nonconforming use may not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

(Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

19.49.040 Enlargement, alteration, reconstruction of nonconforming buildings and structures.

A. Routine maintenance, cosmetic changes (such as new siding, windows, or roofing), changes to improve energy efficiency, changes to a structure to address unsafe conditions, or upgrading inadequate utilities must not be considered alterations.

B. When a nonconforming building or structure is damaged by fire, natural disaster, or other calamity, and structural repairs are needed to maintain a building or structure in a safe structural condition, the building or structure may be restored or replaced, provided:

1. A complete application for reconstruction or replacement is submitted within one year of the damage; and

-
2. That the restoration or replacement must be made to conform to the regulations of the zone in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration may not extend any nonconformity that existed prior to the damage.

C. Additions to nonconforming structures that meet all applicable zoning dimensional standards will not be considered an enlargement under this section. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)

D. Historic Buildings and Structures. Nothing in this Chapter prevents the full restoration by reconstruction of a building or structure which is either listed on the National Register of Historic Places, the Washington State Register of Historic Places, the Washington State Cultural Resource Inventory, or the Anacortes Register of Historic Places.

1. "Restoration" means reconstruction of the historic building or structure with as nearly the same visual design appearance and materials as is consistent with full compliance with the State Building Codes and consistent with any historic preservation provisions adopted by the city.

2. The reconstruction of all such historic buildings and structures must comply with the life safety provisions of the State Building Codes.

3. Enlargement or alteration that does not increase the nonconformity or disrupt the eligibility of a building or structure for listing on historic lists or registers may be permitted.

19.49.050 Abandonment.

A. For the purposes of this section, abandonment will mean:

1. An intention to abandon; and
2. An overt act, which carries the implication that the owner does not claim or retain any interest in the right to the nonconforming use.

B. *Conformance after Abandonment.* If any nonconforming use of land, building, or structure ceases for any reason whatsoever for a period of one year or more, any future use of such land, building or structure must thereafter be in conformity in the zone in which it is located. The mere presence of a structure, equipment, or material will not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material is actually being occupied or employed in maintaining such use.

C. *Procedure for Verifying Abandonment.* When the Department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the Department must send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or nonabandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year will be required. After notification, if the owner fails to respond to the request within 60 days, the building, structure, or use will be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the Director may initiate a Level 2 review to determine if the abandonment has occurred. (Ord. 3040 § 2 (Att. A), 2019; Ord. 2992 § 1 (Att. A), 2016)



Planning Commission Agenda Bill

Meeting Date: November 8, 2023

Agenda Item: 5.b.

Subject: LEG-2023-04 - Amend AMC 19.41.040 *Principal uses permitted in residential zones* and AMC 19.43.010 *Household living* to allow more housing types in more residential zones promoting middle and affordable housing

Staff Contact:

Approved for Submittal to Commission by

LIBBY GRAGE
John Coleman

Action Type

Discussion

Summary Statement: The proposed amendments implement certain recommendations from the [Anacortes Housing Action Plan](#), adopted by City Council in January 2023 ([Resolution 3104](#)). The proposed amendments would:

- Change the zone permissions for certain housing types in AMC Table 19.41.040 from conditional to outright permitted.
- Add triplexes and townhouses up to 4 units as permitted uses in the R2A zone.
- Add zone-specific development standards for certain housing types to ensure compatibility with neighborhood character.

Background: The Anacortes Housing Action Plan defines strategies and implementing actions that promote greater housing diversity, affordability, and access to opportunity for residents of all income levels. The priorities for the HAP were informed by a housing needs assessment, public engagement, discussion with the City Council and Planning Commission, and City staff.

The subject code amendment proposal pulls directly from the recommended regulatory strategies in Chapter 2 of the HAP.

Previous Action: None.

Competing Viewpoints Considered: A public hearing on the proposed amendment will be scheduled for a future Planning Commission meeting.

Recommended Motion: No recommended motion - discussion only.

Alternative Actions:

Attachments (listed in order presented):

1. Proposed Amendments - AMC 19.41 and 19.43

LEG-2023-04: Amendments to AMC 19.41.040 Principal uses permitted in residential zones & 19.43.010 Household living

11/2/23 Draft

Proposed changes are shown below in ~~Strikeout~~/Underline track changes format.

19.41.040 Principal uses permitted in residential zones.

Table 19.41.040 below provides the list of permitted principal uses in residential zones.

NOTE: Accessory uses are not shown in these principal use charts. See AMC Chapter 19.47, Accessory Uses and Structures, for applicable accessory use provisions.

Table 19.41.040

Principal uses permitted in residential zones.

Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
RESIDENTIAL									
Household Living, as listed below									AMC <u>19.43.010(A)</u>
Single-family	P	P	P	P	P	P	P	P	AMC <u>19.43.010(B)</u>
Single-family, small lot				P	P	P	P		AMC <u>19.43.010(C)</u>
Cottage housing		P	P	P	P	P	P		AMC <u>19.43.010(D)</u>
Duplex		€ P	P	P	P	P	P	P	AMC <u>19.43.010(E)</u>
Triplex			<u>p^(x)</u>	€ <u>P</u>	P	P	P		AMC <u>19.43.010(F)</u> <u>(x) AMC</u> <u>19.43.010(F)(2)</u>
Townhouse			<u>p^(x)</u>	€ <u>p^(x)</u>	P	P	P		AMC <u>19.43.010(G)</u> <u>(x) AMC</u> <u>19.43.010(G)(3)</u>

Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Multifamily, 4 units				CP	P	P	P		AMC <u>19.43.010(H)</u> and <u>(I)</u>
Multifamily, 5 or more units					p(x)	P	P		AMC <u>19.43.010(H)</u> and <u>(I)</u> (x) AMC <u>19.43.010(H)(8)</u>
Live-work									AMC <u>19.43.010(J)</u>
Group Living, as listed below									AMC <u>19.43.020(A)</u>
Adult family home	P	P	P	P	P	P	P	P	AMC <u>19.43.020(B)</u>
Assisted living facility				C	C	P	C		AMC <u>19.43.020(C)</u>
Nursing homes						C			AMC <u>19.43.020(D)</u>
Rooming houses				C	C	P	P	C	AMC <u>19.43.020(E)</u>

Amend AMC 19.43.010 as follows:

19.43.010 Household living.

A. *Household Living Use Category.* Residential occupancy of a dwelling unit by a household. Household living includes the following uses:

1. Single-family.
2. Single-family, small lot.
3. Cottage housing.
4. Duplex.
5. Triplex.
6. Townhouse.
7. Multifamily, four or more units.
8. Live-work.

B. *Single-Family.* **[NO CHANGE]**.....

C. *Single-family, small lot.* **[NO CHANGE]**.....

D. *Cottage housing.* **[NO CHANGE]**.....

E. *Duplex.* **[NO CHANGE]**.....

F. *Triplex.*

1. *Definition.* A building that is entirely surrounded by open space on the same lot and contains three dwelling units.

2. *Zone-Specific Standards.*

a. *R2A Zone Standards.*

i. Triplexes located on a lot with alley access are permitted by right. Triplexes not located on a lot with alley access are prohibited.

ii. Triplex units must have no more than 3,000-3,200 square feet gross floor area. Units meeting this standard are considered ½ a dwelling unit for density purposes.

3. Standards.

a. Triplexes are subject to the entry and driveway access and garage standards for single-family small lot (subsections (C)(3)(a) and (b) of this section). The entries for individual units may be grouped (including a shared path connecting grouped entries to the sidewalk) or separated.

b. See AMC 19.53.030 for general driveway and access easement standards. Separate driveways are permitted for each unit, provided each driveway is limited to 12 feet in width and meets driveway separation standards in AMC 19.53.030(D).

c. *Standards for Minimum Useable Open Space.*

i. All new triplex units must provide a contiguous open space with a minimum dimension of 15 feet on all sides.

ii. The minimum collective size of usable open space is 10 percent of the lot area. For example, an 8,000-square-foot lot would require at least 800 square feet of usable open space, which could include separate 20-foot by 20-foot usable open spaces for each unit.

iii. Where the usable open space is configured within the street setback, the open space must be defined with a fence or wall (meeting the standards of AMC Chapter 19.66). See Figure 19.43.010(E)(2)(c) for an example.

iv. Covered but unenclosed decks and porches may be used as a part of the usable open space, provided they are a part of a space that meets the standards herein.

v. LID stormwater BMPs, like rain gardens, may be integrated in up to 25 percent of the minimum required usable open space area.

vi. Drive aisles must not count in the calculations for usable open space.

vii. Additions must not create or increase any nonconformity with this standard.

3. Multiple triplexes may be built on the same lot, provided the “additional lot size needed for additional dwelling unit beyond duplex, minimum,” per Table 19.42.020, is met.

G. *Townhouses.*

1. *Definition.* A dwelling unit in a row of at least three such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

2. Purpose.

- a. To enhance the character of the street.
- b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
- c. To de-emphasize garages and driveways as major visual elements along the street.
- d. To provide usable open space for residents.
- e. To reduce the apparent bulk and scale of large townhouse buildings.
- f. To promote architectural variety that adds visual interest to the neighborhood.

3. Zone-Specific Standards.

a. R2A Zone Standards.

i. Townhouse structures with up to 4 attached units and located on a lot with alley access are permitted by right. Townhouse structures with more than 4 attached units or not located on a lot with alley access are prohibited.

ii. Townhouse units must have no more than [1,000-1,200] square feet gross floor area. Units meeting this standard are considered ½ a dwelling unit for density purposes.

~~a~~ **b.** *R3 and R3A Zone Standards.* Townhouse structures with up to ~~four~~ **4** attached units are permitted by right. ~~in the R3A zone and conditionally permitted in the R3 zone.~~ Townhouse structures with more than four **4** attached units are prohibited in the R3 and R3A zones.

~~b~~ **c.** *R4 and R4A Zone Standards.* Townhouse developments have the following form and intensity adjustments from Table 19.42.020:

- i. Maximum lot coverage: 60 percent.
- ii. Minimum landscaped area: 15 percent.

~~e~~ **d.** In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single-purpose buildings may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The

maximum percentage may be increased through a framework development plan (AMC 19.61.180).

d e. *C Zone Standards.*

- i. Townhouses that do not meet the standards for live-work dwellings that front on Commercial Avenue within the C zone are prohibited.
 - ii. Townhouses that do not meet the standards for live-work dwellings are prohibited within the C zone south of 41st Street.
4. *Setbacks.* The minimum setbacks set forth in Table 19.42.020 apply to development frontage and external side and rear setbacks of the entire townhouse development. See AMC 19.42.130(C) for exemptions involving interior side setbacks for townhouses.
5. *Entries.*
- a. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.
 - b. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three feet by three feet (a covered porch or recessed entry).
 - c. For townhouses where the primary pedestrian access to the dwelling is from an alley or private internal vehicular access, buildings must emphasize individual pedestrian entrances over private garages by using both of the following measures:
 - i. Enhance entries with a trellis, small porch, or other architectural features that provide cover for a person entering the unit and a transitional space between outside and inside the dwelling.
 - ii. Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than four feet.

Alternative designs will be considered, provided they meet the purpose of the standards.

Figure 19.43.010(G)(5)

Acceptable and unacceptable examples of garage/entry configurations.



The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas de-emphasize the garage. In the right image, the lack of landscaping near the entries would not be allowed (where this is the primary pedestrian entry to the unit).

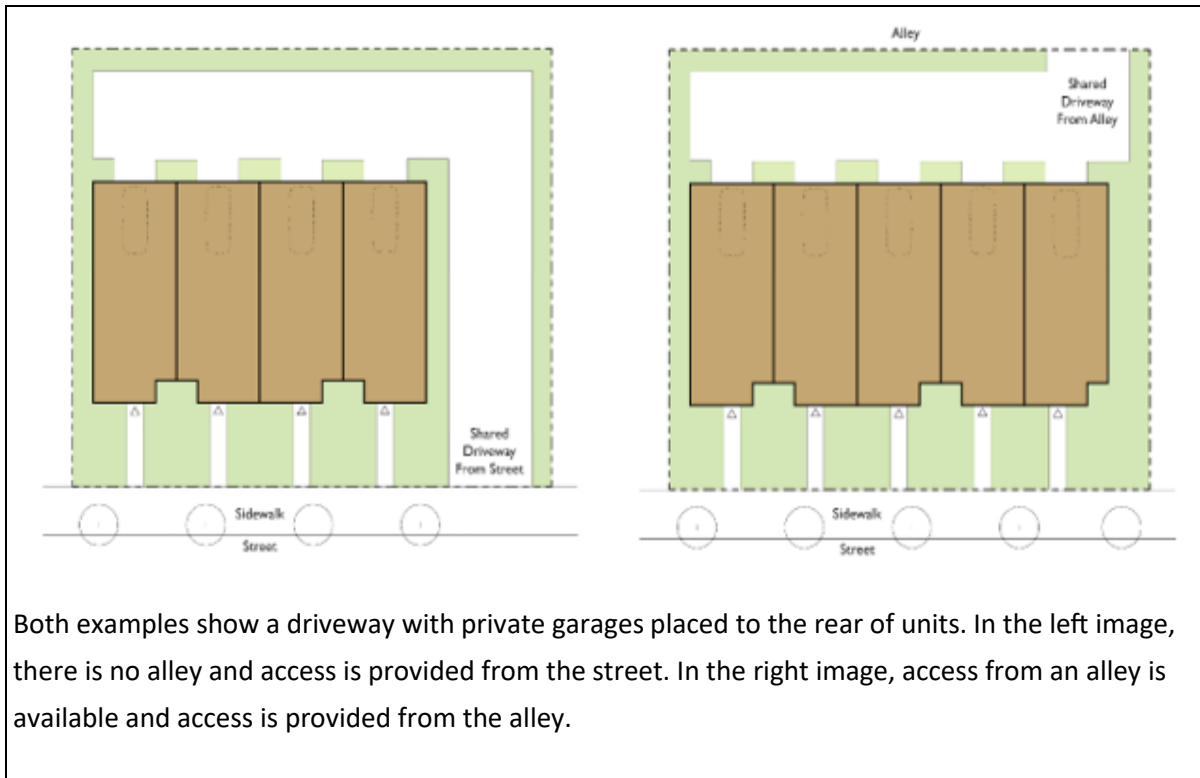
6. *Facade Transparency.* Transparent windows and/or doors are required on at least eight percent of facade area (all vertical surfaces of street-facing elevations). For corner lots, this standard is only applied to the elevation containing the dwelling entry.

7. *Private Garages Facing the Street—Maximum Garage Widths.*

- a. Individual garages facing the street are not allowed for townhouse dwellings unless they are designed to meet driveway standards in AMC 19.53.030. Garages may be provided to the rear of the dwelling via alley access or shared driveway as depicted in Figure 19.43.010(G)(7).
- b. Individual garages facing the street (where allowed) are limited to 12 feet in width.

Figure 19.43.010(G)(7)

Townhouse development examples using side/rear vehicular access.



8. *Access and Parking.*

- a. Off-street parking standards for townhouses are set forth in AMC 19.64.040 as a type of multifamily residential use (based on the number of bedrooms). Also see AMC 19.64.030(B) for guest parking standards.
- b. See AMC 19.53.030 for driveway and access standards.
- c. *Internal Drive Aisle Standards.*
 - i. Must meet minimum widths and other standards such as turning radii of the city-adopted International Fire Code.
 - ii. Minimum building separation along uncovered internal drive aisles must be 24 feet. Projections into this minimum building separation standard are permitted for each building consistent with the interior side setback projections referenced in AMC 19.42.140. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and provide adequate light and air on both sides of the dwelling units and vehicle areas, which often function as usable open space for residents.
 - iii. See AMC 19.53.050 for other internal circulation requirements.

9. *Usable Open Space*. Townhouse dwelling units must provide open space at least equal to 10 percent of the gross floor area. The required open space may be provided by one or more of the following:

- a. Private ground level open space that is directly adjacent and accessible to dwelling units. Such space must have minimum dimensions of at least 12 feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc. Street setbacks may be used to meet this standard, provided they are defined with a fence (meeting standards of AMC Chapter 19.66, Fences, Walls and Hedges).
- b. Balconies, roof decks or porches.
- c. Shared open space that meets the design requirements of AMC 19.62.040(B)(2), provided such space is visible and directly accessible to townhouse dwelling units.
- d. LID stormwater BMPs, like rain gardens, may be integrated in up to 25 percent of the minimum required usable open space area.

Individual private open spaces for one unit that exceed the open space standards may not be used to help meet the open space standards for other dwelling units. Shared open spaces that meet the standards of subsection (G)(9)(c) of this section, however, may be used to supplement private open spaces meeting subsections (G)(9)(a) and (b) of this section to help dwelling units meet the usable open space standards herein.

Figure 19.43.010(G)(9)

Examples of usable open space adjacent to townhouse units.



The townhouses above include private ground level open space (a) and balconies (b).



Private ground level open spaces.



Freedom Park qualifies as shared open space and may be used to help those townhouses adjacent to the space meet their minimum usable open space requirements.

10. *Building Design.*

- a. *Townhouse Articulation.* Townhouse buildings must comply with residential building articulation standards in AMC 19.63.040(C), except that the articulation intervals must be no

wider than the width of units in the building. Thus, if individual units are 15 feet wide, the building must include at least three articulation features for all facades facing a street, common or other shared open space, and common parking areas at intervals no greater than 15 feet.

b. *Repetition with Variety*. See Figures 19.43.010(G)(10)(a) and (b). Townhouse developments must employ one or more of the following “repetition with variety” articulation guidelines:

- i. Reversing the elevation of two out of four dwellings (see Figure 19.43.010(G)(10)(a)).
- ii. Providing different building elevations for external (units on the end or corner of a building) townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns.
- iii. Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two stories are typical (or a two-story design where three stories are typical).
- iv. Other design treatments that add variety or provide special visual interest, such as different cladding materials, window sizes and groupings, roof slopes, porch designs, balconies, etc. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the standards.

Figure 19.43.010(G)(10)(a)

Acceptable townhouse configuration employing the repetition with variety concept.

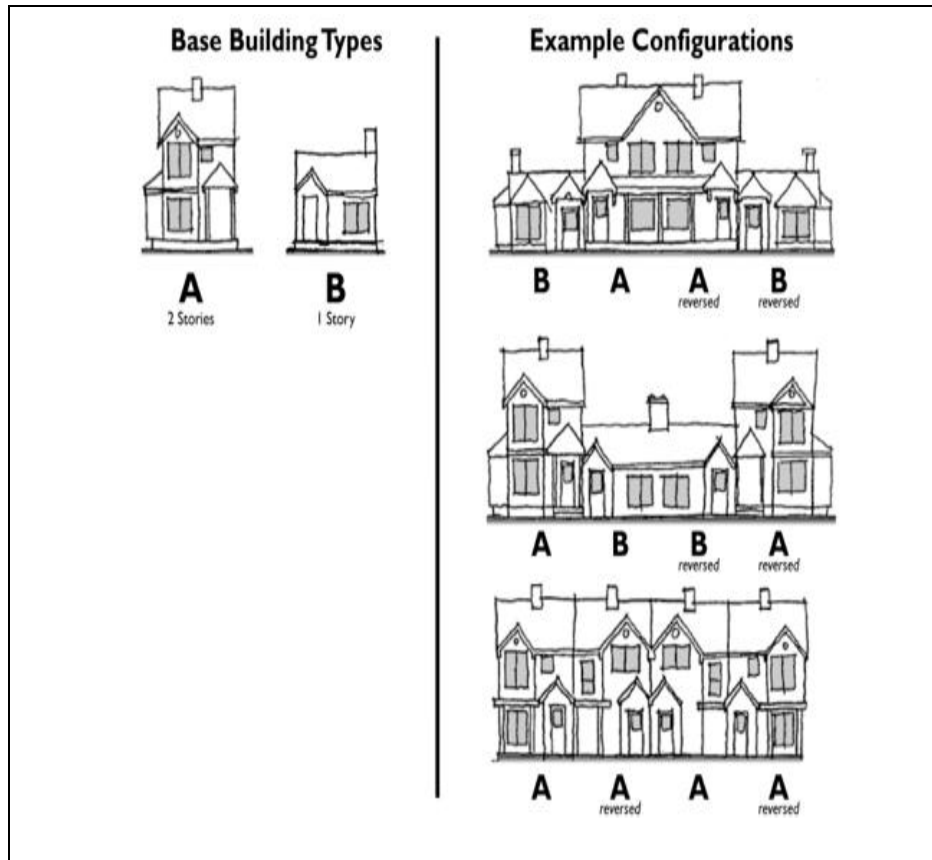


Figure 19.43.010(G)(10)(b)

Acceptable townhouse buildings integrating the “repetition with variety” guidelines.



The internal units in the left image each have distinct, but identical, windows and roof forms. The outside unit is differentiated through the use of building materials, window design, unit size, and facade detailing. The internal and external units in the right example include reverse elevations.

H. *Multifamily.*

1. *Definition.* A building that contains four or more dwelling units. The term also includes any dwelling units that are within a mixed-use building.

2. *Standards.* Multifamily uses are subject to design provisions in Division 6 of this title, including block frontage standards, site planning, building design, and landscaping. See AMC 19.53.050 for internal circulation requirements.

3. *MMU Zone East of Q Avenue Standards.*

a. Multifamily dwellings are allowed on upper floors throughout the site.

b. Multifamily dwellings and other permitted residential uses within single-purpose residential buildings* may cover up to 60 percent of the site area (parcel or contiguous parcels held under common ownership), provided they meet access, site and building design standards in this title. Associated parking, landscaping, open space, and other facilities accessory to the residential uses are included within the site area limitation. The maximum percentage may be increased through a framework development plan (AMC 19.61.180).

* Mixed-use buildings that meet the following criteria are not considered a single-purpose residential building:

i. At least 50 percent of the ground level building frontage is designed to accommodate nonresidential uses meeting the interior space requirements in subsections (H)(3)(b)(ii) and (iii) of this section.

ii. Spaces feature 13-foot-minimum floor-to-ceiling height.

iii. Spaces are at least 50 feet deep.

4. *CM Zone Standards.* Multifamily uses are conditionally permitted, provided it can be demonstrated that the use will not weaken the zone's tourist or marine-oriented purpose, nor diminish the marine values inherent in the zone, such as physical and visual access to waterways and shoreline. Multifamily units that are part of a mixed-use development incorporating commercial marine uses are permitted and single-purpose multifamily developments require a conditional use permit.

5. *MS Zone Standards.*

- a. Multifamily dwellings are conditionally permitted west of Commercial Avenue and south of 2nd Street.
- b. Residential units must be no larger than 800 square feet each and constructed within a mixed-use development.

6. *C Zone Standards.*

- a. Single-purpose multifamily uses that front on Commercial Avenue within the C zone are prohibited.
- b. Single-purpose multifamily uses are prohibited within the C zone south of 41st Street.

7. *R4 and R4A Zone Standards.* Multifamily developments have the following form and intensity adjustments from Table 19.42.020, provided at least 50 percent of all required parking is located within and/or below the structure:

- a. Maximum lot coverage: 75 percent.
- b. Minimum landscaped area: 15 percent.

8. R3A Zone Standards. Multifamily structures with up to 12 units are permitted by right. Multifamily structures with more than 12 units are prohibited.

I. *Multifamily, Restricted.*

1. *Definition.* A dwelling unit restricted to occupancy by a person or persons who satisfy one of the following requirements:

- a. Meet the minimum age in the definition of “housing for older persons” contained in Section 3607(b)(2) of the Federal Fair Housing Act, as amended.
- b. Their domestic partners and/or live-in caregivers are 55 years of age or older and/or disabled.
- c. Are disabled or handicapped regardless of age.

J. *Live-Work.*

1. *Definition.* A dwelling unit designed to accommodate a small commercial enterprise on the ground floor and a residential unit above and/or behind. A live-work unit may be designed as any type of household living dwelling unit.

2. *Standards.*

- a. Permitted nonresidential uses may be those that are permitted in the applicable zone or overlay designation as established by AMC Chapter 19.41, Allowed Uses.
- b. See standards in other subsections of this section for the applicable dwelling type the live-work use resides in.
- c. The nonresidential use may occupy up to 50 percent of the gross floor area of the live-work dwelling.
- d. The ground floor must be designed to accommodate nonresidential uses. This includes an area along the building frontage with:
 - i. Minimum floor-to-ceiling height: 13 feet.
 - ii. Minimum interior depth: 20 feet.
- e. The residential use and the nonresidential use are subject to the provisions of AMC Chapter 19.64, Parking.

Exception: Where nonresidential net floor area is less than 1,000 square feet and where on-street parking is available along the site's frontage, uses that require less than four spaces per 1,000 square feet of net floor area per Table 19.64.040 are exempt from additional off-street parking spaces. For uses in the subject table where "Director decision" is specified, the applicant must supply documentation per AMC 19.64.040(B) that the actual parking demand for the proposed use is less than four spaces.

K. *Manufactured Home.*

- 1. *Definition.* See RCW 35.63.160.
- 2. *Standards.* A manufactured home may be placed on any lot where new single-family residences are allowed and must meet the following requirements:
 - a. The manufactured home must be new.
 - b. The manufactured home must be set upon and attached to a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground must be enclosed by concrete or a permanent wall finished with standard residential materials, which can be either load-bearing or decorative.

- c. The manufactured home must comply with applicable design standards for single-family development.
- d. The manufactured home must comply with the state energy code.
- e. The manufactured home otherwise meets all other requirements for a designated manufactured home as defined in RCW 35.63.160.

This section does not override any legally recorded covenants or deed restrictions of record. (Ord. 3040 § 2 (Att. A), 2019)



Planning Commission Agenda Bill

Meeting Date: November 8, 2023

Agenda Item: 5.c.

Subject: LEG-2023-05 - Amend AMC 19.47.030 *Accessory dwelling units* to remove owner occupancy requirements

Staff Contact: LIBBY GRAGE

Approved for Submittal to Commission by

LIBBY GRAGE

John Coleman

Action Type

Discussion

Summary Statement: The proposed amendment to [AMC 19.47.030](#) would eliminate the requirement for a property owner to live on the property where an accessory dwelling unit (ADU) is established. This amendment is consistent with recent changes to state law ([RCW 36.70A](#)) which, among other changes, now prohibits local governments from requiring owner occupancy. Additional changes to Anacortes's ADU regulations will be required to comply with the new state law and will be brought forward by the PCED Department in subsequent code amendment proposals.

Background: In 2023, the WA State legislature passed [HB 1337](#) making significant changes to local government's role in regulating accessory dwelling units (ADUs).

Local governments have until 6 months after the due date of their next periodic comprehensive plan update to adopt or amend regulations to comply with the amended state law.

Previous Action: None

Competing Viewpoints Considered: A public hearing on the proposed amendment will be scheduled for a future Planning Commission meeting.

Recommended Motion: No recommended motion - Discussion only.

Alternative Actions:

Attachments (listed in order presented):

1. Proposed Amendments - AMC 19.47.030

11/2/23 Draft

Proposed changes are shown below in ~~Strikeout~~/Underline track changes format.

19.47.030 Accessory dwelling unit (ADU).

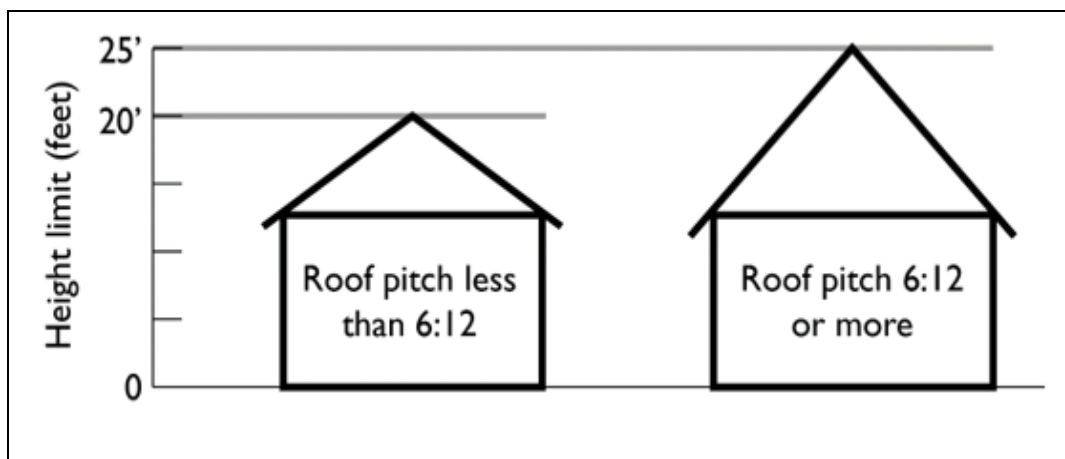
- A. *Definition.* A second dwelling unit attached or detached from the primary residential unit on a lot.
- B. *Purpose.* The purpose of an accessory dwelling unit is to:
1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
 2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety of stages of their lives.
 3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
 4. Protect neighborhood stability, property values, and the character of the neighborhood.
- C. *Standards and Criteria.*
1. *When and Where Permitted.* An ADU may be established in any zone on a lot with a single-family residence. An ADU may be created by any one or combination of the following methods:
 - a. Alteration of interior space of an existing residence.
 - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
 - c. Addition of a living area enclosed within the principal building.
 - d. Construction of a detached living area.

- e. Associated with the construction of a new single-family dwelling (where permitted).
- 2. *Number.* Each single-family residential unit may have only one ADU.
- 3. *Subdivision.* ADUs must not be subdivided or otherwise segregated in ownership from the principal dwelling unit.
- 4. *Maximum Size.* The ADU may not exceed 900 square feet gross floor area.
- 5. *Maximum Height.*
 - a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020 and 19.42.030.
 - b. Height limits for detached ADUs are:
 - i. Twenty feet where the roof pitch is less than 6:12.
 - ii. Twenty-five feet where the roof pitch is 6:12 or greater.

Exception: ADU height and roof pitch adjustments may be needed for structures to comply with the 45-degree height/setback plane provisions in subsection [\(C\)\(6\)\(a\)](#) of this section.

Figure 19.47.030(C)(5)

Height limits for detached ADUs.



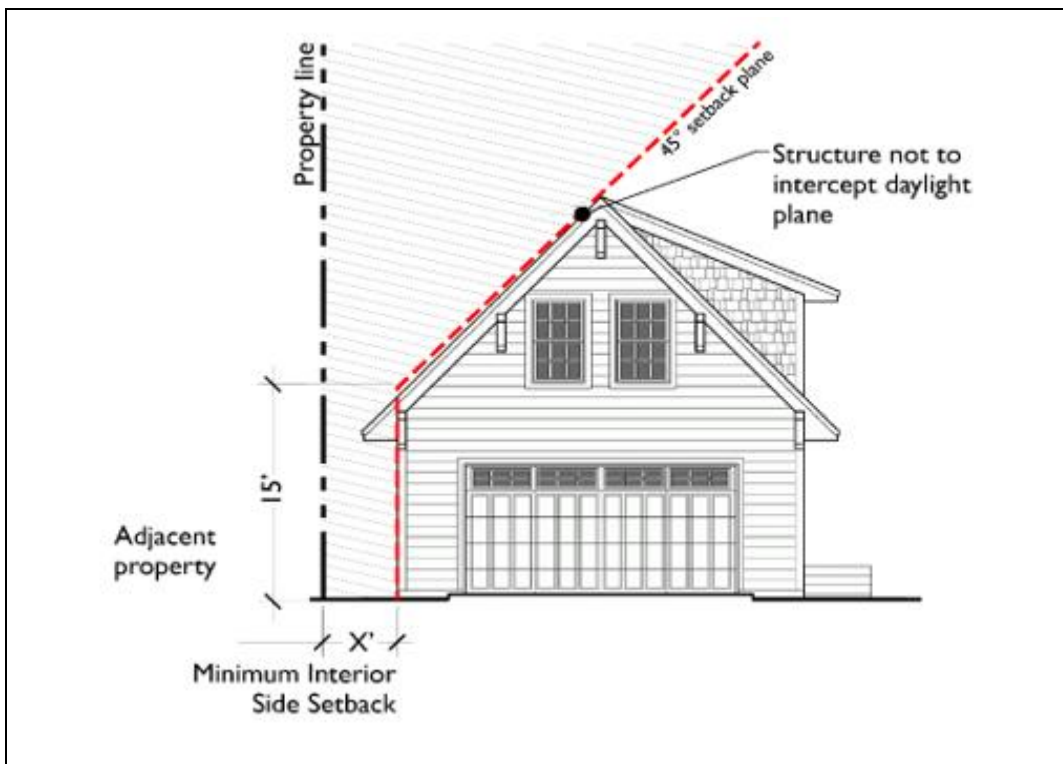
- 6. *Minimum Setbacks and Siting Requirements.* ADUs enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached

ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:

- a. Minimum interior side setback: five feet, except that from a height of 15 feet at the five-foot minimum interior side setback, buildings must step back at a 45-degree angle away from the interior side or rear property line as shown in Figure 19.47.030(C)(6) below.
- b. Minimum rear setback (to alley property line): zero feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of 10 feet from the alley property line to allow adequate turning distance for vehicles.
- c. Detached ADUs must be located consistent with the minimum usable open space standards of AMC [19.43.010\(C\)\(3\)\(c\)](#), regardless of lot size.

Figure 19.47.030(C)(6)

Height/setback plane for detached accessory dwelling units along interior side setbacks.



7. *Living Facilities.* At a minimum, an accessory dwelling unit includes a bathroom, kitchen, and separate exterior access.

8. *Parking.* A minimum of three parking spaces must be provided for the principal and accessory dwelling units. Where on-street parking is available abutting the lot, only two off-street spaces must be provided for the principal and accessory dwelling units.

9. *Entrance.* The entrance to the ADU must not be on the same side of the structure as the entrance to the principal residence, except when such entrance is not visible from the street as determined by the Director.

Exception: If an ADU is created within an existing residence which already has more than one existing exterior door on the same side, an existing door may be utilized for the ADU.

~~10. *Owner Occupancy.*~~

~~a. Either the principal or accessory dwelling unit must be occupied by an owner of the property for six or more months of each calendar year as the owner's permanent residence. "Owners" includes title holders and contract purchasers. The applicant must record a notice against the property title with the county auditor, on forms provided by the Department, describing this requirement.~~

~~b. The Director may waive the requirement of subsection (C)(10)(a) of this section for up to three years if a letter is submitted that provides evidence of good cause for the waiver. Good cause may include job dislocation, military deployment, sabbatical leave, education, or illness. (Ord. 3040 § 2 (Att. A), 2019)~~