
PLEASE NOTE MEETING BEGINS AT 5 P.M.

ANACORTES PLANNING COMMISSION



January 9, 2019

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

5 P.M.

[VIEW PACKET MATERIALS HERE](#)

1. **Roll Call**
2. **Minutes of November 14 and 28, 2018**
3. **Correspondence**
4. **Old Business**
Public Hearing: Title 19 Development Regulations Update and Zoning Map Amendments

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Planning Commission Agenda Bill

Meeting Date: 1/9/2019 **Agenda Item:** 4

Subject: Development Regulations Update: Public Hearing

Staff Contact: Don Measamer, Libby Grage

Approved for Submittal to PC by	
	Laurie Gere, Mayor
x	Don Measamer, PCED Director
	Darcy Swetnam, City Attorney

Action Type	
x	Public Hearing
	Staff Report
x	Discussion

Summary Statement: At the 1/9/19 Planning Commission meeting, a public hearing will be held regarding the proposed amendments to the development regulations, including AMC Titles 16, 17 and 19, and the proposed amendments to the Official Zoning map. The written comment period ends on January 11, 2019 at 5:00 PM. At the conclusion of the public hearing and comment period, the Planning Commission will begin deliberations regarding the proposed amendments and make a recommendation to the City Council. Please refer to the attached memo dated January 2, 2019 for more information, including required considerations in making a recommendation.

Background: Various documents are available as background information and are available on the [project website](#), including:

- [3rd Draft Development Regulations Update](#) (12/18/18)
- [A summary of proposed amendments by residential zone](#)
- [Zoning map amendment proposals](#)
- [Notice of Public Hearing and SEPA DNS](#)
- [SEPA DNS & Checklist](#)
- [Public Comments / Responses on 2nd Draft](#)

Previous Council/Committee/Commission Action: None.

Competing Viewpoints Considered: Written and verbal public comments have been provided over the last 1.5 years and 12 Planning Commission meetings, and have contributed to the development of the 3rd Draft. All written public comments have been summarized and responded to by the project team. The formal public comment period ends on January 11, 2019.

Recommended Motion: None at this time.

Attachments:

- Staff Memo dated January 2, 2019 and attachments:
 - o Attachment 1: 3rd Draft – Summary of Changes
 - o Attachment 1a: Concurrency Provisions Updates
 - o Attachment 2: Gateway Marina/Lovric's zoning map clarification
 - o Attachment 3: Public comments received during advertised comment period
- SEPA DNS and Checklist
- Proposed Amendments to Zoning Map and specific area public notices
- Public Comments & Responses on the 2nd Draft

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Planning, Community, & Economic Development Department

Don Measamer, Director

Memo

To: Planning Commission
Date: January 2, 2019
From: Development Regulations Update Project Team
Subject: Public Hearing - 3rd Draft Development Regulations and Zoning Map amendments

BACKGROUND

Since October 2016, the City has been engaged in a public process to update the development regulations in the Anacortes Municipal Code and to amend the Official Zoning Map to implement key goals and policies of the 2016 Comprehensive Plan.

The 3rd Draft of proposed development regulations updates was released for public review on December 19, 2018. Changes within the document reflect:

- Recommendations by the Planning Commission based upon their intensive review of the 2nd Draft document over **12** public meetings since its release (in April).
- Edits in response to **72** written public comment letters and emails on the draft and other public comments received at the Planning Commission meetings.
- Other edits made by the project team to improve usability and enhance internal consistency of the document.

In order to improve readability, the 3rd Draft does not show updates in track-changes format (strike-through/underline). Instead, proposed changes shown as such in previous drafts have been accepted or rejected based on PC direction, and yellow highlights are now used to show substantive content changes between the 2nd and 3rd Drafts. For a more detailed summary of changes, please see Attachment 1.

PLANNING COMMISSION REVIEW PROCEDURES

AMC Ch. 19.16 outlines the procedures for legislative actions, including amendments to the development regulations and area-wide zoning map amendments. The role of the Planning Commission is to hold the public hearing and make recommendations to the City Council.

Environmental Review

Environmental review was conducted by the Planning, Community & Economic Development Department and a SEPA threshold Determination of Nonsignificance (DNS) was issued on December 19, 2018. Notice of the SEPA threshold determination was provided consistent with city rules. The combined SEPA comment /appeal period ends on January 11, 2019. Comments received to date are attached (Attachment 3).

Planning Commission Deliberation

The Planning Commission must hold at least one public hearing before issuing a recommendation on the proposal. The public hearing has been scheduled for January 9, 2018 at 5PM. Notice of the public hearing and SEPA determination has been published as required by the AMC, including posting on the proposal's webpage on the Department's website, sending notice to the Department's email list, and publishing paid notice in the City's official newspaper. Additionally, notices were mailed to property owners owning property subject to proposed zoning map amendments.

Per AMC 19.16.080, the Planning Commission must consider the following in making its recommendations to City Council:

- a. Public hearing testimony and written comment received during any public comment period;
- b. Recommendations and analysis from relevant City advisory groups;
- c. Staff recommendations and analysis;
- d. Legal advice;
- e. Consistency of the proposal with the Comprehensive Plan.

The Planning Commission may ask specific follow up questions of those that testify or submit written comments in order to clarify their testimony or request specific further additional information. The Planning Commission may continue their deliberations to a subsequent meeting if it needs additional information or additional time to deliberate.

Planning Commission Recommendation

At the conclusion of its deliberations, the Planning Commission must vote on the proposals. The Planning Commission must vote to recommend approval, approval with modifications, or rejection of the proposals. The Planning Commission may recommend general modifications to the proposals and need not provide explicit textual edits.

The Planning Commission's recommendation on the proposals must be by recorded motion, which must contain the following components:

- a. Findings of fact: a list of facts that the Planning Commission believes to be true and that are relevant to its recommendation on the proposal.
- b. Reasons for action: an explanation of the Planning Commission's rationale in making its recommendation.
- c. Recommendation: the recommendation resulting from the vote.
- d. Vote: a record of the roll call vote on the entire recorded motion.
- e. Additional comments: other relevant comments, suggestions, or recommendations, not strictly related to the recommendation, that the Planning Commission desires to include.

- f. Signature of the chair attesting that the recorded motion reflects the Planning Commission's decision.

Staff will prepare draft motion for Planning Commission consideration at the January 23, 2019 Planning Commission meeting.

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ATTACHMENT 1: 3RD DRAFT - SUMMARY OF CHANGES

This section identifies key Planning Commission recommendations, public feedback and other edits made by the project team, that have been integrated into the 3rd Draft.

Division 1 – General and Legislative Provisions

- **Definitions.** Strategic updates made within AMC 19.12.020.

Division 2 – Procedures

- **Procedures Table.** Additions and adjustments were made to Table 19.20.030.
- **Framework Development Plans.** New provisions were added, including review criteria, conditions authorized, and recording requirements.
- **Concurrency.** Concurrency provisions from AMC 17.05 were updated/integrated into Title 19. The tracked changes version of the proposed updates are attached as Attachment 1.a.

Division 3 – Permits

- **Site Plan Review.** New provisions for site plan review added. (Ch. 19.30)
- **Subdivision procedures.** Numerous edits. (Ch. 19.32)

Division 4 – Zoning and Land Uses

- **Permitted uses.** A limited number of modifications, including removing medical clinics as a permitted use in the R₄ and R_{4A} zones. (Ch. 19.41)
- **Form and Intensity Standards.** A limited number of modifications (Ch. 19.42), including the removal of floor area ratio standards, adding lot coverage standards (mostly from the current code) back in, and reverting back to the current measurement method for building height.
- **Bonus height provisions.** Updated several height bonus provisions (19.42.020-.140), notably:
 - Removal of bonus height incentives for the CBD and C zones (allow subject height increase “by right”).
 - Adjust incentive criteria for bonus height in MMU zone (removing affordable housing provisions and adding public benefit features in its place).
- **Cottage, duplex, triplex, townhouse, and multifamily housing.** Modified provisions, including:
 - Updates to cottage provisions to address cottage setbacks, shared community buildings standards, and access and parking.
 - Driveway and open space standards for duplexes, triplexes.
 - Zone specific standards for R₃, R_{3A}, R₄, R_{4A}, MMU, and C zones added.
 - Live-work standards updated.
- **Manufactured home standards added.**

- **Sustainable energy generation systems.** Provisions added. (19.46.040)
- **Accessory structures and accessory dwelling units.** Some modifications to maximum height allowances based on roof pitch. (Ch. 19.47)

Division 5 – Community Design

- **Public street improvements required.** Minor updates, including modifications to the applicability section. (19.51.020)
- **Timing of improvements and bonding.** New section added. (19.51.070)
- **Parking lanes.** Updates to address integration of on-street parking in street design. (19.52.040).
- **Internal circulation for cottage, townhouses, and multifamily developments.** New standards added. (19.53.050)
- **Subdivision and block structure.** Updates to address zero-lot line development external site perimeters and updates to setbacks for shared access lots. (Ch. 19.54)

Division 6 – Project Design

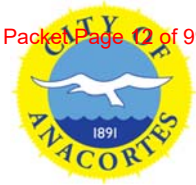
- **Block frontage standards.** Applicability exemptions added for I, LM, AZ, CM2 zones and HM, LMI zones when not abutting SR 20 ROW. (19.61.020)
- **South Commercial Ave. block frontage designations.** Per PC recommendation, change most of Commercial Avenue south of 12th St. be “Undesignated” in order to allow for more flexibility to accommodate a range of uses and site layout configurations. (Figure 19.61.040.B-D)
- **Block frontage type standards.** Updates to retail space depth, façade transparency clarifications. (Ch. 19.61)
- **Site Planning.** Applicability exemptions added for I, LM, AZ, CM2 and MS zones, and HM, LM1 zones when not abutting SR-20 ROW (19.62.020)
- **Building Design.** Applicability exemptions added for I, LM, AZ, CM2, MS zones, and HM, LM1 zones when not abutting SR-20 ROW. (19.63.020).
 - o **Façade articulation.** Provisions for non-residential, mixed-use and multifamily combined. (19.63.030.C)
- **Guest parking requirements.** Guest parking provisions for residential development added. (19.64.030)
- **Modifications to parking requirements.** Options updated to allow more flexibility. (19.64.060)
- **Parking fee-in-lieu.** Strategic updates made. (19.64.070)
- **Fences, walls, & hedges.** Some minor modifications. (Ch. 19.66)

- **Signs.** Sign types and standards integrated into one table for ease of use, with more detailed supplement standards following. (Table 19.64.060.A)
- **Clear-vision triangle requirements.** New/updated standards added. (19.69.070)

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ATTACHMENT 1A: CONCURRENCY PROVISIONS UPDATES

ANACORTES Unified Development Code



Chapter 19.22 – CONCURRENCY (Replaces AMC 17.05)

19.22.010 - Purpose.

- A. ~~Pursuant to the State Growth Management Act, RCW 36.70A, after the adoption of its comprehensive plan, the city is required by RCW 36.70A.070(6)(c) to~~

To ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development

- B. ~~In the same vein, the city is bound by the planning goals of RCW 36.70A.020 to~~ To ensure that public facilities and services necessary to support development ~~shall will~~ be adequate to serve the development without decreasing service levels below adopted minimum standards.

~~The countywide planning policies (CPPs) restate GMA Goal 12 as follows: "Public facilities and services needed to support development shall be available concurrent with the impacts of development" (CPP 12.7). Public facilities are defined in the GMA as including "street, roads, highways, sidewalks, street and road lighting systems, and traffic signals, domestic water systems, storm and sanitary sewer systems, park and recreational facilities, and schools." Public services are defined in the GMA to include: "fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services" (RCW 36.70A.030).~~

~~Urban services are defined in the GMA "to include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services and other public utilities associated with urban areas and normally not associated with rural areas" (RCW 36.70A.030(19)).~~

- B. Concurrency for most urban public facilities and services is assured by the manner in which the city comprehensive plan and its functional plans are integrated, implemented and monitored. The following public facilities and services, termed "concurrency facilities and services," however, need to be analyzed on a site-specific basis: road, water, sewer/septic, stormwater, police, and fire. This chapter describes concurrency management systems for the city. ~~The purpose of these concurrency management systems is~~

- C. ~~To~~ To provide a framework for determining facilities and services needs and to provide a basis for meeting those needs through capital facilities planning.

- D. ~~An additional purpose is to~~ To provide for the evaluation of requests for development to ensure that adequate facilities can be provided within a reasonable time of the development impact. ~~(Ord. 2794 § 1 (Att. A), 2008; Ord. 2528 Att. A § 17, 2000)~~

19.22.020 - Definitions.

- A. For the purposes of this chapter, the following words ~~shall~~ have the following meanings:

"Adequate" means at or above the adopted level of service standards.

"Available facility capacity" means capacity in a concurrency facility that is currently available for use without requiring facility construction, expansion or modification.

“Concurrency facilities and services” means facilities and services for which concurrency is required in accordance with the provisions of this chapter. They are potable water, sanitary sewer, stormwater management, roads, law enforcement, and fire. The City of Anacortes is the service provider for all of these facilities and services for the entire area within its limits.

“Concurrency test” means the comparison of an applicant’s impact on concurrency facilities to the capacity of the concurrency facilities.

“Concurrent with development (concurrent)” means that improvements or strategies are in place at the time of development or that financial commitment is in place to complete the improvements or strategies within six years.

~~“Development” means any new subdivision, short plat, PUD, binding plot plan, manufactured home park, shoreline permit, conditional use permit, rezone, or building permit.~~^[GL1]

~~“Development permit” means a land use or building permit.~~

~~“Individual road concurrency” means concurrency based on traditional A through F LOS rankings related to specific road segments and to road intersections.~~^[GL2]

“Level of service (LOS) standard” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

~~“Six-year transportation improvement program (six-year TIP)” means a plan or schedule showing specific expenditures for transportation capital projects over a six-year period. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2756 Att. A, 2006; Ord. 2528 Att. A § 17, 2000)~~^[GL3]

19.22.030 – Applicability

A. This chapter applies to all development except the following:

I. ~~No Impact.~~ Development ~~permits types~~ which create no additional impacts on concurrency facilities or services ~~are exempt from the requirements of this chapter. Such development include~~^{ings}, but ~~is~~ not limited to:

- a. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units^{[GL4][MD5]};
- b. Interior renovations with no change in use or increase in number of dwelling units[;]
- c. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use[;]
- d. Replacement structure with no change in use or increase in number of dwelling units[;]
- e. Temporary construction trailers[;]
- f. Driveway, resurfacing or parking lot paving[;]
- g. Reroofing of structures[;]
- h. Demolitions.
- i. Any other permit or approval that the Director determines has no impact on a concurrency facility or service.

B. ~~Exempt Permits.~~ The following development permits are exempt from the requirements of this chapter:

1. Accessory dwelling units.
2. Boundary line adjustment.
3. Final plats (if a concurrency test was conducted for the corresponding preliminary plat permit).
4. Rezone.
5. Street vacation.
6. Temporary use permit.
7. Variance.

19.22.040 – Administration ^[GL6]

- A. ~~The zoning administrator shall be responsible for administration of all provisions of this chapter. ^[GL7] All staff reports to the planning commission and city council on development proposals shall include an analysis of the application of the requirements of this chapter. ^[GL8] ^[MD9]~~
- B. ~~The zoning administrator shall, by administrative order, establish a concurrency facilities concurrency review program, which shall provide for monitoring capacity on concurrency facilities within the city, and assess the cumulative impact of forecasts of approved development upon capacity and anticipated levels of service. ^[MD10]~~

19.22.050 – Concurrency Facilities and Services Project concurrency review.

- A. Development ~~shall is be~~ prohibited, and all applications therefore ~~must shall~~ be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of subsection ~~17.05.070(C)~~ 19.22.060(C).
1. For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
- B. ~~For concurrency facilities and services the following LOS shall apply:~~ ^[GL11]

Facility/ Service	Urban LOS
Water	Coordinated water supply plan
Sewer	City sewer plans and ordinances
Stormwater	City stormwater plans and ordinances

Facility/ Service	Urban LOS
Police	One officer per one thousand population or per one hundred acres of developed commercial or industrial property, whichever is greater
Fire	ISO grading of five or better
Road	Skagit/Island regional transportation plan, city transportation plan, and city subdivision, zoning and street improvement ordinances

D. If a proposed development would cause the level of service to decline below adopted level of service standards for an affected facility, the proposed development may nonetheless be approved if the ~~zoning administrator~~ Director finds that an improvement will be completed that will result in meeting adopted level of service standards of all affected concurrency facilities at the time of development, or that a financial commitment is in place to complete the improvement or implement the strategy within six years.

~~C.~~ All ~~development~~ approvals ~~shall~~ must include a finding as to the application of this chapter, and those approvals for which concurrency improvements are required under this chapter ~~shall~~ must be expressly conditioned thereon.

~~When~~ ^{GL12} ~~a development is proposed in phases, or construction is proposed to occur over a period greater than three years, concurrency facilities and services impacts shall be reviewed as part of environmental review. In such cases, the city and the proponent of the development shall enter into an agreement identifying the improvements or strategies that will be required with each phase or time period of development to meet the concurrency facilities and service requirements. All implementing permits, including but not limited to subdivision and building permits, shall be conditioned that the improvements identified in the agreement are made concurrent with construction during such phase or time period or that a financial commitment is in place to complete the improvements or strategies within six years of construction.~~

19.22.060 – Concurrency test.

A. In conducting the concurrency test, the City must use the level of service standards adopted in the Capital Facilities Element of the Comprehensive Plan.

~~Application. All development permit applications are subject to concurrency tests except those exempted in Section 17.05.050. If concurrency tests are conducted for the preliminary plat application, no concurrency tests shall be required for the final plat application.~~

- B. *Procedures.* The concurrency test for concurrency facilities will be performed in the processing of the development permit and conducted by the ~~planning department~~^[GL13] Department in consultation with the Public Works Department^[MD14].
- C. *Test.* Development applications must comply with either subsection (C)(1) or (C)(2) below:
1. If the capacity of concurrency facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed and is to be documented by the ~~zoning administrator~~^[MD15] Director.
 2. If the available facility capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:
 - a. Accept a ninety-day reservation of available facility capacity on concurrency facilities and modify the application to reduce the need for planned facility capacity on concurrency facilities;
 - b. Accept a ninety-day reservation of available facility capacity on concurrency facilities and demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, the available facility capacity is adequate;
 - c. Accept a ninety-day reservation of available facility capacity on concurrency facilities and arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or
 - d. Appeal the results of the concurrency test ~~to the board of adjustment~~^[GL15]^[MD16] in accordance with the requirements for procedures for a variance the applicable underlying permit, per AMC 19.20.030. (~~Ord. 2794 § 1 (Att. A), 2008; Ord. 2528 Att. A § 17, 2000~~)

19.22.070 – Phased development.

- A. When a development is proposed in phases, or construction is proposed to occur over a period greater than three years, concurrency facilities and services impacts must be reviewed as part of environmental review.
- B. ~~In such cases, t~~^[MD17]he city and the proponent of the development ~~shall~~^[MD18] must enter into an agreement identifying the improvements or strategies that will be required with each phase or time period of development to meet the concurrency facilities and service requirements.
- C. All implementing permits, including but not limited to subdivision and building permits, ~~shall~~^[MD19] must be conditioned that the improvements identified in the agreement are made concurrent with construction during such phase or time period or that a financial commitment is in place to complete the improvements or strategies within six years of construction.

ATTACHMENT 2: GATEWAY MARINA / LOVRIC'S ZONING MAP CLARIFICATION

Issue

The issue in question is the appropriate zone designation for an area located at the northern terminus of Dakota Avenue, along the Guemes Channel, including the "Gateway Marina" and "Lovric's Marina" sites. Permits issued for development of parcels P31737 and P31705 ("Gateway Marina") in 2001/2002 indicate the property had a Light Manufacturing (LM) designation at the time of permit application; however, the current zoning layer in the City's GIS shows most of the property within the R2 (Residential Low Density 2) designation.

The Gateway Marina project permit approvals have since expired; however, the current property owner is requesting clarification of the correct zoning designation for the property and surrounding area. The ongoing work on amendments to the City's Official Zoning Map presents an opportunity to address the issue through a public process.



Figure 1: Current GIS zoning layer, showing designations for Lovric's Marina & Gateway Marina area

History

On July 13, 2001 Baraka, LLC applied for a shoreline substantial development permit and CUP to develop a marina, deli, parking garage, and motel on P31737 and P31705. The project permit documents, including the City Council's findings of fact and conclusions of law, refer to the subject site, and the properties to the north, east and west as being zoned Light Manufacturing (LM). Zoning to the south is described as "residential". The shoreline environment designation was "Urban II".

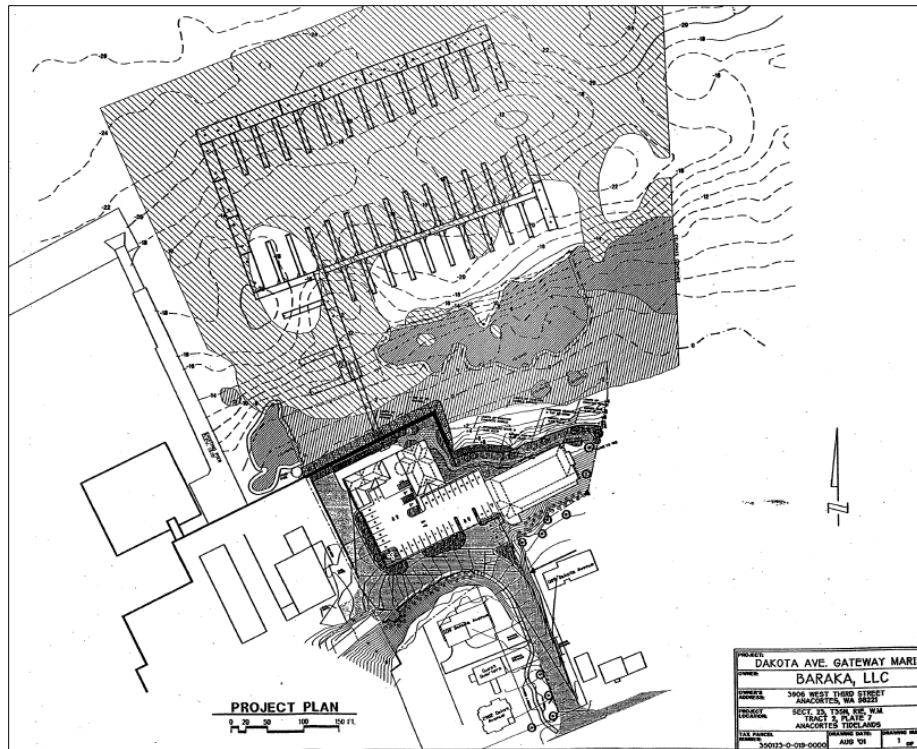


Figure 2: Baraka, LLC Application Site Plan

Shoreline permits for various work at the Lovric's marina site also consistently refer to the site's zoning as Light Manufacturing.

Current Site Description

Lovric's marina is an active marina, with various water dependent and related uses occurring. P31737 and P31705 used to be home to a glue and fish processing plant, which burned down in the nineties, and that site is currently primarily vacant. The majority of the shoreline in the general area is armored with rip-rap and sheet pile walls. A bluff of >10 meters high separates residential uses above from the commercial/industrial and water-dependent uses occurring at the marina. An access road constructed within the former Great Northern railroad grade provides access to the structures along the shoreline.

Analysis and Recommendation

1. Comprehensive Plan policy LU-1.5 gives direction to "Review and reconcile the inconsistencies between zoning, shoreline designation, and actual land uses along the Guemes Channel shoreline between Lovric's marina and Old Town area, as well as possible reuse of existing historic

overwater structures in a manner that minimizes impacts on the adjoining residential area on the uplands”.

The subject area is only a portion of the areas along the Guemes Channel referenced by LU-1.5. Subsequent processes should continue to make consistent various governing regulations and community goals the Guemes Channel shoreline.

2. Historic hard copy zoning maps show the boundary between the LM/R2 designations in the subject area appears to have moved over time, depending on the map. Parcel lines were not generally depicted on city zoning maps until conversion to GIS around 2001.
3. City-issued permit approval documents (dated December 19, 2001 and January 7, 2002) identify the zoning and Comprehensive Land Use Plan designations for parcel numbers P31737 and P31705, and areas north, east and west, as Light Manufacturing (LM). The applications were complete on July 13, 2001.
4. Since July 13, 2001, there have been several ordinances amending the Comprehensive Plan land use map and Official Zoning Zap; however, based on staff research, those amendments were related to other specific locations within the City, and were not directed at the subject area.
5. The Shoreline Master Program (SMP) shoreline environment designation for the area is Urban (see map below). According to the SMP, “the Urban designated areas are zoned for industrial and commercial uses. Existing and planned uses in the Urban designation represent a variety of water-oriented and non-water-oriented uses.”



7. AMC 17.12.030 contains rules of construction for making a determination about the location of zone boundaries. Per AMC 17.12.030.H, in case uncertainty exists which cannot be determined by application of the rules, the Planning Commission shall make a recommendation to City Council.
8. Updating/clarifying the R2 and LM zone boundary in this area will help ensure consistency between the SMP environment and zoning designations, recognize existing water-dependent and water-oriented uses, and provide certainty for property owners and neighbors.

Recommendation:

In order to ensure consistency between the SMP environment and zoning designations, recognize existing water-dependent and water-oriented uses of the shoreline area, and provide certainty for property owners and neighbors, staff recommends that the Official Zoning Map be updated as shown below:



Figure 4: Proposed zone boundary clarification

ATTACHMENT 3: PUBLIC COMMENTS RECEIVED DURING ADVERTISED COMMENT PERIOD

Comments received between 12/18/18 and 1/2/19.

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From: [Johnson, Deborah L \(DOH\)](#)
To: [Grage, Libby](#)
Cc: [Smith, Valerie \(COM\)](#)
Subject: Comments- 60-day notice, Anacortes dev regs update (Commerce ID#25415)
Date: Tuesday, December 18, 2018 2:06:40 PM
Attachments: [image005.png](#)
[image006.png](#)

Hello,

My apologies at the delay in getting this to you. I believe I'm at Day 61 but hope the following comments will still be useful:

Definition of water utilities.

Excerpts from overarching "definitions" section (as amended):

"Local utility" means a type of utilities use defined in AMC 19.46.040(A).

"Regional utility" means a type of utilities use defined in AMC 19.46.040(B).

19.46.040 – Utilities. Public or private infrastructure serving a limited area with no on-site personnel. The local utilities category includes, but is not limited to:

A. Utilities, local category.

4. Water...pump station...

6. Utility service.

B. Utilities, regional category. Public or private infrastructure serving the general community and possibly having on-site personnel. The regional utilities category includes, but is not limited to:

1. Aeration facility, artesian well.

4. Water...treatment plant.

Comment 1. Re 19.46.040.B.1, we have no record of any artesian wells in Anacortes. It isn't clear what is meant by "aeration facility"; in a broad utilities context, it could be ancillary to a drinking water or a wastewater treatment plant, a storm or decorative pond, or point-source pollution remediation – most of which are likely to require permits on their own. Specific to drinking water, it's most often an integral part of the treatment process, which equates more to a function rather than facility. For more information, see [EPA information on aeration & air stripping](#). At the same time, the City's water treatment plant (ss. B.4) is well outside the city limits & would be subject to Skagit County zoning, not the City's. The City may wish to refine these descriptions.

Comment 2. In the drinking water context, it isn't clear where the dividing line is between "local" and "regional." Considering a water utility as an infrastructure system, it's likely to, as a whole, be "regional" in nature, while individual service connections would be "local." (Does the latter fall under "utility service" in 19.46.040.A.6?) We note that the countywide planning policies characterize the scale of water service as urban or rural in keeping with GMA nomenclature. According to the City's 2018 water system plan update, this would include reservoirs and transmission lines/distribution system in addition to the treatment plant and pump stations – but again, the main facility isn't inside the city. Are these definitions encompassing enough to enable the City of easily classify all components of its water utility that are inside the city for zoning purposes? Below are some definitions from state law/code that may be useful if the City wishes to elaborate:

WAC 246-293-110 Definitions. (1) "Public water system" - Any system or water supply intended or used for human consumption or other domestic uses including, but not limited to, source, treatment, storage, transmission and distribution facilities where water is furnished to any community, number of individuals or is made available to the public for human consumption or domestic use.

WAC 246-294-010 Definitions, abbreviations, and acronyms. (14) "Public water system" means any system, providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. The term includes: (a) Collection, treatment, storage, and/or distribution facilities under control of the purveyor and used primarily in connection with the system. (b) Collection or pretreatment storage facilities not under control of the purveyor, but primarily used in connection with the system.

WAC 246-290-010 Definitions, abbreviations, and acronyms. (204) "Public water system" is defined and referenced under WAC 246-290-020.

WAC 246-290-020 Applicability. (1) Public water system shall mean any system providing water for human consumption through pipes or other constructed conveyances, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm. This term includes: (a) Collection, treatment, storage, and/or distribution facilities under control of the purveyor and used primarily in connection with the system; and (b) Collection or pretreatment storage facilities not under control of the purveyor, but primarily used in connection with the system.

RCW 80.04.010 Definitions. (31) "Water system" includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

Levels of review/permitting.

Principal uses; Table 19.41.040 (R zones) & Table 19.41.050 (MU/I zones))

Utilities, as listed below									AMC 19.46.040.A
Utilities, local	P	P	P	P	P	P	P	P	AMC 19.46.040.B
Utilities, regional	C	C	C	C	C	C	C	C	AMC 19.46.040.C

19.40.040.F. Public Use (P)

1. This designation is to allow for common public uses where the need arises and uses will not create a nuisance or interfere with existing uses.
2. Use of this zone is appropriate for any designation within the City provided the site is appropriately located to accommodate common public uses.

19.41.070 – Public use zone uses.

C. Conditional uses.

3. Local and regional utilities as set forth in AMC 19.46.040. ...

Comment: The disparity between Tables 19.41.040 & .050 & the text in 19.41.070.C.3 would create a “higher bar” for utilities facilities sited in the public use zone, as compared to all other zones within the city. The tables for the R/MU/I zones show that “local” utilities are principally permitted, while “regional” utilities are conditional uses. Under 19.41.070, both categories would be conditional uses in the public use zone. It seems illogical to raise the bar for utilities within the zoning district that’s specifically intended for such uses. Were both levels meant to be principally permitted in this zone rather than conditional uses, or perhaps to emulate the tables applicable to the other zones?

###

Thank you for considering our comments. Please let me know if you have any questions or need additional information.

Deborah Johnson

Wellhead Protection Specialist

Office of Drinking Water

Environmental Public Health Division

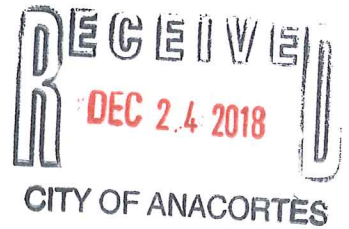
Washington State Department of Health

deborah.johnson@doh.wa.gov

360-236-3133 | www.doh.wa.gov



Ian & Diane Munce
1711 Quail Drive
Anacortes, WA 98221
December 24, 2018



Ms. Libby Grage, Planning Manager
Planning, Community, and Economic Development Department
City of Anacortes
P.O. Box 547
Anacortes, WA 98221

RE: Munce Comments on the Third Draft of Proposed Development Regulations – December 18, 2018 [File name: DRAFT ADR MASTER_18-1218]

Dear Ms. Grage

We appreciate the professional work that planning staff, consultants, and Planning Commission have put into drafting new development regulation proposals to implement the City of Anacortes Comprehensive Plan, 2016 ("CP") and the extensive public participation process that your team has engaged in, both soliciting comments and responding to them in a meaningful way. However, in our opinion, significantly more needs to be done to ensure that the proposed new development regulations for the R1 zone as currently drafted are consistent with the CP and the DNS issued for this proposal (PLN-2016-1017).

Comprehensive Plan

The CP describes the Residential Low Density 1 Zone's Purpose as: "This designation provides for low density residential development in the southern end of the City that is **inappropriate for more intensive urban development** due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding unincorporated rural pasture, forest and agricultural land." The CP describes the Residential Low Density 1 Zone's Principal Uses and Density as: "Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings and cottage housing, may be allowed under certain circumstances. The permitted base density is up to 2 dwelling unit per gross acre. Densities up to 4 units per gross acre may be permitted via a **special review process**." CP, Table LU-1, page I-16 (emphasis added). The extensive Wetland Critical Areas in the R1 Zone, with buffers omitted, are mapped in Figure EC-2 of the CP, page II-58.

Given the R1 Zone description and the Critical Area characteristics, the proposed R1 Density Bonus must explicitly address the following CP policies:

Policy LU-1.2. Establish land use designations, densities and **intensities** as shown in Table LU-1. CP, page I-13 (emphasis added).

Policy H-2.1. Encourage housing types and design that **reinforce and enhance** the character and scale of established neighborhood development patterns. CP, page I-31 (emphasis added).

Policy EC-5.1. Identify, plan for and **preserve** habitat areas, including wildlife corridors and areas with healthy native ecosystems, through development regulations CP, page 43 (emphasis added).

Policy EC-6.1. Streams and wetlands should be examined in a **basin-wide approach** before adjustments to the system are considered. CP, page 44 (emphasis added).

Policy EC-6.2. Streams and wetlands should be **maintained in their existing natural condition or restored** where appropriate. CP, page 44 (emphasis added).

Policy EC-6.3. Significant fills and excavations, which by their nature affect both surface and groundwater dynamics and habitat, shall be allowed only by permit process. CP, page 44.

Policy EC-6.5. Place appropriate restrictions on land surface modifications that would cause unnecessary landscape scarring, hydrology modifications, erosion, or undermining of support of nearby land, including, but not limited to, dredging, filling, clearing, paving, and grading. CP, page 44.

Development Regulations/R1 Density Bonus

As to new development in the R1 Zone, consistency with these CP policies can be achieved by explicitly adding key provisions as criteria that must all be met in order to secure a density bonus through a Typ4 RI Special Review Process Permit (CP, page 36):

1. Demonstrate that streams and wetlands on the project site have been examined in a basin-wide approach.
2. Demonstrate that streams and wetlands are being maintained in their existing natural condition or restored where appropriate.
3. Demonstrate that habitat areas, including wildlife corridors and areas with healthy native ecosystems, have been preserved.
4. Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area and with known and anticipated right-of-way and other public projects in the area.
5. Determination that the proposed street access to the subject property is the optimal location and configuration for access.
6. Demonstrate that the proposed housing types and design that reinforce and enhance the character and scale of established neighborhood development patterns.
7. A SEPA Checklist is completed and a DNS, MDNS, or DS is issued.

Development Regulations/ R1 Shared Driveway

In order to avoid the intrusive effect of new City streets to serve a small number of lots, Table 19.53.040(B) on Page 199 should be amended for the R1 Zone to eliminate the 150' maximum length of a shared driveway, leaving this decision to the City Fire Chief on a case by case basis.

Thank you for considering these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ian S. Munce".

Ian S. Munce

A handwritten signature in cursive script, appearing to read "Diane S. Munce".

Diane S. Munce

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City Of Anacortes

Determination of Nonsignificance

Description of proposal: The City of Anacortes is updating its development regulations to be consistent with and implement the Anacortes Comprehensive Plan. Primary changes include: 1.) Updating definitions, land use permit procedures, permitted uses and use standards, form and intensity standards, community design including subdivision and street design standards, building and site design standards, and provisions for parking, landscaping, signs, and fences and walls. 2) Integration of Title 16 Subdivisions and Title 17 Zoning into Title 19 Unified Development Code, including formatting and organization improvements to enhance usability. 3.) Amendments to the zoning map to implement the Future Land Use Map in the Comprehensive Plan.

Proponent: City of Anacortes

Location of Proposal: City limits of Anacortes

Documents Being Adopted: The SEPA determination and environmental review documents for previous City Comprehensive Plan amendments, issued March 16, 2016 and Addendum issued July 14, 2016 are hereby adopted by reference. These documents are available on the City's website or paper copies can be made available if requested.

Lead Agency: City of Anacortes Planning, Community & Economic Development Department

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. **Comments must be submitted by January 11, 2019 at 5:00 PM.**

Responsible Official: Don Measamer
 Position and Title: Director of Planning, Community & Economic Development
 Phone/Email: 360-299-1942; don@CityofAnacortes.org
 Address: P.O. Box 547, Anacortes, WA 98221

Date: 12/19/18

Signature 

Consistent with AMC Ch. 18.04 and Ch. 19.20, appeals of the environmental determination must be filed in writing no later than **January 11, 2019 at 5:00 PM.** Additional information regarding the appeal process may be obtained from the City of Anacortes PCED Department, 360-299-1984.



SEPA ENVIRONMENTAL CHECKLIST

A. BACKGROUND [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

City of Anacortes Development Regulations Update

2. Name of applicant: [\[help\]](#)

City of Anacortes

3. Address and phone number of applicant and contact person: [\[help\]](#)

Libby Grage, Planning Manager

City of Anacortes

P.O. Box 547

Anacortes, WA 98221

360-299-1986

libbyb@CityofAnacortes.org

4. Date checklist prepared: [\[help\]](#)

December 5, 2018

5. Agency requesting checklist: [\[help\]](#)

City of Anacortes

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Planning Commission public hearing on January 9, 2018. Adoption by ordinance expected by end of March 2019. If adopted, the proposed amendments would go into effect shortly thereafter.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

The City will review and update its development regulations at minimum every eight years (RCW 36.70A.130), as required under GMA.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

SEPA Expanded Environmental Checklist and DNS issued on March 16, 2016, and addendum issued on July 14, 2016. These existing documents are relevant to the present proposal and are being adopted and used to help meet environmental review requirements pursuant to WAC 197-11-600.

***The documents are on the City Comprehensive Plan website
(<https://www.anacorteswa.gov/245/Comprehensive-Plan>).***

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

There are building permit applications in review for properties in zoning districts that are proposed to be amended. These applications are being reviewed for conformance with the rules in place at the time of complete application. There are no known applications in review that are pending the outcome of these amendments.

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)
City Council approval or modification of these proposed amendments (by ordinance).

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The City of Anacortes is updating its development regulations to be consistent with and implement the Anacortes Comprehensive Plan. Primary changes include: 1.) Updating definitions, land use permit procedures, permitted uses and use standards, form and intensity standards, community design including subdivision and street design standards, building and site design standards, and provisions for parking, landscaping, signs, and fences and walls. 2) Integration of Title 16 Subdivisions and Title 17 Zoning into Title 19 Unified Development Code, including formatting and organization improvements to enhance usability. 3.) Amendments to the zoning map to implement the Future Land Use Map in the Comprehensive Plan.

***Additional information and proposal details can be accessed on the project website, located here:
<https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards>***

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The proposed development regulations would apply city-wide. Proposed zoning map amendments apply to specific areas and are shown on Attachment 1.

B. ENVIRONMENTAL ELEMENTS [\[help\]](#)

ITEMS 1 THROUGH 16 RESPONSES ARE GENERAL IN NATURE BECAUSE THIS IS A NON-PROJECT ACTION.

1. Earth

- a. General description of the site [\[help\]](#)
(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____
- b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

The City of Anacortes, Washington is located on the northern end of Fidalgo Island. Elevations within the City vary from sea level, to 600 feet in the southwest quadrant, and to 1,270 feet at the top of Mt. Erie. Portions of Anacortes are flat, rolling, hilly, and or contain steep slopes. Soil types vary throughout City limits.

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State, and Federal requirements regarding slopes, soils, stormwater management, and erosion.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

This nonproject action does not propose allowing for an increase in industrial type development that may increase emissions.

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State and Federal requirements regarding emissions to the air and other impacts to the air.

3. Water

- a. Surface Water: [\[help\]](#)

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)
- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)
- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)
- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)
- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)
- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)
- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

The City is bounded on three sides by 20 miles of saltwater shoreline of Burrows Bay, Rosario Strait, Guemes Channel and Fidalgo Bay. These shorelines are "shorelines of statewide significance". There are 15 named streams flowing through the city, including Happy Valley Stream, Ace of Hearts Creek, Beaver Brook, Cranberry Creek, Clyde Creek, Anaco Bourn, Morrison Run, Cedar Springs, Weaverling Rill, Miller Creek, Aqua Creek, Howard Creek, Summit Creek, and March's Run. Many of the streams have been placed in culverts, channels, or have been otherwise altered. There are three freshwater lakes within City limits, including Whistle, Heart and Cranberry Lakes, as well as a portion of the northeast shoreline of Lake Erie. Various category wetlands are found throughout the City, with major systems located within the Anacortes Forest Lands and near Ship Harbor.

There are parts of the City that are located within the regulated flood plain, primarily along shoreline areas.

Potable water is supplied to City residents and surrounding areas by the City water utility, which gets water from Skagit River.

Development that is authorized consistent with the City's development regulations following the adoption of amendments will be required to comply with City, State, and Federal requirements regarding regulated critical areas, stormwater runoff, and all other potential impacts to both ground and surface water.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)
 - ___deciduous tree: alder, maple, aspen, other
 - ___evergreen tree: fir, cedar, pine, other
 - ___shrubs
 - ___grass
 - ___pasture
 - ___crop or grain
 - ___Orchards, vineyards or other permanent crops.
 - ___wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - ___water plants: water lily, eelgrass, milfoil, other
 - ___other types of vegetation
- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)
- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)
- e. List all noxious weeds and invasive species known to be on or near the site.

Anacortes is located within the Pacific Northwest, which has plentiful rainfall and mild summers. All of the above plants occur within Anacortes.

The proposal may allow for an increase in development feasibility, which could in turn increase the amount of vegetation removal to prepare lots for construction.

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State, and Federal requirements regarding plants, including minimum landscaping and open space requirements and tree preservation standards.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include: [\[help\]](#)
 - birds: hawk, heron, eagle, songbirds, other:
 - mammals: deer, bear, elk, beaver, other:
 - fish: bass, salmon, trout, herring, shellfish, other _____
- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)
- c. Is the site part of a migration route? If so, explain. [\[help\]](#)
- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)
- e. List any invasive animal species known to be on or near the site.

All of the above animals occur within Anacortes. Anacortes is part of the migratory route known as the American Pacific Flyway. The City is home to many fish, shellfish and bird and mammal species, especially

within the Anacortes Community Forest Lands and along the saltwater shorelines.

The proposal may allow for an increase in development feasibility, which could in turn increase the amount of vegetation removal to prepare lots for construction, displacing common mammals.

Development that is authorized consistent with the City's development regulations following the adoption of amendments will be required to comply with City, State, and Federal requirements regarding animals.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State, and Federal requirements regarding energy and natural resources. No significant impacts are anticipated to energy and natural resources outside of normal development.

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)
 - 1) Describe any known or possible contamination at the site from present or past uses.
 - 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
 - 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
 - 4) Describe special emergency services that might be required.
 - 5) Proposed measures to reduce or control environmental health hazards, if any:

This nonproject action does not propose allowing for an increase in industrial type development that may increase risks of environmental health hazards.

Development that is authorized consistent with the City's development regulations following the adoption of the amendments will be required to comply with City, State, and Federal requirements regarding environmental health. No significant impacts are anticipated to environmental health outside of normal development.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)
- 3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Development that is authorized consistent with the City's development regulations following the adoption of the amendments be required to comply with City, State, and Federal requirements regarding noise. No significant impacts are anticipated from noise outside of normal development.

8. Land and shoreline use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)
- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)
- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:
- c. Describe any structures on the site. [\[help\]](#)
- d. Will any structures be demolished? If so, what? [\[help\]](#)
- e. What is the current zoning classification of the site? [\[help\]](#)
- f. What is the current comprehensive plan designation of the site? [\[help\]](#)
- g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)
- i. Approximately how many people would reside or work in the completed project? [\[help\]](#)
- j. Approximately how many people would the completed project displace? [\[help\]](#)
- k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

The City has a number of Comprehensive Plan Future Land Use designations and zoning designations. Land that is located within 200' of the OHWM is within shoreline jurisdiction and regulated under the Shoreline Master Program. As part of this proposal, various changes to zoning designations are proposed consistent with direction given in the Comprehensive Plan. The changes to the zoning designations do not represent any significant changes to the City's land use pattern and are not expected to negatively impact land use compatibility. New site and building design standards are expected to enhance compatibility between new and existing development. There are no working farmlands within City limits and the changes to zoning designations as proposed are not expected to impact forest lands.

The WA State Office of Financial Management estimates Anacortes's 2015 population at 16,310. The population is projected to increase by 5,895 new residents by 2036, to 22,205 residents. The workforce in Anacortes including the UGA, is 8,289 jobs. The growth target is an increase of 2,076 new jobs by 2036.

The proposal may allow for an increase in development feasibility and an increase in allowed density, which could in turn increase the amount of demolitions of existing buildings for new construction. This

could displace residents renting those older single family residences. This proposal will expand to the entire R4 area the opportunity for increased building height in exchange for including a percentage of affordable units, which may allow for the increase in affordable housing units in Anacortes.

The City of Anacortes is updating its development regulations to be consistent with and implement the Anacortes Comprehensive Plan, which had gone through a series of public input and review to insure compatibility with existing and projected land uses.

The City also held a series of public workshops in 2017 where various concepts for residential and commercial development regulations were vetted with the community and input from those workshops has been incorporated into the proposal.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding shoreline and land use.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)
- c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

The environmental documents prepared as part of the 2016 Comprehensive Plan analyzed impacts to housing supply based on implementation of the Future Land Use Map through changes in zoning designations and development regulations in various areas. The code and zoning map amendments within this proposal directly implement the FLUM and comprehensive plan policy guidance.

The proposal is expected to support potential for increased housing affordability and diversity. Additional flexibility for residential development in mixed-use zones is proposed by allowing single-purpose multi-family in more areas, increasing maximum building heights, and eliminating the maximum density in favor of new detailed design standards.

In single family residential areas, modest reductions in minimum lot sizes are proposed, and provisions for alternative forms of housing such as live/work and cottage housing have been added. New open space and detailed design standards for housing types are intended to enhance compatibility with surrounding neighborhoods.

This proposal will expand to include all of the R4 zone the opportunity for increased building height in exchange for including a percentage of affordable units, which may allow for the increase in affordable housing units in Anacortes.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding housing.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)
- b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)
- c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

The proposal includes increasing the maximum allowed building heights within certain zones, consistent with Comprehensive Plan policy guidance:

- ***CBD From 50' to 65'***
- ***C From 40' to 50'***
- ***MMU Up to 65' with public amenity bonus incentives***

The proposal also includes changes to procedural requirements for how current maximum building heights are achieved in various zones, including the CM, CM2 and Industrial zones.

In the R4 zone, maximum building height for developments incorporating a certain percentage of affordable units would be granted an increase from 40' to 50' in height.

Views in the immediate vicinity of buildings that are constructed under this proposal may be altered. Proposed measures to control aesthetic impacts include new building design standards, including building massing and articulation, building details and materials, and upper level stepbacks for buildings 60 feet or taller. In the MMU zone, building orientation standards are added to reduce perceived scale of buildings and enhance east-west pedestrian access to the water and marine views.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding aesthetic impacts.

11. Light and glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)
- b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)
- c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)
- d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding light and glare.

The proposal includes new standards for sign illumination and site lighting require "full cutoff" design and prohibits direct illumination of the sky and adjacent properties and structures.

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)
- b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

The City has over 2,800 acres of designated Community Forest Lands, which amounts to over 50% of the city's total land area. There are also a variety of parks and community facilities located throughout the city.

As a non-project action, no direct impacts to recreational facilities will occur. Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding recreation.

New draft regulations requiring minimum usable open space for various development types will encourage on-site recreational opportunities, where applicable.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. [\[help\]](#)
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding historic buildings, structures or sites, and cultural preservation.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding transportation.

The proposal adjusts the number of parking spaces required for development, largely reducing the amount required for certain uses. Some specific use types have been added that may have previously been generalized under a different use type, now requiring more parking spaces for the use. An increase in short term and long term bicycle parking requirements is proposed for development. The proposal adjusts the requirements for improvements to public roads, both in the circumstances the improvements are required and the design of the road. The circumstances in which improvements are required may be more often, and updated minimum road design standards reduce width of pavement required for various road types.

The environmental documents prepared as part of the 2016 Comprehensive Plan analyzed impacts to transportation systems based on implementation of the Future Land Use Map through changes in zoning designations and development regulations in various areas. New capital projects needed to maintain adopted levels of service were identified and have been incorporated into the City's Capital Facilities Plan.

15. Public services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)
- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

The proposal is expected to increase the density of housing and population consistent with that envisioned in the Comprehensive Plan. Development requires the payment of impact fees and general facility charges that will control direct impacts. Those fees may change based on need when determined by City Council decision.

Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding public services.

16. Utilities

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____
- b. Describe the utilities that are proposed for the project, the utility providing the service,
and the general construction activities on the site or in the immediate vicinity which might
be needed. [\[help\]](#)

All of the utilities listed above are available within the City. Upgrades and extensions are generally requirements to development if needed. Development that is authorized consistent with the City's development regulations following adoption of the amendments will be required to comply with City, State, and Federal requirements regarding utilities.

C. SIGNATURE [\[HELP\]](#)

I certify (or declare) under penalty of perjury under laws of the State of Washington that the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make a decision.

A handwritten signature in blue ink, appearing to read "Libby Grage", is shown within a light gray rectangular box.

Signature:

Name of signee: Libby Grage

Position and Agency/Organization: Planning Manager, City Of Anacortes

Date Submitted: December 12, 2018

D. Supplemental sheet for nonproject actions [\[help\]](#)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The draft amendments would enable growth and development consistent with that envisioned by the comprehensive plan. In general, new development will create additional hard surfaces, traffic, and noise, but it is not anticipated to impact the listed elements at a significantly greater intensity or faster rate than if the proposal were not implemented.

Proposed measures to avoid or reduce such increases are:

Discharges to water, air, production of noise, and storage or release of toxic or hazardous substances would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

The draft amendments include new form, intensity, and design standards that support active transportation, non-motorized connectivity between uses and amenities, and realization of higher densities in areas that are already served by public infrastructure. These amendments should lessen air emissions from vehicles by adding more people in close proximity to services and encouraging use of alternative transportation modes.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

The draft amendments would enable growth and development consistent with that envisioned by the comprehensive plan. Planned growth enabled under this proposal is primarily focused within already developed areas such that impacts to plants, animals, fish or marine life are not likely to significantly increase as compared to existing land use plans.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Existing Federal, State laws and City development regulations have been adopted to protect and conserve plants, animals, fish, and marine life. The City has adopted a Shoreline Master Program that aims to protect shoreline resources. Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

Specific development regulations proposed include clustering of new residential development in exchange for preservation of additional open space areas. New minimum open space

requirements applicable to all new small lot and multifamily development are likely to result in increased vegetated areas that could be used by plants and animals.

3. How would the proposal be likely to deplete energy or natural resources?

The proposal is not likely to significantly increase impacts as compared to existing land use plans.

Proposed measures to protect or conserve energy and natural resources are:

Future development under this proposal would continue to be subject to existing energy codes and other city, state and federal regulations and/or additional project-level environmental review.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

The proposal is not likely to significantly increase impacts to environmentally sensitive areas as compared to existing land use plans.

Proposed measures to protect such resources or to avoid or reduce impacts are:

Future development under this proposal would continue to be subject to existing regulations protecting environmentally sensitive areas, and other city, state and federal regulations and/or additional project-level environmental review.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed amendments to the zoning map to implement the FLUM are not expected to significantly change the overall land use pattern in the city. Some of the proposed amendments result in incremental differences in development standards between zones. Others focus on specific limited geographic areas where land use changes are anticipated to be compatible with the surrounding area.

Proposed measures to avoid or reduce shoreline and land use impacts are:

Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

New site and building design standards are intended to maintain compatibility between new and existing development.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The draft amendments would enable growth and development consistent with that envisioned by the comprehensive plan. Potential city-wide effects on transportation, public services and utilities are documented in the Comprehensive plan and accompanying environmental documents.

Proposed measures to reduce or respond to such demand(s) are:

Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.

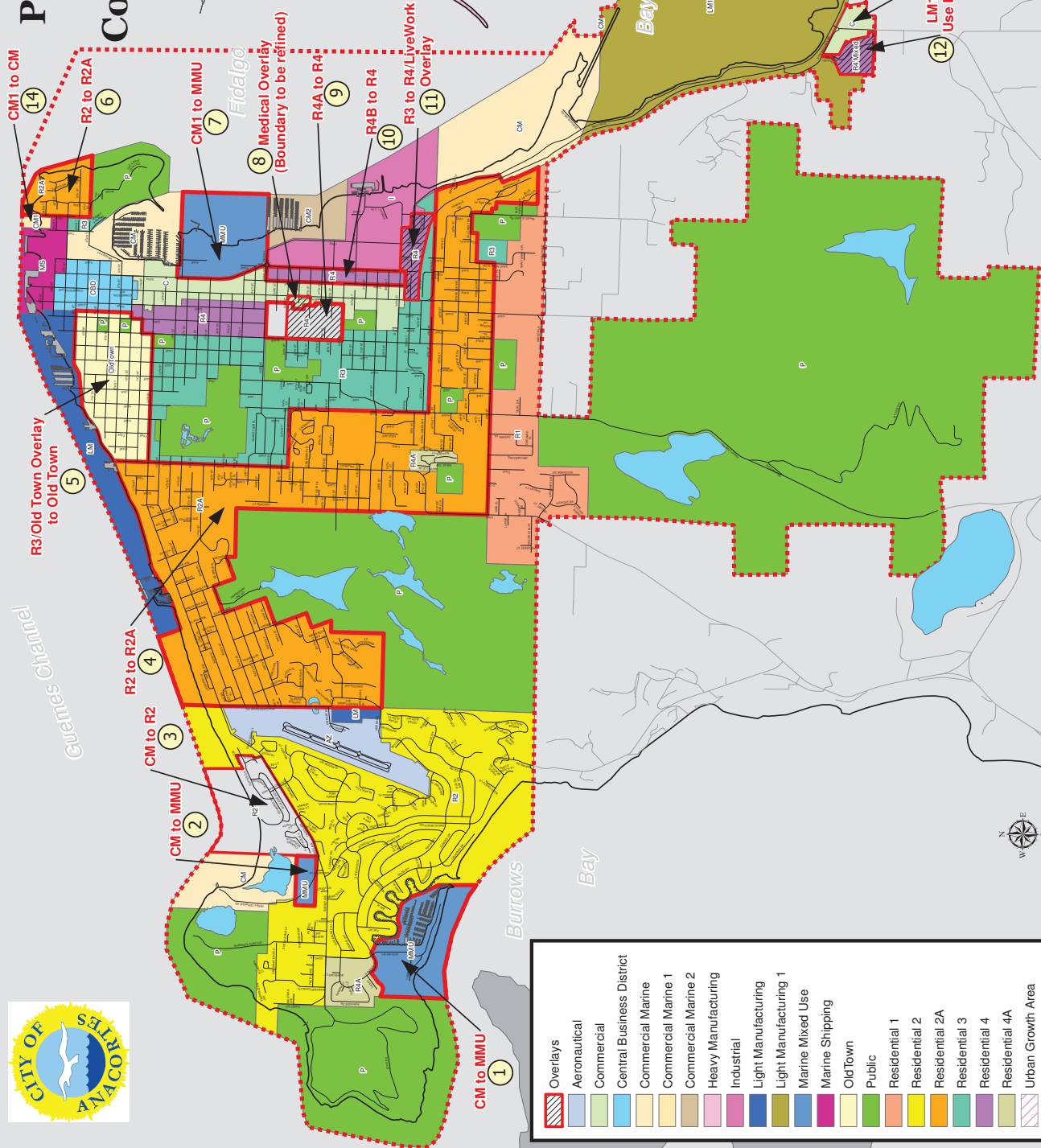
The City will monitor growth on a regular basis, with potential for reassessment and adjustment of levels of service and other regulations to ensure that growth, public services, transportation and intended community character remain in balance.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposal directly implements local comprehensive plan policies and is consistent with the Growth Management Act and all other local, state and federal laws applicable. Future development under this proposal would continue to be subject to existing city, state and federal regulations and/or additional project-level environmental review.



Proposed Zoning Changes As Directed by Recent Comprehensive Plan Update



Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

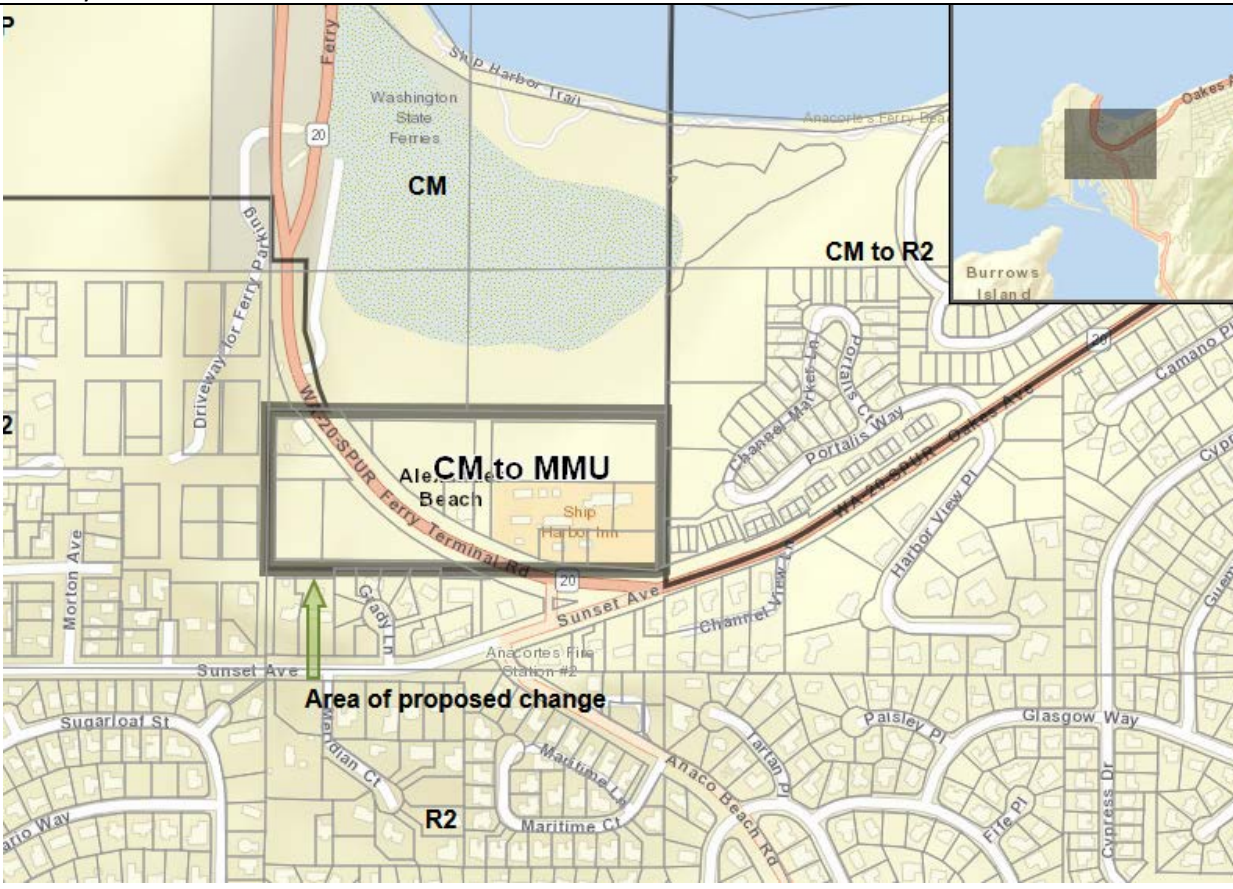
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Marine Mixed Use	
Current Zone: Commercial Marine	Proposed Zone: Marine Mixed Use
Description: The Marine Mixed Use Zone provides for a special mix of commercial, cultural, recreational and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian friendly character.	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

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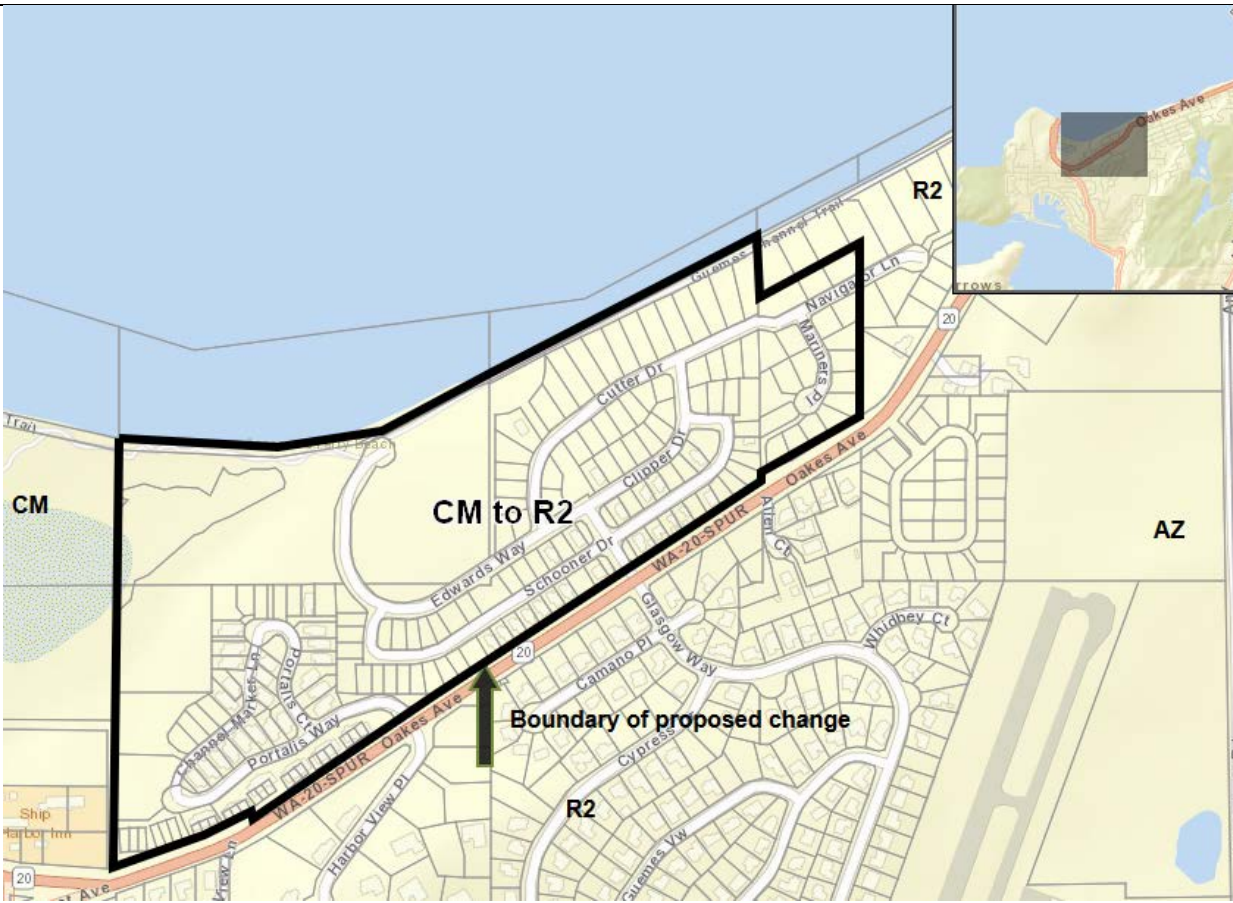
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Marine Mixed Use	
Current Zone: Commercial Marine	Proposed Zone: Marine Mixed Use
Description: The Marine Mixed Use Zone provides for a special mix of commercial, cultural, recreational and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian friendly character.	
 The map displays the proposed zone change area in Anacortes, Washington. The area is highlighted in a dark rectangle and labeled 'CM to MMU'. It is located along the waterfront, near the Ship Harbor Terminal and the Anacortes Ferry. The map shows various streets including Sunset Ave, Morton Ave, Sugarloaf St, and Maritime Ct. The area is currently designated as Commercial Marine (CM) and is being changed to Marine Mixed Use (MMU). The map also shows surrounding areas like Burrows Island and the Anacortes Ferry. An inset map in the top right corner shows the location of Anacortes within Skagit County.	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

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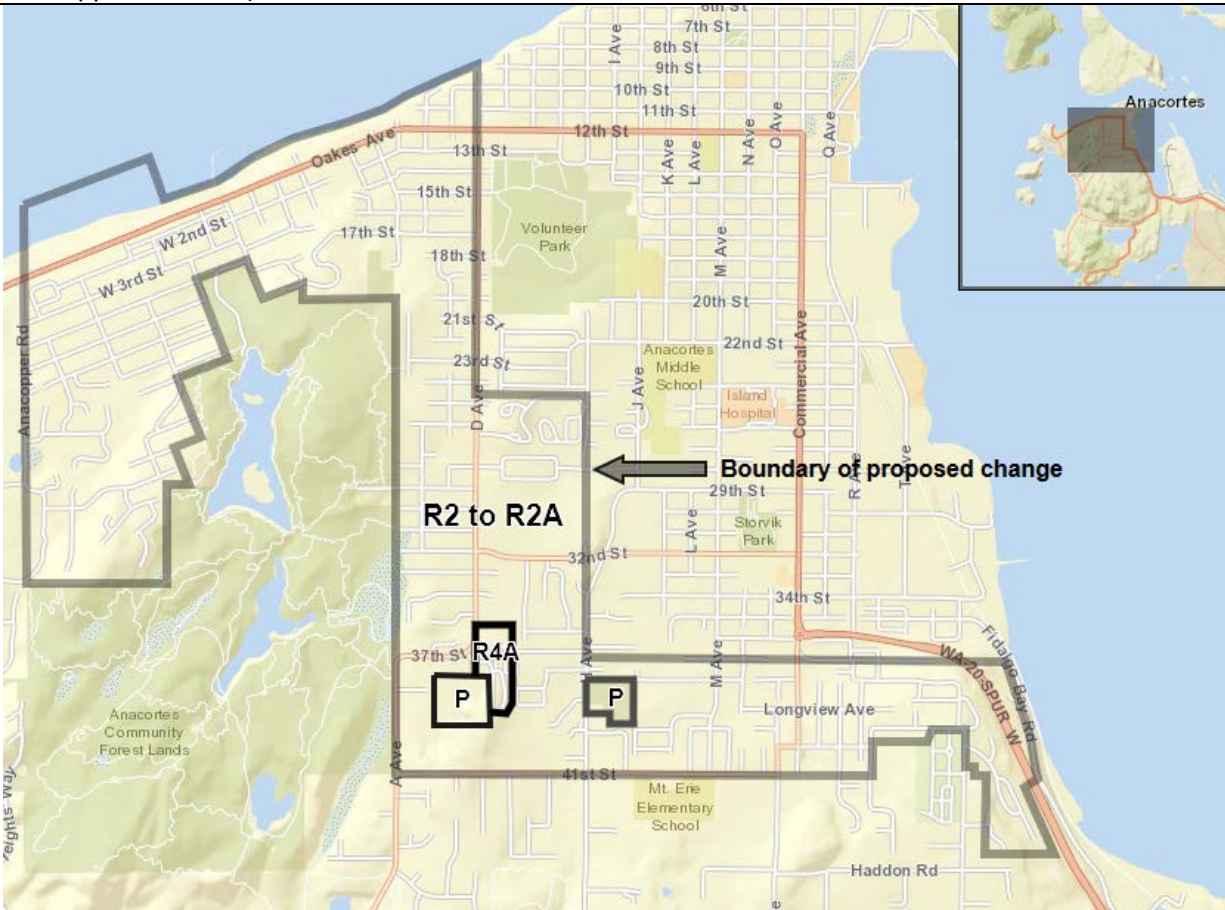
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential Low Density 2	
Current Zone: Commercial Marine	Proposed Zone: R2
Description: The R2 zone provides for low density residential development in mostly established neighborhoods west of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area and/or to the areas' separation from commercial use.	
	
For more information, view the “Planning Commission / 3 rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

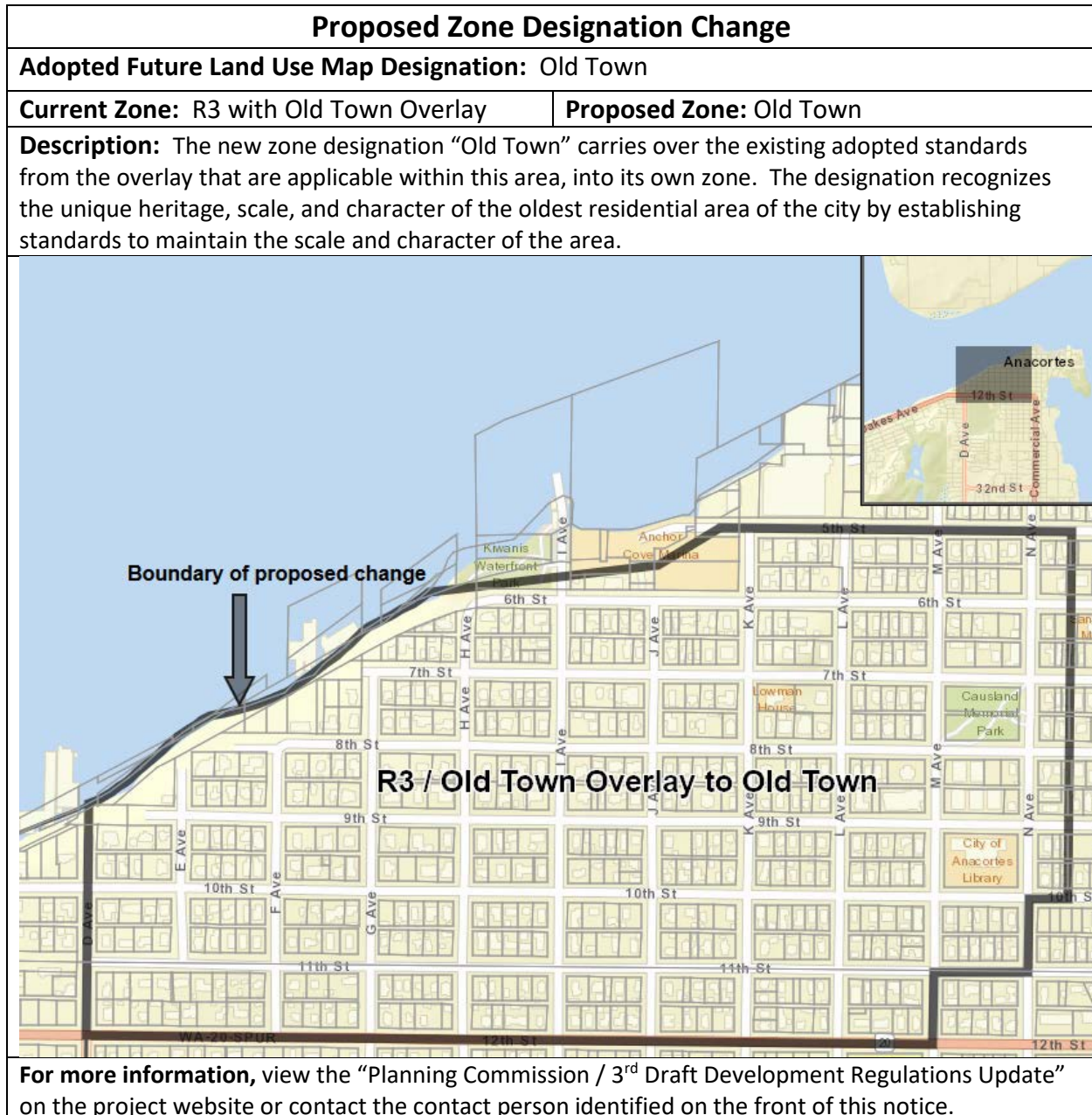
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential Low Density 2	
Current Zone: R2	Proposed Zone: R2A
Description: The R2A designation provides for low density residential development in mostly established neighborhoods generally east of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area. Some minor changes in development regulations will differentiate the R2A zone from the R2 zone (west of Anacopper Mine Rd.)	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

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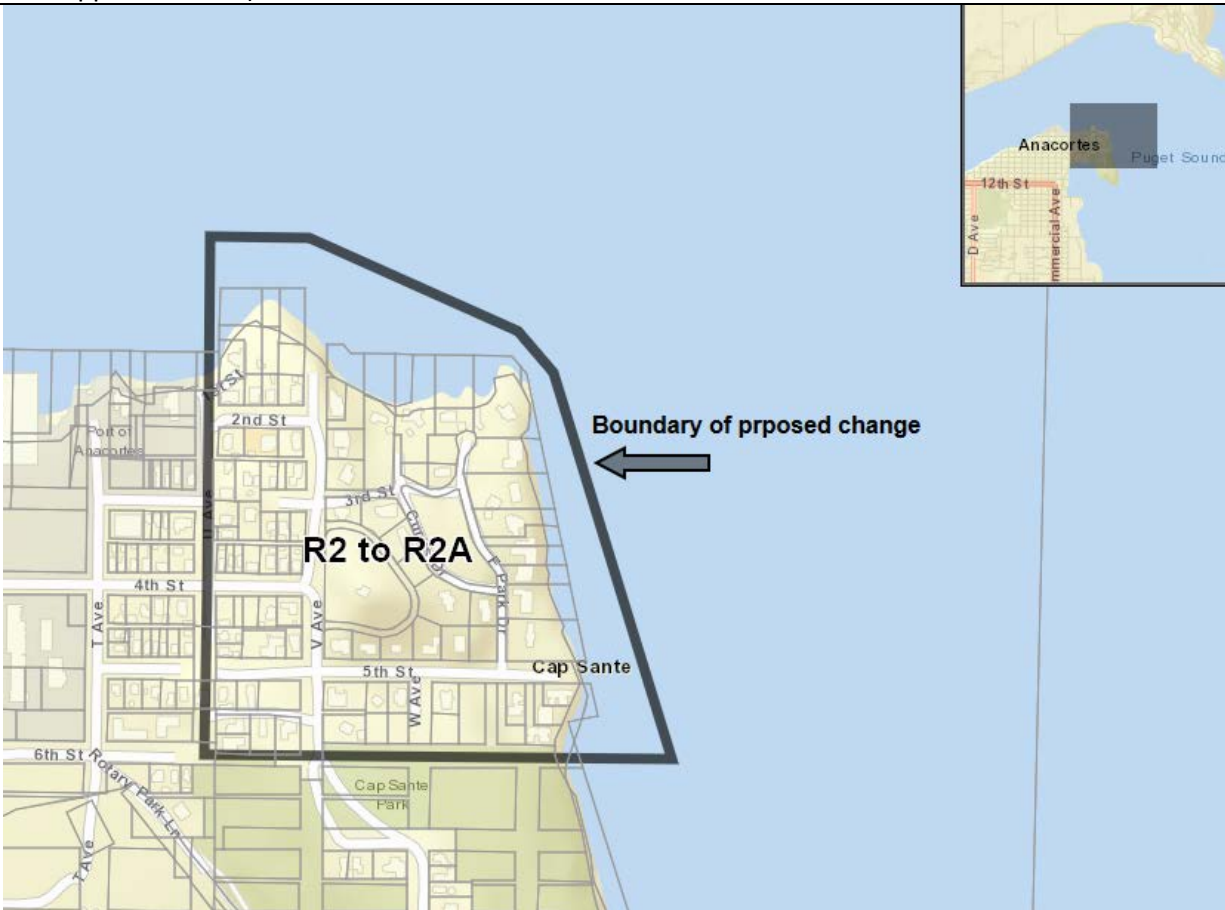
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:



Proposed Amendments to the Anacortes Zoning Map

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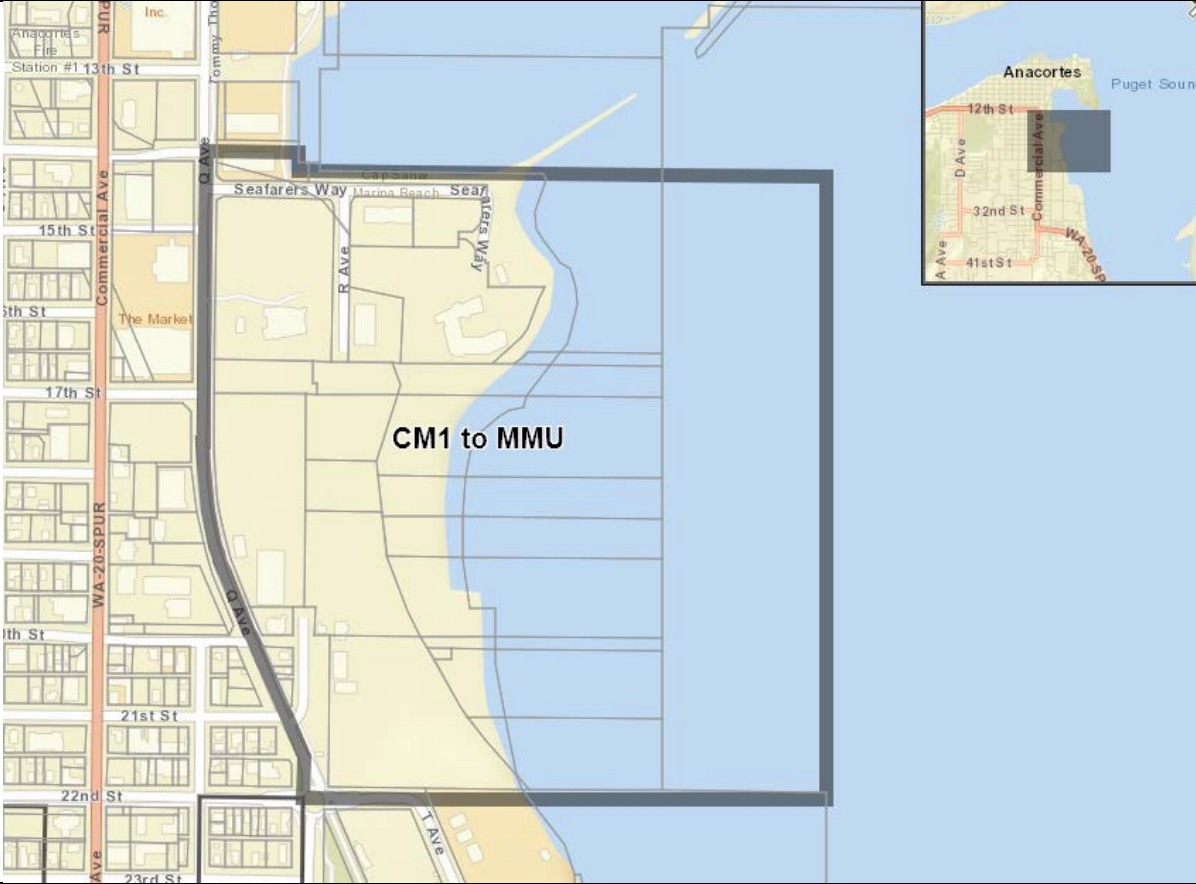
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential Low Density 2	
Current Zone: R2	Proposed Zone: R2A
Description: The R2A designation provides for low density residential development in mostly established neighborhoods generally east of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area. Some minor changes in development regulations will differentiate the R2A zone from the R2 zone (west of Anacopper Mine Rd.)	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

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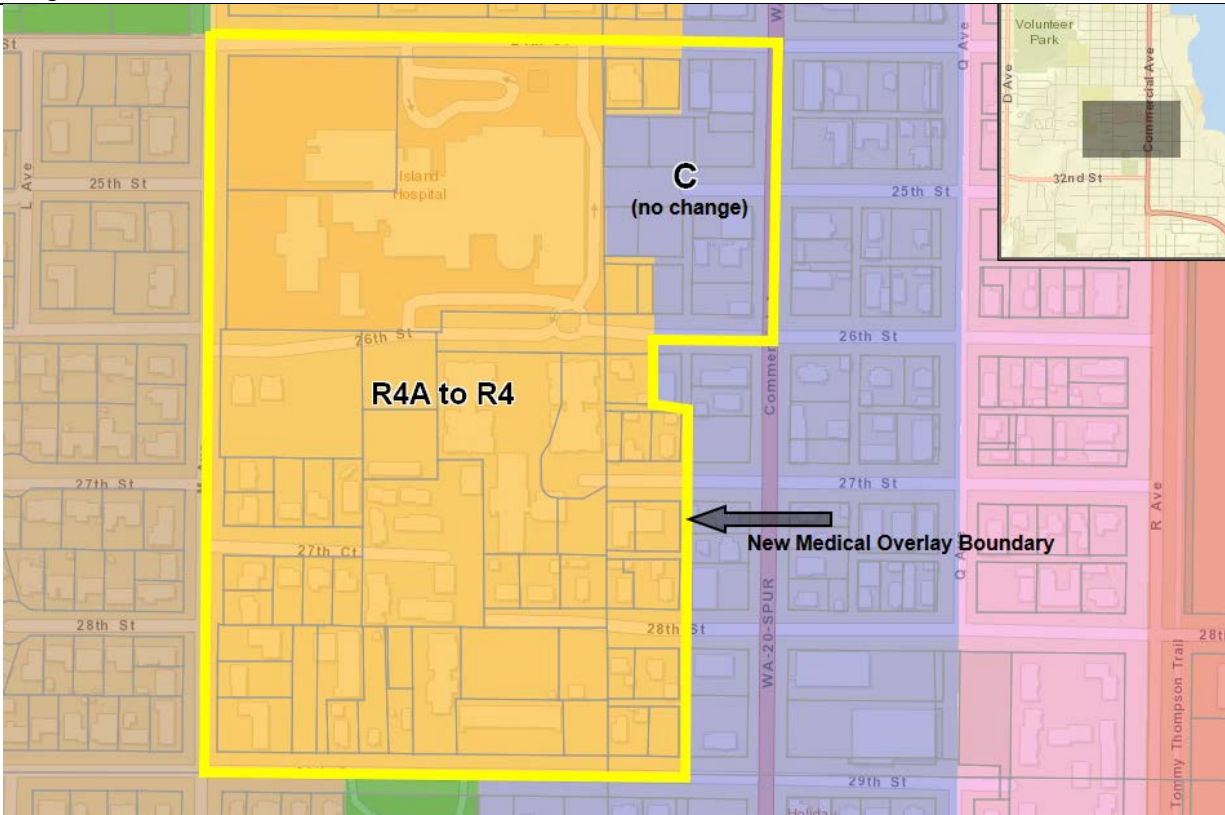
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Marine Mixed Use	
Current Zone: Commercial Marine 1	Proposed Zone: Marine Mixed Use
Description: The Marine Mixed Use Zone provides for a special mix of commercial, cultural, recreational and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian friendly character. (The CM1 zone is proposed to be eliminated.)	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

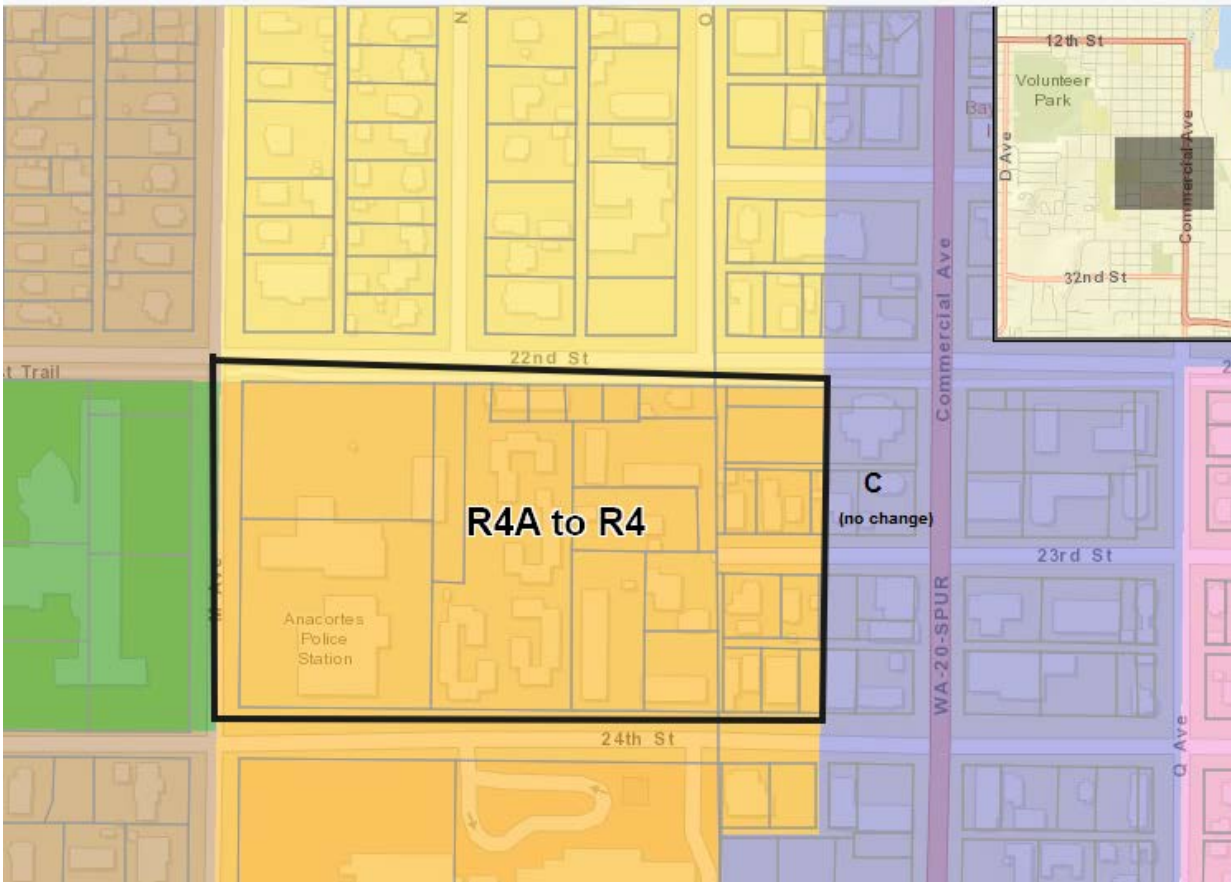
Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential High Density with Medical Overlay	
Current Zone: R4A	Proposed Zone: R4 with Medical Overlay
Description: R4 designation: Provides for urbanized high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. Medical Overlay designation: Provides for coordinated expansion of Island Hospital and growth of medical support uses in the immediate vicinity while minimizing the impacts on surrounding residential uses. Note: Property within the Medical Overlay remains subject to the limitations of the underlying zone (in this case, R4 and Commercial) and the overlay regulations act to supplement but not replace the regulations of the underlying zones. The Commercial portion of the Overlay area is proposed to retain its underlying Commercial designation.	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Revised Notice

Proposed Amendments to the Anacortes Zoning Map

What: A previous notice incorrectly showed the boundary of the area proposed to be changed. The map has been corrected below. Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential High Density	
Current Zone: R4A	Proposed Zone: R4
Description: R4 designation: Provides for urbanized high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities.	
	
For more information, view the “Planning Commission / 3 rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential High Density	
Current Zone: R4B	Proposed Zone: R4
Description: R4 designation: Provides for urbanized high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. (The R4B designation is proposed to be eliminated.)	
	
For more information, view the “Planning Commission / 3 rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

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Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential High Density w/ Live-Work Overlay	
Current Zone: R3	Proposed Zone: R4 with Live-Work Overlay
Description: R4 designation: Provides for urbanized high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. Live-Work Overlay designation: Provides the opportunity to combine living and working spaces in individual units, provided the scale and impact of such non-residential uses is limited. This designation is appropriate for select R3 and R4 zones that are adjacent to mixed use and industrial zones.	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Residential High Density with Mixed-Use Business Overlay	
Current Zone: LM1	Proposed Zone: R4 with MUB Overlay
Description: R4 designation: Provides for urbanized high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. Mixed Use Business Overlay designation: Provides the opportunity to integrate non-residential uses together with residential uses. Such uses must be limited to those uses that minimize external or physical impacts on residential uses. Non-residential uses may be developed as a single use site or building or integrated with residential uses within a single building or on the same site. This designation is appropriate for select R3 and R4 zones that are adjacent to mixed-use or industrial zones.	
	
For more information, view the “Planning Commission / 3rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

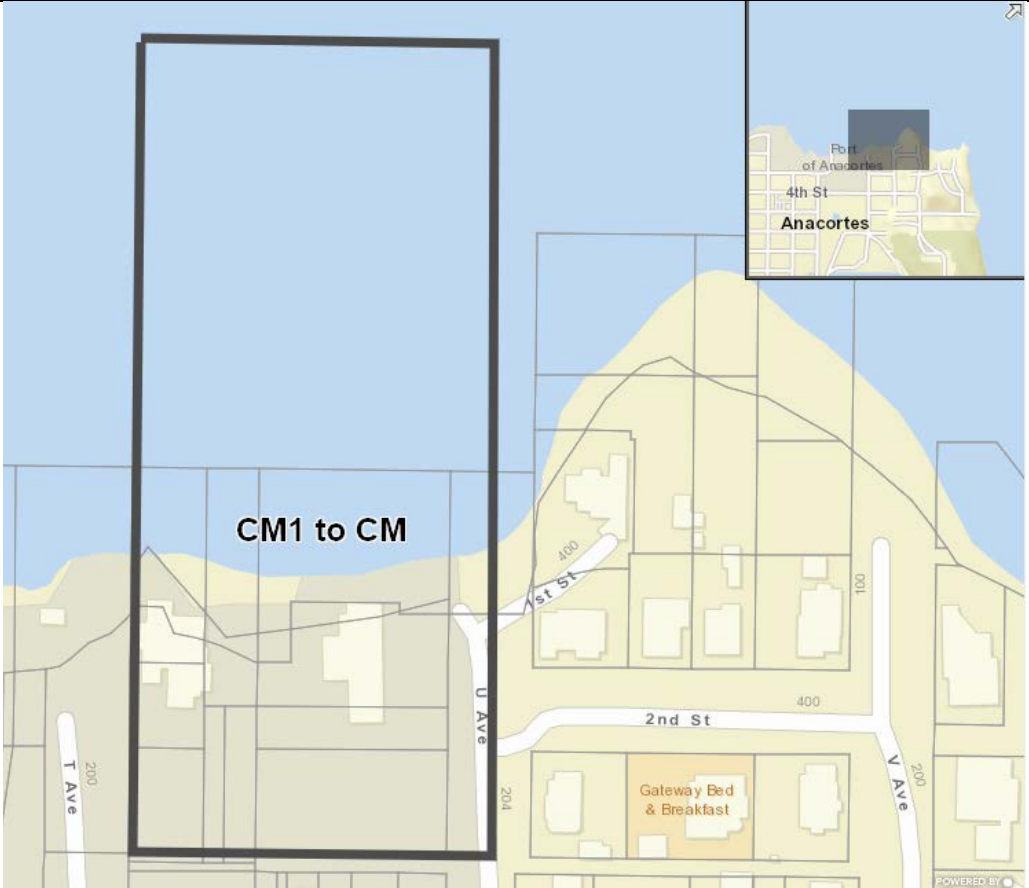
Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Commercial	
Current Zone: LM1	Proposed Zone: Commercial
Description: The Commercial designation provides for a wide variety of general service and retail commercial uses, and mixed-use serving local and regional residents and the traveling public.	
	
For more information, view the “Planning Commission / 3 rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Proposed Amendments to the Anacortes Zoning Map

What: Amendments to the Anacortes Zoning Map are proposed in conjunction with updates to the Anacortes Municipal Code development regulations to implement the Future Land Use Map and other goals and policies within the Anacortes Comprehensive Plan.

Where: Various locations throughout the city. You are receiving this notice because you are identified by Skagit County Assessor records as owning property within one of the affected locations, as shown below:

Proposed Zone Designation Change	
Adopted Future Land Use Map Designation: Commercial Marine	
Current Zone: Commercial Marine 1	Proposed Zone: Commercial Marine
Description: The Commercial Marine designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for marine-oriented uses and commercial and industrial enterprises where orientation to navigate waterways and the tourism trade is of primary importance. (The CM1 zone is proposed to be eliminated.)	
	
For more information, view the “Planning Commission / 3 rd Draft Development Regulations Update” on the project website or contact the contact person identified on the front of this notice.	

Public Comments on SECOND DRAFT Anacortes Municipal Code Title 19

Second Draft Development Regulations [made public 4/30/2018]

Note:

The comments within this document pertain to the 2nd Draft of the proposed development regulations update, and were received between April 27, 2018 and December 18, 2018

General			
Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
Gene Derig	Clarity of certain code terms	(See other tabs for specific comments about this subject) Thanks for the opportunity to submit these comments. Do you agree that a purpose of the code updates is to clarify, and thereby strengthen the codes? “Squishy” words undermine the effort we are all putting into the code work at this time. A computer word search can be easily done, as you know, on any document to find such words as “appropriate”, “satisfactory” or “reasonable” or terms incorporating “reasonable”, such as in “reasonable use”. They are easily found and can be removed from the documents. Squishy words can leave the codes so open to interpretation that, in some cases, they will be rendered useless. I believe the staff can do the searches and remove these meaningless words which sabotage and undercut the intent of strengthening our codes. Vagueness in language subtracts from the transparency City Hall has indicated it is striving for. We don’t want more loopholes. “Appropriate” is another word which really means nothing without contextual definition and should be removed--- it is subject to interpretation by someone who might be unqualified to give an interpretation in the context being considered. The words “administrator” or “director” are also prevalent in the documents. With one “director” or “administrator” allowed to make the decisions regarding how the “squishy” words will be interpreted, the code interpretations become confusing and arbitrary and possibly useless as a practical tool, in many cases. If the code wording is tight, much unpredictability will disappear: for instance, we don’t discuss tweaking the speed limits in school zones every week. The limit is not subject to “tweaking” for certain individuals or groups. It is 20 miles per hour, for the good of all, being predictable as well as transparent, week after week, project after project. Our code work must reflect that type of clarity or the City faces more controversy than predictability. Imagine signs in school zones reading, “20ish” or “20, sort of”—that is an example of where the use of squishy words can lead. Thanks for your time.	Comment acknowledged. Some adjustments made to address.

DIVISION 1 - General & Legislative Provisions; DIVISION 2 - Procedures; DIVISION 3 - Permits; DIVISION 7 - Environment; DIVISION 8 - Development Agreements						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
1	5/15/2018	Email	Gene Derig	Table 19.20.030	"Reasonable use" is squishy wording - along with terms like appropriate and satisfactory	Reference is to "Special use & reasonable use permits per AMC Chapter 17.70". Reasonable use is a legal term with regards to critical areas. "Appropriate" has been changed or deleted in multiple locations in Division 1 and 2.
3	6/27/2018	Email	Jim Blais	19.12, "Mixed use" definition	No need to specify residential is "primary" and that the second sentence about vertical configuration should be deleted	Completed
	6/27/2018	Email	Jim Blais	19.12, "Weather protection" definition	Replace "blocks rain, snow, and sun" with "protects pedestrians from inclement weather".	Completed
4	6/27/2018	Email	Jim Blais	19.20.260, Framework Development Plans	Needs additional information including provisions and criteria	The Framework Development Plan provisions have been further developed in the 3rd draft.
5	6/27/2018	Email	Cynthia Richardson	Division 2, Application submittal requirements	Need a balance between too much and too little detail in listing out specific application requirements, e.g. north arrows and tree drip lines for subdivisions. Suggest providing detailed requirements in a separate document outside the code.	Comment noted. Recommendation is to have one location for application requirements.
6	7/26/2018	Email	Gene Derig	19.32, Land Divisions	Comments on City of Stanwood hand-out from study session Wed. 6/27/18. "Reference the packet/ handout which was also available at the study session, which had a cover letter from the Land Development Project Manager of Landed Gentry Homes and Communities, page 3 of the City of Stanwood CDD Memorandum under the heading, "staff recommendation": ".....the purpose of the final plat is to determine whether conditions of preliminary plat approval have been satisfied. Final plat approval is not discretionary. By having a final plat reviewed in a public meeting or hearing adds time and confusion to the process: the public and local officials think they have the opportunity to add conditions to a project when in fact there is no such authority by law. Staff recommends changing the code to allow administrative review of final plats". If the ideas from the above statements were to be adopted, who will be held accountable for enforcement, or lack thereof, regarding the terms of a project plat? What are the standards for enforcement and accountability? Ticking off boxes on a form or taking the proponent's word that things are ok is not enough for a rational human being to accept as evidence of compliance. One "administrator" should not be the sole decider in the final plat approval. We believe the Anacortes City Council should have authority to go over the final plat in a public hearing setting ask questions on behalf of the citizens they represent, and decide if it the plat meets City expectations, standards and conditions. Anything less reduces transparency and can lead to abuses within the system. If there is any precedent in law that specifically states the council CANNOT hold such a review, it should be presented for all to see.	Comment acknowledged. The draft maintains the City Council review and approval process for final long plat applications.
7	7/26/2018	PDF letter	Ian Munce	19.32.50.C	Add a C.7: "Fully address critical area and stormwater requirements". Land division is about more than the "adequate provision" of infrastructure discussed in C.1-6.	Conformance with AMC Ch. 17.70 Critical Areas Regulations and AMC 19.76 Stormwater have been added to the approval criteria in 19.32.040.D.
8	9/5/2018	PDF letter	Cynthia Richardson	19.12, Definition of "site area"	"Site area" means the total horizontal area within the property lines excluding external streets, ?? Of course, external streets are outside the property lines. Was this intended to mean internal streets in a development?	No change recommended.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
1	5/9/2018	Email	Russ Pittis	19.41.070 Public use zone uses	I feel that it needs to be changed to somehow reflect the desire to not have noise making power generation, but to allow solar. As an example: Both the Landfill and the Ball Fields currently have a zoning limitation restricting the use for any "Power generation is not a permitted use". Between the two locations there is capacity for an additional 800 kW of cost effective solar production to be installed. We might want to pursue investigation into a zoning exemption for these sites to increase the amount of renewable energy produced and improve the financial benefits of the project. Additional sites that have similar zoning concerns and could be further evaluated would be the Maintenance Center Ground mount location, the Waste Water Treatment Plant, and potentially the W.T. Preston Museum location if city future plans change	New provisions for sustainable energy generation systems have been added which apply to the Public Use zone and elsewhere (see AMC 19.46.040(B)).
2	5/15/2018	Email	Gene Derig	19.41.080, conditional uses #6	"Reasonable mitigation" is squishy wording - along with terms like appropriate, satisfactory	Changes to AZ zone standards will require a separate process to update the airport development agreement.
3	5/15/2018	Email	Gene Derig	19.42.130.C.1	"Reasonable" is squishy wording	Word removed
4	5/15/2018	Email	Gene Derig	19.46.010.D.2	"Unreasonable" is squishy wording	Word removed.
5	5/16/2018	PDF letter	Thomas L Allen	19.42.060 Affordable Housing	Portions of affordable housing criteria (income limits, duration, design, etc.) appear to copied from King County Affordable Housing Manual. AFI would not be willing to invest in affordable housing under the current draft provisions due to city oversight, fees, and verification of tenants' income. Proposed alternative is to provide bonus height in exchange for providing the equivalent of one floor of small units, being defined as max 500sf for studios, 550sf for 1 bed, 650sf for bed). Believe this works because it increases density and requires no ongoing costs for the city and meets Anacortes Affordable Housing Strategies.	Comment acknowledged and issue was brought up and discussed with the Planning Commission and they ultimately decided to remove the affordable housing height bonus provisions in the CBD, C, and MMU zones, but decided to keep the provision as an option in the R4 zone to achieve additional height.
6	5/16/2018	PDF letter	Thomas L Allen	19.42.020 FAR	Not in favor of draft FARs as written for residential zones. Provides example of an R4 zone property where the affordable housing height bonus could not be taken advantage of due to 1.2 FAR limit. FAR limits have not been properly challenge. Similarly, lot coverage calculation should be raised to encourage multifamily development. In another example, 7500 lots in the R2 zone could have a 3,375sf building and in the R3 zone could have a 6,000sf building - this is a large disparity. Possibly FAR should only apply to single family dwellings, not multifamily.	The Planning Commission has recommended removing the FAR standard from the draft code.
7	5/16/2018	PDF letter	Thomas L Allen	19.42.130 Height limit	There is a major flaw in the new height limit calculations. Existing code is 35 feet maximum except for some subdivisions with their own CCRs. The new code proposes a 30 feet height limit measured from the midpoint of the roof. A 60 feet wide house with an 8/12 pitch roof can built up to 40 feet high. A 12/12 pitch roof house can be up to 40 feet high. This is a likely scenario because it will enable more living area on a 3rd floor of homes, and this may upset residents who have long expected a maximum 35 feet maximum height. Please review this provision very carefully.	The Planning Commission has recommended retaining the existing method for measuring height and the existing 35 feet height limit in most residential zones.
8	5/17/2018	Word letter	Thomas L Allen	19.43.010(l) Multifamily	Concern that multifamily definition has changed to "A building that contains 4 or more units" because it doesn't allow flexibility. Example of a 10-unit development site at 37th Street and D Avenue with five duplexes. Always believed that multi meant 2 or more. Unclear why the definition is changing and concern that it offers less flexibility.	The current definition of "multifamily dwelling" under AMC 17.06.285 is 2+ units. With new definitions and use-specific standards being added for duplex and triplex, the multifamily definition is updated to 4+ units. The principal use tables are structured to reflect duplexes and triplexes continue to be allowed at the subject site which is zoned R4A. Similarly, language has been added to clarify two or more such structures may be built on a single lot provided minimum lot area standards are met [see AMC 19.43.010(B)(2)(c) for single-family].

DIVISION 4 - Zoning & Land Use						
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9	5/23/2018	PDF letter	Thomas L Allen	Figure 19.42.140(B) and Figure 19.42.140(I) Flag lot setbacks	Potential flaws in the flag lot setback concept. The flag lot is nearly unbuildable with a 20 feet front setback unless is it 12,000 square feet or more. This will reduce the number of building sites. Also, why treat flag lots differently than other irregular lots. Current works and should not be changed.	Flag lot standards are updated to have no front (street) setback, with only side and rear setbacks. Flags lot require a different approach than irregular lots, as flag lots have a unique relationship to the street but a typically predictable shape, whereas the purpose of irregular lot standards is to address more rare and unusual circumstances. See AMC 19.42.150 in the updated draft to see text clarifications (highlighted in yellow) in subsection (F).
10	5/29/2018	PDF email	Keith Love	Table 19.41.040 and Table 19.42.020	The established character for the R2A zone is single-family homes, maximum two stories, on 7500sf lots with correct setbacks. The R2A area is inappropriate for more intensive urban development due to the established character. Cottage housing and duplexes being permitted in R2A is not established character. Adjusting minimum lot size from 7500sf to 6000sf is not established character. Push on density devalues quality of life, the island is a <u>limited resource</u> .	Establishing a greater variety of housing types compatible with the scale of single-family homes (duplexes, cottages) and reducing minimum lot size to 6000sf is consistent with land use and affordable housing goals and policies in the Comprehensive Plan.
11	5/29/2018	PDF email	Arlene French	19.42.170.D Old Town	Concern is that Old Town standards strike out item (D) regarding "no new curb cuts shall be permitted on a numbered street serviced by an alley". I helped write the original Overlay District language. The purpose for the entire Overlay District was to "recognize the unique heritage, scale, and character of the oldest residential area of the City of Anacortes". In every newer neighborhood, driveways dominate the streets. The few driveways we have in Old Town are due to lack of an alley or were constructed prior to the Overlay. This feature of streets not filled with driveways is one of our greatest assets. One of the most prominent characteristics of Old Town is the absence of driveways on the numbered streets.	With the proposed updated code organization, when possible, regulations that used to be organized by zone are now organized by regulation type. Access standards for all zones are now located in Chapter 19.53 Private Driveways and Access. The Old Town-specific provision here was determined to be an important issue citywide, not just in Old Town. A cross-reference is provided in the Old Town standards to AMC 19.53.030(B)(3), which says: "Where a property abuts an alley, driveways must access from the alley..."
12	5/29/2018	PDF email	Arlene French	19.42.170.D Old Town	Object to the replacement language regarding detached garage setbacks.	The phrase "Detached garages shall be set back a minimum of fifty feet from the street property line on a numbered street" is not a replacement, but rather existing language from AMC 17.27.100(A) that is not proposed to change.
13	5/29/2018	PDF email	Hal Rooks	19.42.170.D Old Town	I wholeheartedly concur with Arlene's concerns and comments on this topic.	See responses to comments #11 and #12
14	5/29/2018	PDF email	Virginia E. (Bunny) Heiner	19.42.170.D Old Town	I concur with the remarks made by Arlene French and Hal Rooks; we went to a lot of work to re-write the Old Town Overlay and should not make these proposed changes.	See responses to comments #11 and #12
15	6/25/2018	PDF letter	Bob Evans	Table 19.42.030, CBD Zone Height Bonus	The Comp Plan has goals for economic vitality supported by high density. However, the height bonus in the CBD zone [MAKERS note: 50 feet base, 65 feet bonus with affordable housing] is unfeasible due to the costs of providing affordable housing. Our project would be reduced from a 6-story concrete building to a 4-story wood structure. The additional height should be allowed by right. In the future a 'in-lieu-of-fee' such as \$5,000 per affordable unit could help with affordable housing, and it could be increased as the market is more established. There are already more than 50 affordable units in the CBD zone and no upper end living units.	The Planning Commission has recommended increasing the CBD base height limit to 65 feet with no requirements for affordable housing or other public benefits.
16	7/5/2018	PDF email	Robert Festa	Table 19.42.030, CBD Zone Height. Table 19.64.040, Parking.	Is there any reason to restrict, even by default, the production of new multifamily projects that can begin to satisfy the goals of the Plan and the demands of the current market? When the idea of increasing the height limit to 65 feet and reducing the onsite parking requirement in this zone was first suggested in the Plan, the barriers to viable new projects appeared to be coming down. The City should avoid barriers like Issaquah where a downtown 77-unit project was made economically infeasible due to high impact fees and inclusionary set asides.	The Planning Commission has recommended increasing the CBD base height limit to 65 feet with no requirements for affordable housing or other public benefits.
17	7/5/2018	PDF email	Robert Festa	Table 19.42.030, CBD Zone Height	The current Plan is to be reviewed every eight years by state statute. Question: Do we, by adopting this version of the Code, expect to increase housing supply in the CBD? Does anyone have a sense, based on current analytics and projected growth, how many newly constructed units should be in the targeted goals for downtown?	The Comprehensive Plan estimated 176 new units will be developed on "redevelopable" property in the CBD zone, assuming a density of 50 units per acre. Code changes may affect this.

DIVISION 4 - Zoning & Land Use						
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18	7/5/2018	PDF email	Robert Festa	Table 19.42.030, CBD Zone Height	I believe that based on the available information at the moment that this city, if it were to have the outright permitted height raised to 65 feet,that it could begin to see high quality construction that is architecturally sensitive to the surroundings, built with concrete columns and floor plates, brick facades and commercial glass, rooftop terraces and so on, that would be beautiful and out live us all by many generations. We can already see, with the Majestic hotel at 75 feet and the new addition topping out at 65 feet, that other buildings of their size are not out of the question. Are their any other legitimate concerns that would of necessity prevent such buildings, such as these, to have residential above the 50 foot level? I would respectfully submit to you, that without any unnecessary regulatory burdens such as Inclusionary Zoning proposed under 19.42.060a, a developer could immediately begin designing projects that would come together at a time of reasonable monetary policy and high market demand to increase Anacortes housing stock. Crafting city code that understands and resects supply and demand mechanisms would go a long way towards addressing the affordability issues inherent in appealing locations such as ours.	The Planning Commission has recommended increasing the CBD base height limit to 65 feet with no requirements for affordable housing or other public benefits.
19	7/5/2018	PDF letter	Rob Evans	19.43.030 (referring to old draft dated 3/6/18), CBD zone height bonus (current draft 19.42.060)	The proposed 65 feet height bonus in the R4, C, CBD, and MMU zones is only linked to affordable housing. This is a missed opportunity in the CBD. Our proposed 6-story building on 7th Street would be reduced from 21 to 12 housing units with this provision. Several other Comp Plan goals would be negatively impacted and the commenter lists several goals and policies in relation to the project. 65 feet should be allowed outright because the proposed inclusionary zoning is narrow and restrictive. The downtown would benefit from a sub-area plan focusing on unique <u>small-town business district</u> .	The Planning Commission has recommended increasing the CBD base height limit to 65 feet with no requirements for affordable housing or other public benefits.
20	7/10/2018	Email	Cynthia Richardson	Table 19.42.020, Residential FAR	I typed up the analysis of the FAR provisions that I discussed with you today (see attached .pdf). I would appreciate it if the Planning Commission could be provided with copies before this week's meeting. As you can see, when the proposed multipliers are applied to real-life lot sizes, several problems become clear: • The floor areas of the houses that can be built on identical size lots in various zones varies widely. • Instead of larger houses in the lower density zones, as would be appropriate, larger houses are actually allowed in the higher density zones when considering the same size lots. • It's only the minimum lot size that encourages more density by allowing more houses to be built in a given area. To the extent that larger-than-minimum lots are built on, the theoretical density of the zone is diminished. • Allowing a house in the higher density zones to be two to three times the size of a house allowed in the R2 zone on the same size lot treats property owners unequally, without any rationale or community benefit. • Allowing larger structures for a duplex, triplex, fourplex, or multifamily building might be reasonable because they DO add to the density, but allowing larger single family structures in the more dense zones is counterproductive to the goal of providing more housing in those areas. Although my preference is to do away with FAR calculations altogether and retain the current lot coverage approach, if it is decided to keep the FAR concept, these concerns must be addressed. Thank you for your hard work on the code updates.	The Planning Commission has recommended removing the FAR standard from the draft code.

DIVISION 4 - Zoning & Land Use						
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21	7/10/2018	PDF	Cynthia Richardson	Table 19.42.020, Residential FAR	As proposed, the floor area calculations could result in some very large homes in the R3 and R4 zones. There are also significant inequities between zones. The owner of a lot in an R2 zone could only build a home about half as big as on the same size lot in an R3 zone, and about a third as big as on the same size lot in the R4 zone. Here are some comparisons for what would be allowed on various size lots: [Note from MAKERS: Table provided, see original PDF] So, for example, a person with a 7,500 sf lot (the minimum allowable size) in the R2 zone could only build a 3,375 sf home, but a person with the same size lot in the R3 zone could build a 6,000 sf home. This would encourage larger homes where they are not necessarily desirable, and it is simply not equitable. Higher density is achieved by allowing smaller lots, not by building larger houses on the same size lots.	The Planning Commission has recommended removing the FAR standard from the draft code.
22	7/10/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards	The currently proposed revisions to the Anacortes zoning code would replace the lot coverage percentages which have governed residential development for many decades with a new floor area ratio (FAR) approach. The stated objective is to limit the bulk of new homes to preserve the scale of existing neighborhoods. However, as written, the FAR standards would not do that. Instead, I suggest retaining the existing residential standards, with modifications to address the concerns about bulk, as follows: HEIGHT Proposed changes which would lower the maximum height from 35' to 30', but measure to the midpoint of a sloped roof (or the top of a flat roof) are good. It would reduce the height of a "box" shaped house, and encourage sloping roofs which are more consistent with existing house forms in Anacortes.	The Planning Commission has recommended removing the FAR standard from the draft code and retaining the current lot coverage provisions and building height measurement method.
23	7/10/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards	LOT COVERAGE The required setbacks reduce buildable area around the perimeter of a lot. This has a greater impact on a small lot than the same setbacks would on a larger lot. Instead of varying the percentage of lot coverage by zone, we could vary the percentage by the size of the lot. The same size lot would be allowed the same percentage of lot coverage regardless of the zone it is in, but to compensate for the area of setbacks, a smaller lot would be allowed a higher percentage, such as: ☐ Lots up to 7,500 sf - 50% lot coverage ☐ Lots 7,501 to 12,000 sf - 40% lot coverage ☐ Lots over 12,000 sf - 35% lot coverage These may not be the right percentages, and there are inconsistencies if you have a lot on the borderline between percentages, but with some refinements this approach could do a great deal to moderate the bulk on larger lots, while still allowing for fairly large houses. (Note that current code is a flat 35% in R2 and 50% in R3 regardless of the lot size.)	The Planning Commission has recommended retaining the current lot coverage standards, with some added flexibility for townhouse and multifamily development in the R4 zone.

DIVISION 4 - Zoning & Land Use						
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24	7/10/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards	SETBACKS Current code allows a house to be 5 ft. from the side lot line, regardless of its size or height. This makes it feel as though a tall or large house is "looming" over a smaller neighbor. Increasing the required side setbacks for taller or larger homes could diminish the perceived bulk and reduce the impact on the neighbors. For example: ☐ One-story building or one-story portion of a building (maximum 12' height per standard height measurement method) - 5 ft. side setbacks ☐ Two-story building or two-story portion of a building (maximum 20 ft. height) - 7.5 ft. side setbacks ☐ Any portion of a building over 20 ft. height - 10 ft. side setbacks ☐ If the total width of a building (measured to the edges of the building nearest the side lot lines) exceeds 65 feet, each side setback shall be increased by 1 ft. for each 5 ft. (or portion thereof) beyond 65 feet ☐ Lots 4,500 sf and less may have a 15 ft. rear setback Implementing these and/or similar modifications to the current codes could correct some of the perceived problems with bulk and scale without going to an entirely new FAR method (which has its own problems and potential unintended consequences).	This code update has looked at a couple options to address this issue, ultimately settling on a basic 5' side setback for the first floor and 7.5' setback for the second floor. The Planning Commission did not suggest any changes to this approach. Additional setback requirements for certain multifamily buildings are set forth in 19.62.030 and special height/interior side setback plane requirement for ADU's are set forth in 19.47.030(C)(6).
25	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	1. MMU Zone – Remove Townhouse development condition. 2. MMU Zone - Remove Multifamily dwelling development condition. Townhouse development condition states that townhouses have to be in a row of at least three units and that in the MMU zone, townhouses (and multifamily dwelling units) are allowed on up to onethird of the site area. These conditions are arbitrary and unnecessary. Townhouses can be developed in numerous configurations and should not be limited to 3 in a row. Clusters of at least two seems more appropriate as center units are generally less desirable. The Principal Use and Density section of the MMU Zone within the Comprehensive Plan states, "Primary uses are commercial, hospitality, cultural, and recreational uses. Residential uses are encouraged in mixed-use structures and allowed in single purpose structures provided developments include a horizontal mix of uses." The 1/3 parameter for residential uses was arbitrarily inserted into the development regulations. The development regulations should not dictate a specific percentage. They should instead echo the Comp Plan and allow any percentage as long as those uses are incorporated into a horizontal mix of uses.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process. A row of 2 attached townhouses would be considered a duplex, and duplexes are not allowed in the MMU zone in order to facilitate the zone's minimum density of 15 units per gross acre.
26	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	3. MMU Zone - Allow assisted living facilities as an outright permitted use.	Change made as suggested. Similar restriction on single-purpose residential applies.
27	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	4. CM2 Zone – allow live-work uses. MJB has received numerous requests to develop live work units in the CM2 for small scale marine trades operations. We respectfully request that you allow this type of use.	Recommended to not allow live-work use in the CM2 zone given Comprehensive Plan direction (see policy LU-8.3), need to preserve industrial lands south of 22nd Street, and need to preserve manufacturing access to the shoreline.
28	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Commercial category	1. Allow medical uses in MMU zone outright. Small scale medical uses such as dental offices, doctor's offices or urgent care facilities should be allowed in the MMU zone.	Planning Commission has recommended this approach (as such uses less than 10,000sf are permitted outright in the updated draft).

DIVISION 4 - Zoning & Land Use						
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29	7/12/2018	PDF	Jimmy Blais	19.44.040(B), CM2 office	2. Remove development conditions from office use in CM2. The current development conditions imposed on office buildings in the CM2 zone limit the office use to 50% of the ground floor area. This condition would immediately make a number of MJB's buildings nonconforming uses. We have two stand-alone office buildings that house Pacific Marine Center staff. Though these are stand-alone buildings they operate on a marine trades "campus." I would suggest changing the regulation such that it states 50% of the ground floor of all related operations.	Draft updated as suggested, which the restriction not applying to office uses that are accessory to a permitted use.
30	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Commercial category	3. Allow passenger terminals in the CM2 zone. Respectfully request that you allow passenger terminals as a permitted use in the CM2 zone to accommodate seaplane uses or other marine related commercial operations. There are numerous boat storage and repair operations within the industrial zone, please allow these as a permitted use instead of a conditional use. This follows the comprehensive plan's permitted repair and warehousing uses.	The subject change has been made: passenger terminals have been added as a conditional use within the CM2 zone.
31	7/12/2018	PDF	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Industrial category	1. Allow Light industrial as a permitted use in the CM2 zone and a conditional use in the MMU zone. 2. Allow light manufacturing as a permitted use in the MMU and CM2 Zones. 3. Allow warehouse and distribution as a permitted use in the CM2 zone. 4. Allow water-oriented industrial uses as permitted uses in the MMU zone. Respectfully request that you look at adding these uses to the MMU and CM2 zones. A number of these uses could be marine related or oriented and therefore appropriate in these zones. The same can be said for water-oriented industrial uses that may be dependent on boat ramps or barge loading facilities.	Given Comprehensive Plan policies and character of the zones, recommended to not implement suggested changes 1, 2, and 3. Regarding suggestion #4, recommended to keep water-oriented industrial uses as conditional in MMU zone due to potential impacts on non-industrial uses.
32	7/12/2018	PDF	Jimmy Blais	19.41.060.B, Zone specific use conditions	Suggest adding the following phrase at the end of the paragraph: "above that which is allowed by local, state and federal standards". Please add the underlined text. Allow de minimis amounts of smoke, dirt, noise etc., as permitted by local, state and federal law.	Paragraph revised as suggested.
33	7/12/2018	PDF	Jimmy Blais	19.42.030, Form and intensity standards for mixed-use and industrial zones & 19.42.080, Bonus incentives in the CM2, LM, and I zones	1. Increase maximum height with bonus to seventy (70) feet to comply with IBC wood frame maximum. 2. Delete CUP process to achieve height above base. Bonus height should be based on a standard table or inclusion of public benefits, not just affordable housing. 3. Increase base height for CM2 and Industrial Zones. 4. Reduce the street setback minimum for CM and CM2 Zones, no need to be greater than LM or Industrial zones. The CM2 and Industrial zones have the lowest base heights in the City at 30 feet. These types of operations generally require taller buildings in order to accommodate large scale repair or manufacturing facilities, please increase the base height in these zones. Conditional uses have always been a significant development issue in Anacortes. They generally require significant capital outlays, are highly unpredictable, subjective and impose conditions that can outweigh the benefit of the departure being sought. This is equally true of the conditional use process proposed for the CM2, LM and I zones (19.48.080). Within this proposed regulation these are numerous studies required, conditions that may be imposed and zero focus on business needs. We respectfully request that you do away with the CUP process and find a better tool for allowing additional heights. There is no reason that a 20' setback is needed in the CM and CM2 zone when only a 10' or 15' setback is required in more intense use zones.	1. The Planning Commission has recommended retaining the 65 feet height maximum recommended by the Comprehensive Plan future land use map. 2/3. The Planning Commission has also recommended raising the base height limit for the CM2 and I zones to 50 feet and eliminating the CUP process. 4. The street setback has been reduced to 10 feet per suggestion in the CM and CM2 zones.

DIVISION 4 - Zoning & Land Use						
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34	7/12/2018	PDF	Jimmy Blais	19.42.060, Bonus incentives in the R4, C, CBD, and MMU zones	1. Bonus incentives in MMU. Remove and rewrite entire section. Bonus heights should be allowed for a range of public amenities provided not just affordable housing units. 2. Number, location and size of affordable units needed to achieve bonus heights is prohibitive of development. 3. Add open space and other public amenity spaces eligible for bonus heights. 4. Increase income eligibility to 60%. Non-profits and other NGO's should provide for income groups between 30% - 60%.5. What happens with the Affordability agreement if an apartment converts to a condominium? 6. Minimum size of affordable units should have a process for reducing below absolutes. 7. Provide fee in-lieu provisions as an option to satisfy affordable housing requirements. Within the Comprehensive Plan, Land Use Policy LU- 8.4.E addressed building height incentives in the Fidalgo Bay and Guemes Channel Waterfronts. This policy states, "Provide for building heights up to four stories with the ability to go to six-stories via incentives for public amenities, desired mix of uses, and/or integration of special design features." The development regulations seem to ignore this entire section and only focus on affordable housing. Affordable housing should not be the only way to achieve bonus height provisions. The parameters for affordable housing should also be tweaked to allow fee in-lieu of programs, more reasonable income eligibility metrics and smaller units.	Planning Commission has recommended removing the affordable housing option entirely for the MMU zone and replacing it with other urban design and public benefit options. The affordable housing bonus option remains in only the R4 zone and CM zone; the 50% area median income limit was recommended by the Anacortes Affordable Housing Committee as the most impacted group. If an apartment building convert to condos, the income threshold moves to 80% area median income and the 50-year duration continues to apply. Minimum size of units is established to provide a baseline level of livability.
35	7/12/2018	PDF	Jimmy Blais	19.42.080, Bonus incentives in the CM2, LM, and I zones	1. Bonus incentives in CM2 and I zones. Section should be re-written to make additional heights more achievable. 2. Remove conditional use process for additional heights. Conditions are subjective and overly burdensome on businesses/developers. 3. Take into consideration the need for the additional height, not just the visual impact that it may have. These zones are already sited for use intensity and scale.	Similar comment above #33. The Planning Commission has recommended raising the base height limit for the CM2 and I zones to 50 feet without special building orientation standards.
36	7/12/2018	PDF	Jimmy Blais	19.42.130.B, Building height calculations, exceptions, and modifications.	Average Grade Level. Delete second half of paragraph starting with "Additionally." Pre-load and site grading is commonly conducted prior to building without impacts on height measurements.	The Planning Comission has recommended retaining the existing method for measuring height.
37	7/12/2018	PDF	Jimmy Blais	19.42.130.D.4, MMU zone special height, width, and orientation standards	Remove entire section. Width and orientation standards should not be included in the regulations. These prohibit development just as the orientation standards in the current code do. As long as articulation and façade standards are met, there should be no need for orientation standards or the subjectivity of a departure.	Recommended to maintain a provision regarding orientation to maintain east-west pedestrian access and marine views. Draft code says: "Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width when oriented in the north-south direction. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width when oriented in the north-south direction." A departure opportunity is also provided.
38	7/12/2018	PDF	Jimmy Blais	19.43.010.H.1, Townhouses definition	Do these have to be contiguous units? If so why three? Townhouses are regularly developed in two unit clusters.	Duplexes are provided for and may be designed to function and appear similarly as townhouses. See 19.43.010.E.1, where duplex is defined as "A building that is entirely surrounded by open space on the same lot and contains two dwelling units" and is subject to small lot standards.
39	7/12/2018	PDF	Jimmy Blais	19.43.010.H.4, Townhouses	Suggests revising to read: "In the MMU zone townhouses are allowed on the site provided they are incorporated into a mixed use development and meet access, site, and building design standards in this title." One third of the site area is arbitrary and unfounded. The number or percentage of units shouldn't matter as long as they are incorporated into a mixed use development. As noted above your Comprehensive Plan allows for unlimited stand-alone residential buildings as long as they are incorporated into a horizontal mixed use development.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
40	7/12/2018	PDF	Jimmy Blais	19.43.010.H.8, Townhouses	Suggests text edits (see original comment for details). Townhouses should be allowed to have a garage that is wider than a one car stall. Access to the rear of townhouses is not always available. Allow garages, no matter the location, as long as they are sensibly designed.	The size and number of driveways provided for townhouse access is one of the major design concerns for aesthetics, pedestrian experience, and impervious surface. The proposed standards minimize impacts by controlling the size of driveways and incentivizing rear-access configurations (shared driveways or alleys).
41	7/12/2018	PDF	Jimmy Blais	19.43.010.I.3, Multifamily	1. Remove all of section 3 and replace with, "Multifamily dwellings are allowed throughout the site if incorporated into a mixed use development." There is no reason that single purpose buildings should only cover one third of the site area; this number is arbitrary and unfounded. The City cannot support enough commercial to justify this requirement. Please follow your comprehensive plan and do not regulate against a horizontal mix of uses.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
42	7/12/2018	PDF	Jimmy Blais	19.44.040.B, Office standards	1. CM2 Zone Standards. "In the CM2 zone office uses must be limited to no more than 50 percent of the ground level." Delete this section. As stated above, standalone offices should be allowed as long as they are part of a larger facility or operation. This would immediately make all of Pacific Marine Center's offices non-conforming uses.	Repeated from comment #29. See response above.
43	7/12/2018	PDF	Jimmy Blais	19.44.070.A, Passenger terminal	1. Add: #7 Seaplane bases or terminals. 2. Allow Passenger Terminals in the CM2 Zone Allow for seaplane bases or terminals to be developed in areas that support water dependent uses. Please add seaplane bases as a use under passenger terminals. Allow passenger terminals in the CM2 and MMU zones.	Given a small seaplane base for private use exists in the CM2 zone, recommendation is to make passenger terminal conditional and not allow in the MMU zone.
44	7/12/2018	PDF	Jimmy Blais	19.45.030.B, Artisan manufacturing	Suggests text edits (see original comment for details). It may be of great benefit to allow some artisan manufacturers to operate outside or within a partially enclosed building as it could become a public special or tourist attraction. 3,500 square feet seems incredibly small, increase size limit such that you don't inadvertently prohibit uses.	Recommended no change to mitigate potential impacts on neighboring uses.
45	7/12/2018	PDF	Jimmy Blais	19.45.040.B, Research and development	1. "Such uses in the C, CBD and MMU zones must occur within a fully-enclosed building." Strike this section. Some outdoor use may be required for these types of facilities. Testing and final assembly for example may need to be conducted outside to simulate weather conditions or size limitations.	Recommended no change to mitigate potential impacts on neighboring uses.
46	7/12/2018	PDF	Jimmy Blais	19.45.080.A, Water oriented industrial	Many of these uses already exist in the MMU zone. Make this a permitted use instead of a conditional use.	Recommended to retain the CUP requirement for water-oriented industrial uses for the MMU zone due to potential impacts on non-industrial uses.
47	7/12/2018	PDF	Jimmy Blais	19.48.020, Temporary use standards	1. Temporary Uses. Allow for longer time periods. 2. Subsection A.2.c, allow for signs larger than 64 sqft and increase the number of signs. Create a process that allows for temporary uses that will occur for longer periods of time. These may be necessary for select manufacturing, storage or general business operations.	Temporary uses that last longer are considered not temporary. Language on sign size has been updated to refer to the temporary sign standards in Chapter 19.67, which depend on whether the sign is commercial or non-commercial.
48	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT I Building Height & Measurement Measuring to average height of roofs with a 30' limit and an absolute maximum height of 40' is a good move to encourage pitched roofs, while limiting total height. Consider restricting the maximum height of an exterior wall to 30 ft. so that a tall wall on the downhill side of a house doesn't tower over neighbors, regardless of which way the lot slopes or how tall the other walls are.	The Planning Commission has recommended retaining the existing method for measuring height.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
49	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 2 Bonus Height Alternatives MMU zone Height bonuses should be tied only to PUBLIC AMENITIES that are permanently accessible to the community, because the increased height impacts the community as a whole. Taller buildings change the scale of a development and block at least some views from some upland properties. An effective way to mitigate the view blockage would be to limit the width of individual portions of buildings that are above the base height limit, and require a substantial distance between such taller buildings to provide vistas between the buildings. Perhaps allow up to 70' if more separation between buildings is provided. Do not use environmental requirements for a height bonus. They involve too much paperwork and monitoring, technologies change, and there is no nexus between height and building techniques. Do not use size or affordability of units for a height bonus. Affordability is a community-wide problem and the cost of addressing it should be spread throughout the community, not paid solely by those wishing to construct new buildings. The added cost of such units will effectively raise the cost of other units in the project, which is counter-productive. R4 ZONE Keep it simple. Either allow 50' height or don't. No bonus program. Linking the extra height to specific added requirements will effectively raise the cost of all units in the project, which is counter-productive.	The Planning Commission has recommended removing affordable housing as a height bonus option in the MMU zone and retaining it in the R4 zone, where a temporary pilot program is underway. Multiple options for height bonus options have been proposed for the MMU zone.
50	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 4 Cottage Housing Generally agree with draft provisions. Why not allow the 200 sf of private open space in a side yard? Sometimes that is the best location for sun or access from inside the home. Require a minimum 12' dimension so it is a useable area (small table & chairs or garden). Cottages in R1 could be OK if combined with the density bonus rules, because open space would be preserved. 3 cottages OK. 4/12 roof pitch OK. Allow 2-story cottages and duplexes for up to 50% of the units, to provide a variety of housing options and a more interesting development. Allow averaging of sizes (some smaller, some larger), to provide a variety of housing options and a more interesting development. Using 3/4 unit for larger houses might just encourage larger houses, which sort of defeats the purpose of cottage housing.	The draft has been updated to allow private open space in side yards. The Planning Commission has recommended prohibiting cottage housing the R1 zone and not implementing a varying density bonuses for different sized cottages because it adds complexity to the regulations. However, attached (duplex) cottages are now permitted in the R3, R3A, and R4 zones.
51	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 5 Specialized Medical Offices Do allow small-scale medical practitioner offices in C, CBD and MMU zones, as they are a type of non-residential use similar in impacts to other personal care uses such as a beauty salon. Do establish a maximum size for such offices so they don't take over significant portions of limited retail space. Consider restricting them to locations not fronting on Commercial Ave. to preserve commercial character of CBD (pedestrian oriented) and C (auto-oriented) zones. Larger clinics should be restricted to the medical overlay area. Do not allow medical offices or clinics in any residential zones. They are commercial uses, out of character with the residential intent of the zones. These uses can afford to pay more for land, and out-bid residential developers, increasing land prices. Using up land for clinics will reduce the amount of housing that can be built, which is the primary purpose of the zones. Existing clinics will become non-conforming uses, which can be maintained but not expanded.	The draft has been updated to allow small scale (under 10,000sf) medical offices by right in these zones and conditionally up to 20,000sf. The Planning Commission opted to retain the current use provisions for designated Storefront block frontages (non-residential uses specified in Table 19.41.050 are required except for lobbies associated with residential or hotel/motel uses on upper floors).
52	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 6 Accessory Dwelling Units Allow new construction to include an ADU, as long as it meets standards. By integrating the ADU into the design of the new home (in basement, attic, above garage, etc.) it can add to the housing stock and help the owner be able to pay for the new home. Do not require owner-occupancy. This is really difficult to enforce. What about the person who buys a house with an ADU, then gets transferred out of town but wants to rent both units so he/she can come back when they retire? Or a snowbird who wants to rent both units part of the year but live here part of the year? Or someone has to move, and tries to sell, but the market is bad and they have to rent it to make the mortgage payments? Is it really so bad to have an investor own and rent out both units? It increases the total amount of available rentals. There are likely to be only a few in any neighborhood, so it will probably not create a problem.	The Planning Commission has recommended removing the owner occupancy requirement.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
53	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 7 Residential Uses in Central Waterfront MMU zone Most of the land in Anacortes outside the Forestlands is already zoned for residential uses. There is very limited land zoned for commercial and industrial types of uses. We should not convert that limited non-residential land to a de-facto residential zone by allowing residential uses to occupy substantial parts of a site. If we had excessive non-residential land, it might make sense to allow more housing in the MMU zone, but we don't. Beginning over 20 years ago, MJB has periodically proposed to develop large portions of their property for residential uses, and each time the citizens and City Council have reaffirmed that this land should be retained for non-residential purposes to provide jobs and public facilities. Creation of the MMU zone is already a compromise, allowing some limited residential uses to complement the other uses on the site and add vibrancy to the area. However, the intent has always been that the non-residential uses would predominate. While the shore of Fidalgo Bay would be a lovely place to live, and building a residential development would probably be more profitable for the developers, that is not sufficient justification to allow unlimited residential development here as requested by MJB. As written, townhouses would be allowed on up to 1/3 of the site, and multifamily buildings on 1/3 of the site = 2/3 could be residential. This must be rewritten to clarify that whatever portion of the site is allowed for single-purpose residential, that applies to the total of all such residential uses. Eliminate townhouses. Townhouses are a low-density use and seem contrary to the mixed-use urban quality envisioned for this area. They wouldn't make use of the opportunity for taller buildings which could provide more housing units as well as views for the residents. Allowing single-purpose residential buildings on 1/3 of a site is already too generous. Once parking, landscaping, access roads, etc. are subtracted, there is not much left for the primary purposes of the zone, which are "mix of commercial, cultural, recreational, and residential uses in a high amenity area along the waterfront or with a waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian friendly character." Suggest a maximum of 20% of the site be allowed for single-purposed residential buildings. Because any building on the site can have residential uses on the upper floors, that could potentially supply many units above the non-residential uses without devoting substantial land to single-purpose residential buildings.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
54	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 8 Bonus Height in CM, CM2, LM, and I Zones The heights allowed in C and R4 will already block views from many upland homes, so having taller buildings in CM2 and I zones will have little view impact. Delete the view corridor concept. The east-west "view corridors" sound good, but in reality are of little value if only 30' wide. You have to be aligned directly with the space to see between the buildings, which would rarely be the case from inland buildings. The "public" view is primarily from a moving vehicle on Q/R Ave, which is a truck route, or from T Ave, which is in the Industrial zone. Views will still be possible where there are larger open areas, such as street rights-of-way or parking areas. Many inland areas are either too flat to see over even a short building, have diagonal views which would not benefit from view corridors, or are high enough on the hills to see over a 50' building. Can a simple topo analysis determine what the actual impact of a 50' limit would be? Increase the allowable height to 50' in the Industrial zone to accommodate more types of industry. That's what the zone is for. Consider a provision similar to that in the LM zone, which allows increases above 50' in limited areas for specific industrial equipment needs. Prefer getting away from bonuses altogether. Just set a limit that is predictable for everyone.	The Planning Commission has recommended increasing the base height limit to 50 feet in the CM2 and I zones without the requirement to meet specific building orientation standards.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
55	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Form and Intensity Standards, July 25 Planning Commission staff report attachments	ATTACHMENT 9 Minimum Landscaped Area A landscaping minimum is desirable, but it is NOT "a more effective alternative to lot coverage". Just relying on landscaping minimums (without a lot coverage limit) as proposed could result in 50% lot coverage in R1 (currently 35%), 55% in R2 (currently 35%), 65% in R3 (currently 50%), 75% in R4 (currently 50%). These are MUCH HIGHER than current practice and would be considered unacceptable in most existing neighborhoods. The landscaping illustrations imply that all of the (green) space not occupied by buildings is landscaped. That does not acknowledge that many people will have decks, patios, extra parking areas, etc. Discouraging surface parking in the front yard and encouraging landscaping can create a more attractive neighborhood and increase on-street parking spaces by reducing curb cuts. But why discourage surface parking in a side or back yard, especially off an alley? Garages cost money (thus reducing affordability), reduce the enclosed ground floor area available for living space, and increase lot coverage by structures. Surface parking can double as a play area or patio when cars are not present. Garages are often used for storage and cars still park outside. There are pros and cons to consider.	The Planning Commission has recommended retaining the existing minimum landscaped area standard and the maximum lot coverage standard.
56	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Lot Coverage Standard	Current lot coverage percentages vary by zone, with more coverage allowed in higher-density zones. This may work for the minimum size lots in the zone, but when building on a larger lot, it permits very large single family homes in the R3 and R4 zones - which is the exact opposite of the goal of increasing the density. Why should owners of a 7,500 sf lot in the R3 zone be allowed to build a larger house than someone with the same size lot in R2? It's still a single house, so it's not increasing the density. Can we establish standards that allow for appropriate development on the minimum-size lots, while keeping structures on larger lots from overwhelming their neighborhoods? Here are some approaches that could help: RELATE LOT COVERAGE TO LOT SIZE, NOT TO THE ZONE Vary the maximum lot coverage based on the size of the lot, rather than the zone in which it is located. Thus, all lots of a certain size could accommodate the same size house, regardless of what zone they are in.	The Planning Commission has recommended retaining the existing lot coverage standards.
57	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Lot Coverage Standard	REGULATE BOTH LOT COVERAGE MAX AND LANDSCAPING MIN These are two different things and achieve different goals. Lot coverage limits, combined with setback and height restrictions, control the bulk of the building and its location on the lot. Landscaping minimums do not relate to the structures. The landscaping minimums proposed in Attachment 9, are not "a more effective alternative to lot coverage ... standards". They would allow significantly more of the lot to be covered with buildings than has ever been the case in Anacortes.	The Planning Commission has recommended retaining the existing minimum landscaped area standard and the maximum lot coverage standard.
58	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Setbacks	RELATE SIDE SETBACKS TO HEIGHT AND WIDTH OF STRUCTURE Current rules allow a house to be 5 ft. from the neighbor, regardless of its height or bulk. Increasing side setbacks for taller and wider houses gives them a better sense of proportion on their own site and gives the neighbors more light and air.	See response to comment #24.
59	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Height Limits	LIMIT HEIGHT ON NARROW LOTS To avoid tall, skinny houses out of character with established neighborhoods, reduce the maximum height allowed on lots 40 ft. wide or less.	Comment acknowledged. Lots 40 feet wide or less are most likely to be located in higher-density zones with multifamily development and less prevalence of single-family homes.
60	7/23/2018	PDF	Cynthia Richardson	Chapter 19.42, Multifamily Form and Intensity	REGULATE MULTIFAMILY STRUCTURES BY BULK, NOT BY NUMBER OF UNITS Control the size of a building with setbacks, lot coverage, landscaping, and height requirements. Then, within that envelope, allow the builder to determine how to subdivide into units. From a neighborhood perspective, the size of the building would be the same, regardless of the internal arrangement. For example, in the same size 3-story building you could have one 1,500 sf unit on each floor, two 750 sf units on each floor, or three 500 sf units on each floor - or a combination of sizes. This would allow the builder to respond to market demands. Perhaps in one neighborhood smaller, more affordable units would be a good fit, while on the same size lot in another neighborhood with a view, larger upscale units would be a viable choice.	Comment acknowledged. The current code achieves this; height, lot coverage, setbacks, etc. apply to the zone and generally do not differentiate between multifamily buildings with different amounts of units.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
61	7/23/2018	PDF	Cynthia Richardson	19.42.170, Old Town supplemental form and intensity standards	ELIMINATE OLD TOWN LOT COVERAGE LOOPHOLE Current language is: "If a structure covers more than three thousand square feet of land, or if two or more structures on a lot cover more than four thousand square feet of land, the following additional requirements shall apply:" This was intended to encourage breaking down a large structure into smaller ones, such as a detached garage or ADU. But it does not specify the minimum size for a structure. As worded, it would allow a 3,900 sf structure plus a 100 sf shed to get around the added requirements.	Comment acknowledged.
62	7/26/2018	Email	Rita Harbaugh	19.42, Form and Intensity, CBD Height Limit	I read the article in Anacortes American about raising the height limit for downtown buildings. I would be sad to see our city changing it's height codes. I feel that the lower buildings give the town it's feeling of being old and small. Part of the charm of Anacortes is it's feeling of being such a small and friendly city. Unfortunately, it is drawing a lot of people our way and this charm will vanish if we continue to build in any way without really thinking of our future. Do we have to keep accepting more people until it can't hold anymore? Do we have to cut so many trees down and the poor wildlife have nowhere to roam or go. There are many cities that have more land than we do and can accommodate more people. I hear complaints everywhere about how crowded it feels already and that they are so relieved when the tourist go home. We don't want to loose our town. It should not always be about money and getting more money by adding and adding more to what is here. I shop locally and I am proud of all our businesses. I am proud of our hospital and schools and police. But it is just fact, the more people the more you don't know your neighbor and the more the hospital, schools and police can't do their jobs because they are overworked. I just think it is wise to stop what could get out of control eventually. Crowds change city streets with more accidents and adds annoyed citizens with the stress that a bigger city brings. We are an island and I want our city planners to help the people living here already by keeping Anacortes as small as possible. Thank you for letting me tell my story. I do care about people but I also want to keep our city special as a place people want to visit and tell other people how charming it is. I want our city to draw people here to shop at our businesses. Like all the festivals draw many people. But they don't live here. I love all our festivals and support them whenever possible. The farmers market is also much appreciated. I attend regularly and know many of the vendors. However, I don't want to hear, "remember when Anacortes was so charming and now it is just like any other town getting too big, or remember when you could find a parking spot to shop or not wait in line for long at a restaurant, wow, did you see all those trees cut, and so on....."	The increased height limit was recommended by the Comprehensive Plan to enhance the amount and type of households who can live in the downtown area near commercial services, as taller buildings can house a greater variety of housing units. New design standards focused on facade articulation, materials, windows, etc. will ensure that new buildings are well-integrated into the existing fabric of downtown Anacortes.
63	7/26/2018	PDF letter	Ian Munce	19.42, Form and Intensity, R I zone density	Oppose proposals for density bonuses and cottage housing in the R I zone. Credits for already-protected wetlands do not meet the Comprehensive Plan requirement that "densities up to four units per gross acre may be permitted via a special review process", the low density intent, and intent as a transitional zone to surrounding forest and agricultural land. Proposal would allow up to eight units per acre, up from the current maximum of two. Skeptical of counting both a 800 square foot cottage and 1200 square foot cottage as half a dwelling. Concern that cottages would not be a conditional use and not require neighbor notification.	Planning Commission has recommended prohibiting cottages in the R I zone.
64	7/26/2018	PDF letter	Ian Munce	19.40.030.A	Retain 2(a) "Allowing single family dwellings on large lots as the predominant use". This facilitates wild life movements and avoids increased impervious surfaces, walls, and fences that could form wild life barriers.	These #2 statements under each zone name were intended to be informative to the concept for each zoning district, but based on comments received, they appear to cause more confusion than help – thus they are being removed.
65	7/26/2018	PDF letter	Ian Munce	19.42.050, R I bonus incentives	No reason to give a density bonus for wetlands that already have protections. Suggestion to tie a bonus to housing configurations that facilitate habitat corridor function.	19.42.050(C)(1)(b) states "Designated critical areas and associated buffers do not count for the purpose of calculating allowable density on a site."
66	7/26/2018	PDF letter	Ian Munce	19.43.010(D), Cottage housing	A twofold or fourfold increase in R I zone density is not compatible with the stated purposes of cottage housing, including (a) infill compatible with existing neighborhoods, (e) enhance character of the neighborhood, and (f) useable open space for wildlife.	The Planning Commission has recommended not allowing cottage housing in the R I zone.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
67	7/26/2018	PDF letter	Strandberg	19.42.120, Floor area ratio calculation	Proposed FAR is complicated and focusing, and believe it will create additional problems with developers, designers, and homeowners. Please keep lot coverage at current 35%.	The Planning Commission has recommended removing the FAR standard from the draft code.
68	7/26/2018	PDF letter	Strandberg	19.42.130, Building height calculations	Current code's height measurement and 35 feet height limits work. Majority of lots benefit from current guidelines. Reducing heights and changing calculation method opens door to complicated issues and manipulation of the code.	The Planning Commission has recommended retaining the existing method for measuring height.
69	7/26/2018	PDF letter	Strandberg	19.42.130, Building height calculations	Why reduce height limits in R4A? Anacortes has only two small zones of this with limited potential for growth. R4A should receive same exception rules as R4 regarding elevators, stairwalls, firewalls, parapets, etc.	R4A height limit is not proposed to change from current 35 feet. AMC 19.42.130.C.2 has been updated to clarify the fire/parpet wall exception applies to R4A as well.
70	7/26/2018	PDF letter	Strandberg	19.42.100, Minimum lot width circle	Minimum lot width circles will adversely impact future plat design negatively and have unforeseen issues. How are excluded lots handled?	The minimum lot width circle concept has successfully been applied in other communities. Note that certain developments (such as cottage and townhouses) that utilize the unit lot subdivision option [AMC 19.32.050(D)], the individual units/lots would be exempt from this provision (only the parent parcel need apply). The standard also only applies to new lots, not existing platted lots.
71	7/26/2018	PDF letter	Strandberg	19.42.020, Form and intensity standards for residential zones	Current code allows 20 feet garage setbacks for R2 and R2A. This should continue to be allowed, as the 25' setback would impact rear yard availability. Majority of homeowners useable rear yard over useable front yard.	The 25' garage setback proposal is not intended to change front yard useability, as the setback will effectively create longer paved driveways. Rather, the purpose is to de-emphasize large garage doors as the defining feature of homes and promote the front entry as the primary part of the house that interacts with the street.
72	7/26/2018	PDF letter	Strandberg	19.43.010(D), Cottage housing	We are encouraged by the proposed design standards. Please consider revising the minimum cluster size to 3, as this will increase flexibility on the Anacortes lots where cottages may be developed.	The Planning Commission has recommended reducing the minimum cluster size to 3 cottages.
73	7/26/2018	PDF letter	Strandberg	19.43.010(D), Cottage housing	We agree that the focal entry should be centered on the common open space, and would like to also include a main entry for units served by a garage and unit driveway allowing a main entry from the driveway/garage for homeowners and guest.	Comment acknowledged.
74	7/26/2018	PPF letter	Cynthia Richardson	19.40, Zones	The currently proposed 2nd draft loses an important function of the zoning code, which is to clarify what the general character of the zone is, not just the individual uses within the zone. It reduces the purpose statement in each zone to a single brief paragraph, deletes descriptive details of the purpose, and relies on use definitions to describe what happens in each zone. The purposes for each zone are described briefly in the Comprehensive Plan. The zoning code is where those purposes should be expanded upon and developed in more detail to clarify the expected characteristics of the zone for property owners and the public. However, instead of further defining each zone, the 2nd draft actually takes a step backwards, providing less clarity.	These #2 statements under each zone name were intended to be informative to the concept for each zoning district, but based on comments received, they appear to cause more confusion than help – thus they are being removed. General description of the uses by zone creates duplication and potential inconsistencies with the specific permissions of the use tables. Many of the zone descriptions also moved into design standard territory, presenting potential conflicts with the codified standards in Division 6.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
75	7/26/2018	PPF letter	Cynthia Richardson	Division 4, MMU zone residential proportion	At the July 25, 2018 Planning Commission meeting MJB has said that some requirements of the existing code are too restrictive, discouraging development. Specifically, they prefer no limit to the amount of housing on the entire site. A statement was made to the effect that we should give MJB whatever changes they say they need to encourage them to build out this zone. THAT IS WRONG THINKING. We would not allow a fourplex in the R I zone just because the property owner couldn't make enough money by building a single family home. What is good for the developer's profit margin or the owner's goals for their property may or may not be what is good for the needs of Anacortes over the next 20 years. This zone was changed from Industrial to the CMI mixed-use zone to allow a mixture of commercial and residential, but the intent has always been that the primary focus would still be on uses that provide jobs. One way to achieve more affordability in housing is to provide for jobs with good wages. To the extent that non-residential uses are displaced by housing, there will be fewer good jobs. The housing analyses done during the Comp Plan update showed that Anacortes's housing needs for the next 20 years can be met by implementing the new standards for residential zones and adding housing opportunities in C and CBD. Increasing the amount of housing in the MMU zone is not needed to meet the Anacortes housing goals. What is a reasonable balance of residential/non-residential uses in the MMU zone that will retain the primary non-residential focus? To assure a reasonable mix that keeps non-residential uses as the PRIMARY focus of this zone, residential uses should be limited to 30% or less of the development (yes, any % that is chosen is arbitrary, but to meet the intent of a primary use, it must be substantially more than the secondary use, not just a little bit more). Calculations should be based on percentage of developed floor area for residential vs. non-residential uses, not site area. Otherwise, there could be, for example, all 4-story buildings with 3 stories of residential above commercial = 75% residential. Or even 90% residential, with token commercial spaces here and there. Whether or not the residential is mixed with other uses in the same building should be up to the developer, as long as residential remains a secondary amount of the built floor area. The non-residential space could be developed independent of the residential space. This will provide flexibility, reduce potential use conflicts, and address the developer's concern about un-rentable ground floor space. Structured parking could be exempted from the percentage calculation so it's actually measuring the residential/nonresidential balance. These suggestions do not meet MJB's request for unlimited residential uses in this zone. But they do respond to the Comp Plan's mandate to keep non-residential, job-	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
76	7/30/2018	PDF letter	Thomas L Allen	19.43, Residential uses	The proposed new definitions for duplexes and triplexes state "units must be attached as a single building". This means that one sites zoned for 2, 3, and 4 dwelling units, the units will be forced to be attached. It is unclear why providing two duplex dwellings on a 4 dwelling unit site is bad, or a duplex and a single-family residence on a 3-dwelling unit site. [See comment for written and photo description of commenter's development near 37th Street and D Avenue, and in another case, a duplex that had an addition to become a triplex on H Avenue.] Detached housing can achieve more interesting facades, more interesting site designs, more privacy, additional window walls and daylight, and increased landscaping.	Clarifications added to 19.43.010.E and .F that multiple duplexes and triplexes may be built on a single lot provided the minimum lot size per dwelling unit is met.

DIVISION 4 - Zoning & Land Use						
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77	7/30/2018	Email	Ian Munce	19.42.050, R1 bonus incentives	Thank you and your team (and Planning Commission) for your careful consideration of neighborhood comments regarding the R1 zone. We look forward to working with you on the open space bonus issues, criteria, and process. Neighborhood conversations are now focused on how infill development can occur at the current density of two units an acre (after subtracting wetlands and wetland buffers), or lower. After looking at the proposed development code I see a definition for a "private street", but have failed to find references as to how this designation could be used in the platting process in the R1 zone, particularly in the short plat process. If you could steer me to the right section(s) that would be much appreciated. I am interested in seeing if these sections recognize the unique role that private streets could play in the R1 zone relative the the low intensity purpose of the R1 zone. Given the current character and purpose of the R1 zone I am concerned that full City street requirements will either lead to no infill development or more and more pressure to increase densities and undertake wetland mitigations.	Planning staff have been working with the Public Works and Fire Departments to update the proposed street standards to reduce impervious surfaces, provide more flexibility based on site context, and to enhance options for infill development. Proposed access requirements for new residential development are outlined in Division 5 and Table 19.53.040(B) provides access requirements based on the number of units/lots being served. Under the current proposal, up to 6 units/lots could be served by a shared (private) driveway with an access easement. There is also a "Lane" standard being proposed, which is a public road providing access for up to 9 lots. The low volume local road standard (10+ units/lots) is also proposed to be reduced in ROW width and pavement width from current requirements.
78	8/7/2018	PDF letter	Nels Strandberg	19.42.020, Form and intensity standards for residential zones	Current R4A height restriction is 35 feet regardless of roof design - why change to 30 feet while R4 is remaining at 40 feet? R4A is intended for higher density by definition and flat roofs are the norm for these types of building. Suggest the height standards stay the same as it has always been (35 feet regardless of roof pitch), and even better would be 40 feet to match R4.	The Planning Commission has recommended retaining the existing method for measuring height and 35 feet for most residential zones. The two R4A areas are proposed to remain lower height to maintain compatibility with existing surrounding development.
79	8/7/2018	PDF letter	Nels Strandberg	19.42.130.C, Height limit exceptions	The proposed height limit exemptions only apply to mixed-use and non-residential zones. Also unclear why there is an allowance for parapet walls up to 5 feet in R4 but not R4A.	AMC 19.42.130.C.2 has been updated to clarify the fire/parpet wall exception applies to R4A as well.
80	8/7/2018	PDF letter	Nels Strandberg	19.42.020, Form and intensity standards for residential zones	In R4 the density maximum has been removed while R4A has not changed and remains 18 units per gross acre. Why not also remove the limit in R4A? The intent of the code update is to increase housing supply and I would build more units if this was changed.	The two R4A areas are proposed to remain lower density and lower height to maintain compatibility with existing surrounding development, which is primarily single family. Also, these areas are farther from frequent transit and some services/amenities.
81	8/7/2018	PDF letter	Nels Strandberg	19.42.020, Form and intensity standards for residential zones	Suggest the 20' setback for garages be eliminated in the R4 and R4A zones. What if you are building a parking garage? Does not appear make sense and is not well thought out given design variability available in these zones. For example, imagine if parking garages in downtown Seattle had to be set back 20 feet.	An update has been made to clarify that the street setback for garages applies only the front doors of individual garages and not underground or aboveground parking structures. (AMC 19.42.140.B.3)
82	8/7/2018	PDF letter	Nels Strandberg	19.42.060, Bonus incentives in the R4, C, CBD, and MMU zones	The R4A should be be applicable to the affordable housing and bonus height program.	The remaining R4A zones located near Skyline and the City shop are removed from commercial/employment and transportation opportunities of the Commercial and CBD zones, and given their surrounding land uses and context may not be appropriate for increased height.
83	8/8/2018	PDF letter	Barbara Jackson	Comprehensive Plan Table LU-I	"Densities up to 4 units per gross acre may be permitted via a special review process." Agree with this because it allows me, as a property owner, to have the flexibility when combined with the cottage housing. Clustering small houses allows for a maximized open space option. That is appropriate in the R1 zone.	The Planning Commission has recommended prohibiting cottage housing the R1 zone and making the R1 zone density bonus a Type 4 review (City Council decision).
84	8/8/2018	PDF letter	Barbara Jackson	19.43.010.D.3.e.i, Cottage housing height	Cottage Housing – maximum height of 25 feet proposed instead of 30 as in all other zones. Let the designer/architect determine how best to create the cottage. The cottage housing attachment 4 (7/25/18 – p.35) shows a reasonable example. The combination of these two considerations addresses the need for affordable housing. And as we know, not everyone wishes to live in a 2500 sf house.	The Planning Commission has recommended retaining the roof pitch provision and special height provision in order to not allow a full second floor and control the overall size and bulk of cottages.
85	8/8/2018	PDF letter	Barbara Jackson	19.43.010.D.3.b, Cottage housing density bonus	Cottage consideration 4h – preserve the option of cottage size variation – it could be administered as a simple math consideration – perhaps with cottage sizes not to exceed 1500 sf with the intention of maximum open space - as the property owner, I'd love to have options and flexibility to work out something suitable and in character to the neighborhood – within the confines of cottage housing	The Planning Commission has recommended not implementing a varying density bonuses for different sized cottages because it adds complexity to the regulations. However, attached (duplex) cottages are being considered in the R2 and R3 zones.

DIVISION 4 - Zoning & Land Use						
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86	8/8/2018	PDF letter	Barbara Jackson	19.43.010.D, Cottage housing standards	Would it be simpler to not to try and overregulate cottage housing – regardless of zoning? The intent and considerations are fairly consistent – smaller houses with open space – consistency is reasonable	Comment acknowledged. Cottages are a unique type of development that adds another type of housing in existing single-family residential neighborhoods, prompting special design treatments to ensure compatibility and livability.
87	8/8/2018	PDF letter	Barbara Jackson	19.42.020, Landscaped area standard	Minimum landscaped area – maintain at 20%. When the landscaping is prescribed, we run the very real risk of changing the character of the site – particularly when considering cottage housing in R1. Wild spaces do not always need to be tamed at the proposed amount of 50%. <i>Again, let the proposal come forth and see what is appropriate.</i>	The Planning Commission has recommended retaining the current landscaping percentage minimum of 20% in the R1 zone.
88	8/8/2018	PDF letter	Brian Gentry	19.43.010.D.3.j, Cottage housing private open space	Maintain the ability to use all or part of the side yard as private open space. Depending on the cottage development layout and other factors (sun orientation), the area can be more private and still usable	The draft has been updated to allow private open space in side yards for cottage developments.
89	8/8/2018	PDF letter	Brian Gentry	19.43.010.D.3.c, Cottage housing cluster size	Support reducing the minimum cluster size to three cottages as this will allow for cottage development on smaller sites, thereby increasing overall housing options in the City.	This change has been recommended by the Planning Commission and updated in the draft code
90	8/8/2018	PDF letter	Brian Gentry	19.43.010.D.3.e.i, Cottage housing roof pitch	Support eliminating the minimum roof pitch. This will provide for more flexibility in roof design (e.g. shed roofs)	The Planning Commission has recommended retaining the roof pitch provision in order to not allow a full second floor and control the overall size and bulk of cottages.
91	8/8/2018	PDF letter	Brian Gentry	19.43.010.D.3.f, Cottage housing size	Support excluding loft areas from the cottage gross square [sic] and confirm and clarify that covered porches and garages (attached or detached) are not considered part of the gross floor area. This will provide for varied design, while still providing for a home that has adequate usable space.	The draft code has been updated to clarify a maximum cottage size of 1,200 square feet gross floor area, not including attached garages. The floor area definition in chapter 19.12 excludes porches, and lofts may be partially counted depending on the ceiling height.
92	8/8/2018	PDF letter	Brian Gentry	19.43.010.D.3.k.iv, Cottage housing parking	Allow but do not require parking clusters. Allow parking to be adjacent to the cottage in a detached garage or attached garage. [Concept plan showing an example is provided in original comment document]	Parking is encouraged to located under cover, in which case clusters are not required. Uncovered parking must be clustered. Parking is allowed to be in garages.
93	8/8/2018	PDF letter	Brian Gentry	19.42.020, Lot coverage standard	Support retaining the current maximum lot coverage percentages in residential zones, and the addition of the R3A 50% standard (same for R3). We are unaware of any concerns with this methodology. Additionally, our staff has developed standardized permit application materials that conform to this requirement, thereby streamlining the review permit process.	The Planning Commission has recommended retaining the current lot coverage percentage minimums.
94	8/8/2018	PDF letter	Brian Gentry	19.42.020, Landscaped area standard	Support retaining the current minimum landscaping percentages for residential zones and clarify that lawn areas and xeriscape landscape areas apply to the overall percentage. We are unaware of any concerns with the amount of landscaping that is being provided in residential zones. The Planning Commission packet Attachment 9 shows that more than the minimum can be provided. The proposed percentage appears arbitrary and in some cases doubled. This higher percentage does not seem to recognize that there may be other areas on the lot that will likely not be landscaped (e.g. parking off alleys, patio and deck areas in backyards, water features, greenhouses in back yards). It is also not clear how the provision would apply to existing homes and yards. For example, some of the residents in 48 North are converting lawns to xeriscape, is the intent to require review of these changes and would the higher percentage apply? If the concern is related to front yards perhaps the percentage should only apply to that area.	The Planning Commission has recommended retaining the current landscaping percentage minimums. The definition of landscaped in 19.65.030 has been updated to consider lawns and xeriscape.
95	8/8/2018	PDF letter	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	The basis for the 1/3 single-purpose residential development limitation is factually incorrect. There is no stated limit in the Comprehensive Plan, provided they are incorporated into developments that include a horizontal mix of uses. [The writer attached a summary of a central waterfront mapping workshop conducted during the 2016 Comprehensive Plan update.] Housing received more "votes" than any other single use, and the amount of land dedicated to housing was greater than any other single use category. Clearly there is a disconnect between the staff report, the language of the Comprehensive Plan, and the results of the public workshop.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.

DIVISION 4 - Zoning & Land Use						
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96	8/8/2018	PDF letter	Jimmy Blais	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	The draft code echoes regulations that have prohibited development in the past. The current code requires multifamily units to be built above the ground level. This provision does not work. The site is more than 25 acres, comparable to downtown Anacortes. Requiring commercial on the ground floor of all or most residential buildings would match commercial space of downtown. There is not enough commercial demand to fill all of this space. Even if there was demand, users such as hotels and speciality retailers (Trader Joes) prefer to locate in standalone buildings. The MMU zone was not created with the intent of becoming Anacortes' second CBD. Promoting vertical mixed use buildings or a higher percentage of small commercial spaces will directly pull commercial tenants away from the CBD. Please do not implement the same type of regulations that have historically prevented development; allow for a horizontal mix of uses.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
97	8/8/2018	PDF letter	Jimmy Blais	Table 19.42.130.D, MMU zone height, width, and orientation standards	Orientation is an issue on MJB's northern property. The current code only allows heights above 20 feet if the long dimension of the building is oriented perpendicular to lettered streets. The purpose was to create view corridors, but in reality it would create barrack style development that is not marine oriented. The proposed code is similarly limiting and will not allow buildings to be oriented to the water and limits economies of scale of larger buildings. View corridors and facade details can mitigate larger widths. Applying for departures for every building that exceeds maximum width is overly burdensome. Request removing the maximum width provisions from the design regulations	Recommended to maintain a provision regarding orientation to maintain east-west pedestrian access and marine views. Draft code says: "Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width when oriented in the north-south direction. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width when oriented in the north-south direction." A departure opportunity is also provided.
98	8/8/2018	PDF letter	Jimmy Blais	19.42.060, Bonus incentives in the R4, C, CBD, and MMU zones	Policy LU-8.4.E in the Comprehensive Plan says the MMU zone should allow four-story buildings with the ability to go six stories via incentives. Note this limits building height in terms of stories, not feet. The distance between stories can vary greatly depending on the type of use.	Item F in the Comprehensive Plan future land use map specifies a maximum height of 65 feet.
99	8/8/2018	PDF letter	Jimmy Blais	19.42.060, Bonus incentives in the R4, C, CBD, and MMU zones	Supportive of the Planning Commission decision to remove affordable housing as the sole path to achieve greater heights, returning to Comprehensive Plan suggestion for multiple methods. Pedestrian-oriented space should not be an option because it would only be directly adjacent to the building, public parks anywhere on the development site should be allowed to count as well. Upper level building setbacks are a good idea but should only apply to the frontage above the base height limit. Stormwater management features, landscaping elements, and public art are all great ideas but should be allowed on either a building or a site-wide level. For example public art on a waterfront esplanade. Expand the list to include streetscape amenities, pedestrian furniture, alternative transportation options, outdoor event spaces, playgrounds, historical features, and outdoor fitness facilities.	Comment acknowledged.
100	8/8/2018	PDF letter	Jimmy Blais	Table 19.42.130.D, MMU zone height, width, and orientation standards	The building spacing provisions will have unintended consequences or be cost prohibitive. Horizontal mixed use developments generally have a mix of building heights and taller buildings are often clustered together, which may reduce "view vistas" in one portion but creates the opportunity for better views on the remainder of the development where lower buildings are located. Separation requirements could create more of a view wall as taller buildings are spread throughout the project to achieve the same density.	Recommended to maintain a provision regarding orientation to maintain east-west pedestrian access and marine views. Draft code says: "Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width when oriented in the north-south direction. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width when oriented in the north-south direction." A departure opportunity is also provided.
101	8/8/2018	PDF letter	Jimmy Blais	19.41.050, Principal uses permitted in mixed-use and industrial zones	Supportive of Planning Commission willingness to allow Medical Office as a permitted use in the MMU zone. The building footprints for this type of use vary widely. [Table of examples and photo provided by the writer showing a 40,000 SF medical office building in Redmond]. Greater size limits should be allowed for medical office buildings that cluster in one building/complex.	Provisions for medical uses in the MMU, C, and CBD zone have been added and vary based on size.

DIVISION 4 - Zoning & Land Use						
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102	8/15/2018	PDF letter	Cynthia Richardson	General comment on MMU zone	During the discussion of the MMU zone at the August 8th Planning Commission meeting, commissioner Cleland-McGrath observed that this zone, unlike others, presents a "blank slate" (because it is currently vacant land). That hits the nail on the head. This absence of existing development to provide a context for new development in the zone is exactly the reason that it is important to include a clear, detailed description of the expectations for development of this zone - so that both the developer and the citizens will understand what is intended. The wording in the Comprehensive Plan was developed through an intensive public process, and establishes these criteria for development of the blank slate in the MMU zone: Purpose: This designation provides for a special mix of commercial, cultural, recreational, and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian-friendly character. Principal uses & density: The primary uses are commercial, hospitality, cultural, and recreational uses. Residential uses are encouraged in mixed-use structures and allowed in single purpose structures provided developments include a horizontal mix of uses. Multi-story buildings are encouraged provided they are designed and oriented to provide public marine views and integrate human-scaled design details. New residential uses must feature transit-supportive densities (at least 15 units/acre). There are several key phrases above that must be addressed by the zoning regulations: 1. a special mix of commercial, cultural, recreational, and residential uses 2. primary uses are commercial, hospitality, cultural, and recreational uses 3. Residential uses ... provided developments include a horizontal mix of uses. Number 1 requires a mix of uses. This means that the zone should include both residential and non-residential uses. Number 2 indicates that non-residential uses must be the primary uses. This means that residential uses must not be the primary uses. Number 3 requires a horizontal mix of uses in order to include residential. This means that the uses should be distributed around the site, not just mixed vertically. It does not require them to be any particular place on the site.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
103	8/15/2018	PDF letter	Cynthia Richardson	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones, Residential category	The only way to determine which uses are primary is by adding up the building gross floor area devoted to residential vs. non-residential uses. Using site area as a measurement is inappropriate, because it does not take into account the number of stories of each use on the site or what uses are in the building. For example, a 4-story office building would count the same as a 1-story office building, even though the taller building contributes more non-residential space to the mix of uses. Or an office building with one apartment would count the same as an apartment building with a coffee shop - both would be considered a mixed use, although they contribute very differently to the actual mix of uses in the zone.	The definition of "principal use" in Chapter 19.12 is "the use for which the majority of a lot, structure, or building, is designed or actually employed."
104	8/15/2018	PDF letter	Cynthia Richardson	19.43.010.H.3.a and .b	Delete these two lines [Note: related to MMU residential standards]	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.
105	8/15/2018	PDF letter	Cynthia Richardson	19.43.010.H.3	Add a new provision: "MMU zone standards: Multifamily dwellings are allowed in mixed-use buildings and single purpose residential buildings, provided that the gross square footage of residential uses does not exceed one-half of the gross square footage of all uses in the zone (structured parking is excluded from the calculation)." This change will remove the first floor restriction that MJB finds problematic and allow the property owners to distribute any of the uses anywhere on the site vertically or horizontally, as they find best suits their vision for development of the site - provided that the total building square footage devoted to the primary non-residential uses occupies at least half of the building area. This seems like the most simple and straight-forward way to honor both the intent of the Comprehensive Plan and the property owners' desire for flexibility in how they develop their property.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.

DIVISION 4 - Zoning & Land Use						
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106	9/5/2018	PDF letter	Cynthia Richardson	19.40.050, Industrial zones established	The various zones are grouped into Residential, Mixed-use, and Industrial in the code, in both the text and the use tables. Using the word "Industrial" in this context (referring to a group of various uses) is confusing because it is also the title of a specific zone. A different word should be used when not referring specifically to the Industrial (I) zone. In some places, the term "manufacturing" may be appropriate. In other places, "non-residential" may be a better descriptor - especially in the title of the groups of zones. Many of the uses listed are really not industrial or manufacturing, but they are definitely non-residential, so that is a more appropriate term. (See my comments from draft 1.)	Recommended no change.
107	9/5/2018	PDF email	Arlene French	19.47.030.C.3	It is my opinion that Non-Owner ADU's should not be allowed. The whole idea for an ADU is to create an Accessory Dwelling Unit. The owner must be living in the primary or accessory unit or it is no longer an ADU, it becomes a duplex with an absentee landlord. As for enforcement, I thought that an annual acclamation of residence is required, so that if there is a complaint that it is being abused, there is a legal means for code enforcement. Either a building is a Duplex or an ADU, the definition should be clear.	The Planning Commission has recommended the existing owner occupancy requirement be removed due to the limited number of ADUs expected, the desire to encourage ADUs for use by family members and renters by improving flexibility for various demographics, and the infeasibility of enforcing the owner occupancy requirement. The City has recorded minimal complaints about ADUs. ADUs have a maximum size limit and may be detached whereas duplexes are larger and always attached.
108	9/11/2018	Email	Cynthia Richardson	MMU zone use limits	In the MMU zone, we have been discussing how to achieve a balance between residential and non-residential uses which meets the intent of the Comprehensive Plan with regard to non-residential uses being the primary uses. The discussion has primarily involved the MJB property, as it has substantial developable acreage. However, it is not clear how the principles that are eventually decided upon would apply to a smaller area. There are several smaller non-MJB properties in the MMU zone – for example, in the former Port properties just south of Cap Sante Marina, and the area by the former brass works. In addition, it is possible that MJB or a future owner of that large parcel could subdivide it into smaller lots and sell them separately. On a small parcel, it is likely that the owner would want to construct a building that is all residential or all non-residential. Mixing uses in each building may not be practical, and the individual site may not be large enough to construct multiple buildings. It seems unfair to require the owners of a small parcel to mix uses within their building, if the owners of a larger parcel can build several single use buildings just because they have more land. So the question is: What is considered a "site" for purposes of meeting the requirements? Could the entire zone be considered the site with all buildings in the zone counting as residential or non-residential? In that case, the existing non-residential buildings in the zone could be balanced against new residential buildings, whether site area or building square footage is used as the measurement. But that would mean that whatever category is built out first would force the owners of other properties to build only the remaining under-built category of use (residential or non-residential). Would that be legal? This topic must be addressed as part of the MMU discussion. There is no other zone where the code is attempting	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process. The language has been updated to clarify parking, landscaping, open space, and other facilities accessory to the residential uses are included within the calculation.

DIVISION 4 - Zoning & Land Use						
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109	10/1/2018	Email	Barbara Jackson	19.42.020, Form and intensity standards for residential zones	[Images of a condo development in Taos, NM provided] Just referred to this in the phone call to you... The adjacent units are side-by-side single story and double story they broke up the landscape in a nice way. just wanted to give this input into the decision making process.	The draft code would allow for a similar concept to the condos illustrated in the photos in appropriate zones. The Planning Commission is recommending that the landscaping minimums be kept at current (lower) code standards, except that flexibility be allowed in the R4 zones for townhouses and multifamily that has some structured parking.
110	10/4/2018	Email	Cynthia Richardson	Zoning map	The key on the zoning map uses the term "Marine Shipping". The correct term for the MS zone is "Manufacturing and Shipping". Please correct this.	City staff have corrected the error.
111	10/23/2018	Email	Michael Huber	19.47.040(C)(5)(b), ADU Height Limit	I believe that my plans meet all the various form, height, and setback standards proposed in the 2nd Draft Development Update (2nd Draft) with one exception. 19.47.030(B)(5.b) sets the height limit for detached ADU's at 20'. After speaking with you on Friday I reviewed my notes from previous visits to the Planning Dept; I had asked about this on 8/09/2018 and was told (apparently incorrectly) that the 20' ADU height would be calculated using the "mid-point roof level" method illustrated in Figure 19.42.130(A) in the 2nd Draft. So I was surprised to learn that in fact detached ADU's (with or without garage below) are limited to 20' height. Figure 19.44.030(B)(7) clearly illustrates a detached structure taller than 20'. My understanding is that the Washington State Growth Management Act requires Anacortes to absorb future population growth through increased density in the central neighborhoods, and that one way the City has chosen to meet this is by encouraging ADU's in established neighborhoods. I am pleased to see some proposed changes in the 2nd Draft that make ADU's somewhat more doable than under current regulations. However, in my opinion, the 20' height limit will be an insurmountable barrier to creating back yard ADU's for many homeowners, myself included. In the Old Town neighborhood small lot sizes and the prevailing traditional architecture necessitate any ADU's being built above detached garages. To accomplish this with a 20' height would produce a flat roofed structure, completely out of character with the existing neighborhood. As you see from my plans, I am trying to be respectful of the existing neighborhood in all aspects of my project. Increasing the height limit for detached ADU's to 25' (at least for those built above a garage) would allow for the traditional pitched roof that would reflect the neighborhood character. Alternatively, calculating roof height using the method illustrated in Figure 19.42.130(A) would encourage the gable or hip roof seen everywhere in Old Town. A third alternative would be using the "height/setback plane" option illustrated in Figure 19.44.030(B)(7). This is the most elegant solution, as it allows for detached ADU's to be built but without encroaching on adjacent properties. I hope that I have expressed my concerns clearly. I believe that encouraging ADU's in existing neighborhoods, particularly those with back alley access, is an excellent idea, but that height standards currently in the 2nd Draft	The Planning Commission has recommended reverting to the current height measurement method, which is based on the top of the roof. The detached ADU height limit has been adjusted to 25 feet when the roof pitch is 6:12 or greater.
112	10/29/2018	PDF letter	Corky Culver	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	Request increasing the threshold square footage from 10,000 SF to 20,000 for indoor recreational facilities. Current facility at 1609 R Avenue is already 11,000 SF with possible future expansion to 19,500 SF. Consider that the use adds diversity to the South Basin Area, the Port Commission supports the use and believe it supports marina users, existing zoning allows up 20,000 SF non-marine use, and facilities less than 10,000 SF offer very little variety.	Suggested change made to allow indoor recreation up to 20,000 SF without a conditional use permit in the MMU zone.
113	11/9/2018	PDF letter	Jimmy Blais	19.42.010(l)(3)(2), Multifamily dwelling site area on MMU site	MJB has submitted numerous written and verbal comments noting this standard being arbitrary and against the wishes of the citizens of Anacortes. Commenter cites July 25 Planning Commission packet and Comprehensive Plan language, and attached a summary of the MMU site mapping workshop.	The Planning Commission has not come to a consensus on a single maximum percentage of single purpose residential uses on the central waterfront MMU site, but agreed that it should be somewhere between 49%-60% and allow an increase through the Framework Development Plan process.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
114	11/9/2018	PDF letter	Jimmy Blais	19.44.040(B), CM2 office	The 50 percent limitation was written to apply directly to uses located solely inside a single building. It does not contemplate existing CM2 zone uses that consist of multiple buildings and outdoor activities. Suggest limiting the total area of the office space to 50 percent of the entire operation.	See response to comment #29.
115	11/26/2018	Email	Russ Olivier	19.43.010(D), Cottage housing	How important is it to encourage cottage-style development in the R3 zone, which is mostly 6000 sq ft lots. If it's an important option to encourage fill-in density and affordable housing then requirements like private open space need to be reduced/removed as long as sufficient common area space is available. People desperate to find affordable housing don't care that much about a private patch of grass. The footprint of these cottages is 16'x30' with a 6'x10' patio area. Anacortes has acres of parks and forest land to enjoy if one can figure out a way to afford living here and find something available to rent. I think it's helpful to use an example like below show the planning commission visually how challenging it is to meet all the proposed requirements on a typical lot size.	Cottage housing was one of the additional housing types seen as desirable for infill development in zones such as the R3. The concept was brought forward and approved in the Comprehensive Plan. For purposes of density calculation, two smaller cottage units are allowed per 1 standard single family dwelling unit; provided the development integrates the required common and private open space and other detailed design standards. These standards are intended to facilitate compatibility with existing standard residential development, while being consistent with the the traditional cottage housing cluster concept design.
116	11/26/2018	Email	Cynthia Richardson	Table 19.41.050, Single-family uses in the Commercial zone	I am opposed to granting a CUP to build single family residences in ANY location in the Commercial Zone for the simple reason that Anacortes has a very limited amount of land zoned for commercial uses, and a huge amount of acreage zoned for residential uses. If a builder wishes to build single family homes, they should select land which is zoned for that purpose, not use up land zoned for business. A city analysis of zoning in 2012 showed that 4% of the non-publicly owned land in the city is zoned C or CBD, which is where our commercial businesses are intended to be located. 63% of the land is zoned R1, R2, or R3. Single family homes are the primary purpose of these zones. An addition 5% of the land is designated R4, with the primary purpose of multifamily housing, but single family homes are also allowed there. To put it another way, 2,883 acres are in residential zoning, while only 185 acres are in the C and CBD zones. Most of the C zone is only 1 ½ blocks wide, with a few areas that are 2 to 3 blocks wide. That's not much area to allow for future business growth over the next 20 to 50 years. Building single family homes in the C zone makes that land unavailable for future commercial uses. The C zone also allows multi-story buildings with apartments on the upper floors. So using the land for single family homes also removes the potential for adding many units of multifamily housing (which is typically more affordable). Some people may argue that a particular site is “underutilized” now and building single family homes there would be a “better” use. But economic conditions change over time, and when the business cycle eventually swings upward again, commercially zoned land will be needed for commercial and multifamily uses. Too often, long term objectives are compromised because we happen to be in a different part of the economic cycle and can't see the big picture. To summarize: There is lots of land zoned for single family homes. There is very little land zoned for commercial uses. There is very little land zoned for multifamily uses. Therefore, it is counter-productive to the long-term	Draft updated as suggested so CBD language also applies to C zone. Since 1978 there have been 0 conditional use permits applied or issued for an SFR in the C zone. There are currently 31 SFRs in the C zone.
117	11/27/2018	Scanned PDF	Brian Gentry	Table 19.41.040, Uses permitted in residential zones	The Brian Gentry compoany has been building homes since 1979, with many in Anacortes including single-family, duplex infill, and the 48 North community that is under construction. The City housing stock is lacking in attached and detached housing suitable for small households, singles, and retirees. The requirement for a Condonational Use Permit imposes cost and delays, suggest permitting triplex and fourplex in the R3 and R3A zones.	Permissions for triplexes and multifamily (4 units) in the R3 and R3A zones will be referred to Planning Commission and/or City Council.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
118	11/27/2018	Scanned PDF	Brian Gentry	19.41, Form and Intensity Standards	We appreciate the Planning Commission's recommendations to retain current code provisions such as lot coverage.	Comment acknowledged.
119	11/27/2018	Scanned PDF	Brian Gentry	19.41, Table 19.42.020, Form and intensity standards for residential zones.	The minimum lot width without alley access in R3 and R3A should be reduced from 50 feet to 40 feet. The wider requirement forces development of a larger house to maximize the buildable area. We support the more flexible lot widths provided in 19.32.070(D) Unit Lot Subdivisions. We suggest adding the option for lot widths to vary for infill development through the departure process. Infill provides an opportunity to achieve housing supply goals by integrating smaller lots in the community.	Adjustments to minimum lot width have been made: R3 without alley access, 40 feet. R3A without alley access, 35 feet.
120	11/27/2018	Scanned PDF	Brian Gentry	19.43.010(D)(3)(j), Cottage housing private open space	We support reducing the minimum cottage cluster size to three and eliminating minimum roof pitch. We request the ability to use all or part of the side yard as private open space - depending on layout and other factors like sun orientation, this area can be private and useable.	The Planning Commission has recommended retaining the roof pitch provision and special height provision in order to not allow a full second floor and control the overall size and bulk of cottages. Regarding private open space, the draft has been updated to allow side yards to be used as long as they meet minimum dimension, size, and access requirements.
121	11/27/2018	Scanned PDF	Brian Gentry	19.43.010(D)(3)(k), Cottage housing private parking	We support allowing but not requiring parking clusters. Parking should be allowable adjacent to the cottage in a detached or attached garage. There may be circumstances where the private internal shared access provides safe and efficient access. [See concept plan in comment letter.] This concept plan has 16-foot wide alley with detached garages. It appears this layout would not meet the commercial development standards stated on page 6 of the November 28 staff report.	New provisions for internal residential circulation are being drafted (see AMC 19.53.050). The item regarding parking clusters has been revised to read as follows: "Parking is encouraged to be consolidated under cover. Uncovered parking must be located in clusters of not more than five adjoining spaces (except where adjacent to an alley). Driveway space in front of private garages are exempt from this provision."
122	11/27/2018	Scanned PDF	Brian Gentry	19.43.010(E) and (F), Duplex and triplex open space	Both buplex and triplex buildings are subject to the same standards as small lots. For alley-loaded buildings, this includes a minimum open space requirement. This will limit the creation of less-expensive housing. Duplex and triplexes should not mimic single family housing, they often appeal to a different demographic that is seeking less yard maintenance. Most important, this is not a current code requirement. [Duplex site plan attached in comment letter.] The duplex site plan here meets the current code and is under construction. The recommended open space standards would disincentivize provide a different, more affordable housing option. We recommend deletion of this requirement.	The minimum dimension for duplex and triplex open space has been reduced from 15 feet to 10 feet.
123	11/27/2018	PDF letter	Richard Stabbert	19.43.010(H), Townhouse and duplex ownership	I am the Owner of a duplex building located at 1911 12th St. Anacortes. The building permit COM98-0144 issued on 07/14/1998 Provided for the Construction of a dedicated Duplex Residential Housing unit. The 6-bedroom duplex consisting of 1480 sf, per unit is situated on a 7500-sf. Lot. I purchased this Building in 2015 and based on the quality of the Construction commenced to upgrade the interior spaces, the result is a quality home equal to or greater than current new construction. I am requesting that the Council consider allowing the dedicated Duplex to be considered as a Town Home for purposes of the proposed Zoning modifications being considered by the Council. Title 19.42.010 (H) states "a dwelling unit in a row of at least 3 such units in which each unit has its own front access to the outside, no unit is located over another and each unit is separated from any other unit by one or more common walls." The current Condominium mechanism available is not an option and was designed for multiple dwelling projects and is cost prohibitive. I am requesting that the council consider modifying the 19:43.010 (H) language to encompass permitted , purpose built Duplexes be included as a Town Home if legally separated and new legal descriptions issued from the County Assessor. This is a common practice in other jurisdictions and readily available. The amendment would allow individuals such as my self to own in fee simple a structure that is affordable but still maintain the residential fee simple home ownership. I think this would be beneficial to the community at large and certainly appreciated by those home owners in the immediate residential community.	Duplexes and townhouses are defined as two separate types of dwelling units. Duplexes and triplexes have been added as options under the unit lot subdivision provisions (19.32.050(D)).

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
124	12/4/2018	PDF letter	Daniel C. Worra	19.42.070(C), CM bonus height	The Port is considering building an events center upland of the Cap Sante Marina. This new building would include offices. To capture the charm of the existing Transit Shed, the Port requests the permitted maximum height for non-residential developments in the CM zone be increased to 50 feet without having to demonstrate those items listed in 19.42.070(C).	Recommended to forward to Planning Commission and/or City Council for review.
125	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	Overnight lodging is permitted in the CM zone but RV parking is conditional. The City has robust regulations for RV parking and the Port asks that RV parking be permitted as long as an RV park in the Port's proposed upland development meets are conditions the City has already established.	Given the proximity to the commercial area and impacts of RV uses, recommendation is continue requiring a conditional use permit.
126	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	Property within the Port's South Basin will be designated MMU. While the regulations are focused on a future large mixed-use development, the Port has concerns about these would apply to an active marine area. We ask that several things be changed. Marine Sales and Rental are prohibited in MMU but the Port wishes this be permitted in properties adjacent to the marina.	Table 19.41.050 updated to allow marine sales/rental in the MMU zone.
127	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	The same rationale above applies to Dry Stack Boat Storage, please allow as a permitted or conditional use in MMU.	Table 19.41.050 updated to allow dry stack boat storage as a conditional use in the MMU zone.
128	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	The square footage threshold for permitted indoor recreation is proposed to be 10,000 square feet. The Port seeks increase to 20,000 square feet before a conditional use permit is needed. This would support development of the new Thrive Community Fitness facility.	Suggested change made to allow indoor recreation up to 20,000 SF without a conditional use permit in the MMU zone.
129	12/4/2018	PDF letter	Daniel C. Worra	19.64.070(A)(3)(d), Parking fee-in-lieu	The Marine Terminal is essential to the Port's mission. It provides key maritime jobs in the community. The Port asks for the following changes: Expand the parking fee-in-lieu locations to all of the MS zone, not just west of R Avenue, so that the maximum amount of limited and valuable MS space can be used to support operations.	The parking fee-in-lieu provisions are placeholders and inactive until the City formally adopts the program.
130	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	The 200 block of Commercial is MS zone. The east portion of the block is currently heavily used for retail. The Port asks to City to change retail of under 5,000 square feet to permitted and 5,000-25,000 square feet as conditional to maintain the potential for this block to remain, in feel and in use, as part of the CBD.	Table 19.41.050 updated as suggested.
131	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	Allow Dry Stack Boat Storage in the MS zone.	Recommended no change at this time.
132	12/4/2018	PDF letter	Daniel C. Worra	Table 19.41.050, Principal uses permitted in mixed-use and industrial zones.	The City has supported the Port's transition of the Olson Building [at the northwest corner of 3rd Street and Commercial Avenue] to the Anacortes Housing Authority to support affordable workforce housing. The Port would like to ensure development regulations in place for the Olson Building facilitate this project.	Multifamily residential is conditionally permitted in the MS zone, and this type of situation is anticipated in the workforce housing provision of AMC 19.43.010(H)(5).
133	12/4/2018	PDF letter	Daniel C. Worra	19.66.040(C), Fence height in industrial zones	As a matter of maintaining aesthetics and security, the Port requests the maximum allowable height for fencing in industrial zones be increased to 8 feet without director approval.	Recommended to maintain director approval requirement for fences above 7 feet, which will help control impacts to the streetscape. Fences above 7 feet will also require a building permit.

DIVISION 4 - Zoning & Land Use						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
134	12/4/2018	Email	Cynthia Richardson	19.42.080, MMU bonus height	In thinking about how to implement the Planning Commission's direction to add flexibility to the requirements for added height in the MMU zone, while giving staff and developers some guidance on the magnitude of an amenity that would be appropriate and proportional to the additional square footage of building space to be gained, I have a suggestion: Use a formula of square footage, rather than a dollar amount, to determine the required public benefit for the requested bonus height. For example, say the formula is 1 square foot of interior public space or 2 square feet of exterior public space for every 20 square feet of bonus floor space (because the interior space would cost more to build and maintain). •The public space could be interior (conference space, restrooms, performance space, museum, community workshop, etc.) or exterior (plaza, fountain, amphitheater, extra landscaped area, reflecting pool, permanent public parking, children's play area, etc.) •The zoning code could provide examples of these kinds of spaces, but allow the developer to propose other options for staff consideration. •A combination of interior and exterior amenities could be used to meet the requirements. •For instance, a building with a 50,000 footprint (the size of Safeway) would gain 100,000 sf of space with two bonus floors, so a 10,000 sf park or 2,500 sf of conference space plus a 5,000 sf playground would meet the requirement. •This formula would require exterior space equal to 10% of the bonus square footage gained, or interior space equal to 5% of the bonus square footage gained, to be "given back to" the community in exchange for the privilege	Comment acknowledged

DIVISION 5 - Community Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
1	6/27/2018	Email	Ryan Walters	Table 19.52.040	The table is a bit wonky. It relies on bold text to separate the types of roads, and has multiple rows labeled (A), (B), (C), etc. I think each type of road should have a number, and the rows beneath the road type should have a letter starting with (A). Corresponding changes would then have to be made to the text above the table that explains how to read it. For low-volume residential (there should be a hyphen between "low" and "volume"), the table specifies landscaped areas are required on each side of the road, but when it comes to sidewalks, it does not specify whether sidewalks are required on both sides or only one. They appear on both sides in the graphic, but the text should be similarly clear.	Graphics have been updated and split into individual tables to improve clarity.
2	6/27/2018	Email	Ryan Walters	19.52.040.C.1.a	The text in about "Lane street types" should move elsewhere.	Text removed in overall chapter cleanup.
3	6/27/2018	Email	Ryan Walters	19.52.040.C.3.a	This should not specify the minimum width of the landscape area, or the fact that it is on both sides of the street, because that data is in the table. I'd delete paragraph a.	Updated as suggested
4	6/27/2018	Email	Ryan Walters	19.52.040	Need some narrative about when the "alley" street type is permitted. Is it ever permitted to be the primary access?	Alley provisions intended to guide alley improvements when they are required.
5	7/23/2018	Email	Greg Kreider	Table 19.53.040(B), Residential shared driveway standards	After reviewing the regulations on page 210 and 217, Table 19.53.040(B) and as shown on the drawing on the bottom of page 218. The drawing and information shows a 20' easement with a 5' landscape buffer for a total of 25 feet. This shared driveway in the drawing (page 218) is servicing two homes. I would like to ask for consideration to reduce this easement down to 20 feet total if it only serves one house.	Image referred to is in a different chapter, Figure 19.54.040(C). The shared driveways in this figure are serving, respectively, four and three homes (not two). By definition a driveway is not "shared" if it is only serving one lot and an easement would not be necessary. The 5' landscape buffer is proposed to function as the comparable side setback that would otherwise be required.
6	8/7/2018	Email	Nels Strandberg	Chapter 19.52	Its not clear to me at all when a particular road standard is applicable. For example we can use driveways for up to 6 units, I'm not sure how that is possible.	Further refinements have been made to clarify road standard and driveway standard applicability.
7	8/7/2018	Email	Nels Strandberg	Chapter 19.53 and 19.54	It appears there is driveway and access details that I'm not sure relate to the rest of your code? Maybe they do and I don't see it. For example there is all this language about "zero lot line" what zoning are we allowed to do that in? Also there is details where lots have no street frontage at all, is the city now only going to require a 20ft easement to a street, not actual frontage?	AMC 19.54.040 has been updated with a clarifying statement that zero lot line development and other types are allowed in all residential zones. Correct, new section on shared access lots [AMC 19.54.040(D)] facilitates development on challenging lots.
8	8/22/2018	Email	Jeff Mount	Chapter 19.52	In the section on street design, there doesn't seem to be any mention of mandating sufficient drainage. Is this covered somewhere else?	AMC 19.76 provides regulations governing stormwater management. AMC 19.76.020 addresses applicability, including any land disturbing activity that requires a permit under Title 19.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
1	5/23/2018	PDF letter	Thomas L Allen	Table 19.64.040 Daycare I parking	Daycare I facilities require 2 parking spaces per facility. This works well for "required" spaces and additional staff parking is to be provided by "shared" parking as allowed by the Director. Allen Family Investments is building two apartment buildings with Day Care I facilities and determined staff can park in tenant parking during the day. Two requests: 1) Add a note to Table 19.64.040, "Off-street shared parking allowed for daycare staff", and 2) Thought should be given to adding a note for on street drop off and pickup zone sign posting and parking stall striping.	1) A Daycare I facility is based out of a residential dwelling per RCW 35a.63.215. The two spaces per facility is the minimum and additional spaces may be provided at the discretion of the applicant. The Day Care II use is not limited to residential dwellings and may be located in a commercial space (a clarification has been made for this in the updated draft), and which has parking requirements determined by the director. In any case, shared parking may be provided via 19.64.080. No changes suggested to Table 19.64.040. 2) On-street facilities, including signage and markings, are managed by the public works department and any relevant state law for passenger loading. No changes suggested
2	5/29/2018	PDF email	Patricia Young	Significant trees	I have reviewed the second draft of the proposed development regulations. Tree preservation is used at 19.32.030 but there is no reference to the current AMC Chapter 16.50. "Significant trees" is not defined. There is a blank space referencing "AMC_____" What is intended? Will this include the provisions from AMC Chapter 16.50? Many citizens devoted a concentrated effort to develop the Tree Ordinance included in the 2006 Comprehensive Plan under then Mayor, Dean Maxwell. It would be a sorry legacy if this positive action by her predecessor is ignored or allowed to lapse under the current Mayor and Planning Department.	Chapter 16.50 will be referenced in the interim, and eventually will be updated and moved to Title 19. "Significant tree" is defined in the 2nd draft 19.12.020 as "a deciduous and evergreen tree greater than six inches in diameter at five feet above grade".
3	7/31/2018	Email	Brooks Middleton	Design standards generally	I've been emailing back and forth with Cynthia Richardson We are both concerned about too much nit picky design control that we are seeing in the drafts I am not in favor of design controls in general. Are we trying to make one giant planned unit development out of our town? Towns should be eclectic. That's what gives them character. Having to contort buildings to meet over-controlling code requirements doesn't seem like a good way to encourage development or encourage good design I don't really have time to sink into pointing out item by item, but let's relax a little. No matter what the codes says, a few good designers will come up with cutting edge architecture, and that will make some people scared That's just what good artists do More design controls will lead to generally more sterile design for the for the typical structures, however And just because one person likes a certain type of architecture doesn't mean we need a town full of the same thing	A number of adjustments to the draft have been made based on specific public comments and Planning Commission recommendations. In general, the draft provisions largely follow goals and policies of the adopted comprehensive plan.
4	8/1/2018	PDF email	Cynthia Richardson	Design standards generally	As we finish the Division 4 review, and move into Planning Commission review of Divisions 5 and 6, I would particularly like to draw the commissioners' attention to the question: "Is this really necessary?" This question is particularly pertinent with regard to the design standards and sign sections, which seem to include a lot of picky detail where general principles are all that is needed. Do we really need to define what specific materials are acceptable for a building façade, or require staff to review minute dimensions and materials of every sign?	Comment acknowledged. See response to comment #3.
5	8/1/2018	PDF email	Cynthia Richardson	19.67.080.C, Monument signs	Take a look at the section of the code for "Monument Signs" (19.67.080 C), which is an example of unnecessary over-regulation. Who decides that one sign design is better than another? A design that one person thinks is elegant may strike someone else as tacky. Why not just define sign size and location and let the owners determine the design? Isn't it up to the business owners to decide what sign design best portrays their business? Keep it simple.	Some consolidation and streamlining of sign standards has occurred per Planning Commission feedback and additional edits are being considered based on more detailed comments that have been submitted since this comment.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
6	8/1/2018	PDF email	Cynthia Richardson	Departures, generally	The “departure” concept, while well-intentioned to provide flexibility, is particularly troublesome. First of all, detailed specifics are enumerated, then the code says, in effect, “but you really don’t have to do that if you can convince staff that you have a different idea that would be OK.” Here is one small example, but each section has its own requirements: [Cites example of departure criteria in 19.61.080 for Mixed block frontages] When architects and owners are faced with such minutiae, and getting a “departure” approved requires more time and money, they are likely to take the easy way out and end up with a bland cookie-cutter design. If an architect says “I propose this departure, and I think it meets the requirements.” and the Director says, “I don’t think it does.” whose personal preference will win? When standards are specific and measurable, it is easier to make such determinations. For example, what is an “effective transition between the public and private realm”? How is it measured? Can we just state basic principles of design, and allow people the flexibility to express those principles in different ways, providing interest and variety without going through a departure review process? Keep it simple. There has been much discussion of wanting to encourage property owners and developers to actually construct new buildings. And certainly some guidance about how to make those buildings fit the scale and small-town character of Anacortes is appropriate. But minutely detailed requirements may have the effect of discouraging development. It’s not easy to find that middle ground between “anything goes” and “cookiecutter shopping mall sameness”. But by sticking to basic principles, maybe we can try. Keep it simple.	Departures are paired with clear purpose statements and design criteria to facilitate a simple approval or denial. We’ve found this approach to provide a great balance between predictability and flexibility, providing the City the ability to say no if it’s felt that the design doesn’t meet the intent of the standards. The project team has provided the Planning Commission with a full list of all proposed departures.
7	8/8/2018	PDF letter	Brian Gentry	19.65.030, Landscaped area defined	We suggest that the proposed definition be modified to clarify that lawn area (which is essentially ground cover) and xeriscape landscape be included in the percentage calculations. These areas are currently included as landscaped area in AMC 17.41.020.A.	The definition of landscaped area has been updated to include these clarifications. (AMC 19.65.030)
8	9/5/2018	PDF letter	Cynthia Richardson	Design standards generally	The use of undefined (and possibly undefinable) terms throughout the design standards is problematic and will inevitably create problems for staff in enforcing the code. For example, the terms "special", "decorative", and "sculptural". Who defines what is decorative or distinctive or sculptural or special? Almost anything can be defined as a "decorative" use of building materials. What if I tack on a random variety of unrelated materials and say that I consider them decorative? What about a building with "decorative" fluorescent purple and orange stripes and red flowers? Unlikely, but where do you draw the line? [Note: Author provides graphic examples that are said to technically meet the standards.] Under what circumstances would a proposed design be approved or rejected? Do we want to encourage consistency? Do we want to encourage flexibility and innovation? What is the intent of the design standards? If the intent of the design standards is to encourage some general consistency, then as-written this is not assured. Wishy-washy standards cannot be enforced. But strict standards limit creativity and innovation and don't respond to changing public preferences.	It's recognized that many of these elements aren't perfectly black and white. For that reason we've included photo examples to help clarify expectations. We also suggest to staff that approved and denied treatments be tracked in their application review/staff reports to provide a record of such decisions (for consistency). In working with other communities on similar provisions, we've found that these provisions are worth the risk (that the somewhat ambiguous language may cause some confusion).
9	9/5/2018	PDF letter	Cynthia Richardson	19.61.170, High Visibility Street Corners	Suggest deleting the requirement for a building to be within 20' of the corner - why not a 25' or 30' courtyard? Could prohibit parking at the corner.	The 20' setback provision has been retained, but exceptions have been added to allow for larger corner plaza spaces and other decorative landscape elements that meet the purpose of the standards.
10	9/5/2018	PDF letter	Cynthia Richardson	19.60.020, Applicability and compliance	This requires additions to existing buildings throughout the city to meet new standards for building elements/details and materials - with no consideration given to matching the architectural character and materials of the existing structure. This can create jarring incompatibilities - for example, where the new standard is for stone or brick but the existing building is wood. Particularly for historic buildings, integrating the design of an addition with the aesthetics and materials of the existing structure should be encouraged.	The material standards of 19.63.060 do not restrict the use of stone, brick, wood, or other materials that prominently featured on historic buildings. The articulation standards have also been crafted based on the characteristics of the historic buildings in Anacortes - and they offer flexibility in how the standards can be achieved.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
11	9/5/2018	PDF letter	Cynthia Richardson	Table 19.61.030, Summary of key block frontage types	Locating parking on the side or behind a building is not practical in many cases. This should be a suggested location, not a requirement. As written, departures are only allowed for corner lots or unusual lot shapes. Departures should also be allowed for narrow and small lots and topographical constraints. Departures should also be allowed to promote consistency where the block has an established pattern of street-side parking. On a narrow lot there may not be room for a building with parking beside it. Putting parking behind the building requires using a 20' wide strip of land for a driveway, plus a sidewalk for the pedestrians alongside the driving lanes. Adjacent properties should be encouraged to utilize a shared driveway (via easements) for access to parking beside or behind buildings to reduce paved area. A person parking behind a building has to either go in the "back door" or walk all the way around to the front door. So in an effort to appeal to the person walking by on the sidewalk, employees and customers are inconvenienced every day. Wheelchair access to the front door becomes problematic. Parking in front of a building provides direct access to the building, with handicapped parking right by the front door. With attractive landscaping, it can be pleasant for the pedestrian walking by on the sidewalk.	The topic has been discussed at subsequent Planning Commission meetings and some adjustments have been made (most notably to the South Commercial Avenue corridor).
12	9/5/2018	PDF letter	Cynthia Richardson	19.62.070.C.2, Screening of ground related service areas and mechanical equipment	Why must the fence be set back an additional 5' with landscaping just because there is a dumpster or transformer behind it? As long as the dumpster is concealed by the fence or wall, that 5' might be better utilized for the open space or parking elsewhere on the lot.	The intent is to soften views of the screening element and add visual interest. Note that departures to the landscaping requirement are allowed provided the design of the enclosing wall and any landscaping treatment meet the purpose of the standards.
13	9/5/2018	PDF letter	Cynthia Richardson	19.63.030, Building character	I disagree with the prohibition of generic, corporate architectural design and corporate identity features. Some corporate icons are attractive and could fit in, others are not. We should define what is required and acceptable, and if the corporate model fits, that's fine. If it doesn't, it must be modified to comply. Whether it's an iconic building of a local business or an internationally recognized mega-company, or a "franchise convenience use" is irrelevant. We're not regulating who owns the building, we're regulating design standards. Whether or not it can be adapted to other uses is also irrelevant - many buildings can't easily be adapted (for example, a gas station). To assume that "generic, corporate architectural design" is bad and "degrades the character and identity of Anacortes" implies that Anacortes has a consistent character and identity capable of being degraded. In fact, Anacortes has a diverse collection of miscellaneous generic architectural styles built over the past century. In many blocks, an attractive corporate identity building would be a welcome addition.	The Planning Commission has recommended deleting the corporate architecture prohibition.
14	9/14/2018	Email	Cynthia Richardson	Table 19.61.080.B, Mixed block frontage standards	I think I may have a solution to the question of where to allow parking for buildings on South Commercial which could address the concerns brought up by the Planning Commission without Makers having to go to the trouble of developing several alternatives or re-drawing the maps. Here is a possible wording modification for the Mixed block frontage standards: Add a Parking location and vehicle access section to the Mixed block frontage table Parking must be located to the side or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. <u>Exception: On Commercial Avenue south of 17th Street parking may be located in front of the building(s) if a continuous 10 ft. landscaped area is provided between the parking area and the sidewalk. Access to the parking area must be from a side street or alley, with curb cuts permitted on Commercial Avenue only if there is no side street or alley available.</u> Planning Commission may want to discuss where this would apply (south of 17th, south of 24th, or other???) or the width of the landscaping.	The topic has been discussed at subsequent Planning Commission meetings and some adjustments have been made (mostly changing South Commercial Ave to "undesignated" block frontages to allow greater flexibility to parking location.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
15	10/1/2018	Email	Cynthia Richardson	Table 19.61.060(B), Retail space depth	Planning Commissioners, At the 9-26-18 Planning Commission meeting, there was a brief discussion of the minimum depth of a commercial use that should be required along "storefront" designated street frontages. The consensus seemed to be that the draft 2 requirement for 20 ft. minimum depth is sufficient. I strongly disagree. Following the meeting, I looked into what the impact might be on the Central Business District if new buildings were allowed to be built with only 20 ft. depth of commercial space along the Commercial Avenue frontage. Although I did not physically measure the existing buildings, using the City's GIS online map it was possible to estimate a 20 ft. depth and a 40 ft. depth. The estimated 20 ft. depth and 40 ft. depth on the attached map clearly show that 20 ft. deep spaces would be too small to accommodate nearly all of the types of small businesses that we currently enjoy in Anacortes. As the map shows, a 20 ft. deep space would not accommodate the types of businesses that we currently enjoy and want to attract to the CBD. Even a 40 ft. deep space would be inadequate for many uses, such as a nice restaurant. Analysis of the map shows: ALL of the current commercial uses are at least 40 ft. deep NONE of the current commercial uses are 20 ft. deep MANY of the current commercial uses are 60 ft. deep or more Thus, if buildings are allowed to have retail spaces only 20 ft. deep, none of the current businesses could fit in those spaces. Is this what we want?	Per subsequent Planning Commission discussion, the standards have been updated to require a minimum 50 feet depth on Commercial Avenue in the CBD zone while still allowing 20 feet elsewhere.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
16	10/3/2018	Email	Cynthia Richardson	19.67 Signs	The new sign ordinance proposed in Draft 2 should be rejected by the Planning Commission. Staff and consultants should be directed to go back to the current sign code, revise the language that conflicts with the Supreme Court decision (requiring sign ordinances to be content neutral), add a modest number of illustrations if needed for clarification, and keep it simple. The Planning Commission recommended keeping the lot coverage and dimensional standards for residential zones, rather than adopt a totally new FAR method. The “old” method has worked fine for decades, the resulting residential development has been generally pleasing, with few problems, so “why fix it if it ain’t broke”? The same can be said of the existing sign ordinance. It has been working fine for many years. There has been no citizen outcry demanding extensive sign controls. There has been no articulation of a “problem” that needs to be fixed with regard to signs, so there is no need for a totally new approach to the sign code. The magnitude of the proposed ordinance is also totally out of proportion to the importance of signage in the overall development of our city. The section on building design has 20 pages, even though buildings are large and will likely remain in place for 50 or even 100 years. The section on signs has 46 pages, even though signs are small and often changed every few years. In driving up and down Commercial Avenue, one sees a wide variety of sign types and designs. Some are more attractive than others, but none is outrageously ugly. The variety reflects the preferences of the business owners and how they wish to portray their business. The variety is also part of the eclectic character of our town, which many people prefer to homogeneity.	Per Planning Commission and public feedback, some elements of the sign code have been removed or streamlined to improve clarity and eliminate items Planning Commissioners found unnecessary.
17	10/3/2018	Email	Cynthia Richardson	19.67.040, Sign illumination	The proposed code is very thorough and has lots of good illustrations covering all sorts of signs in great detail. As guidelines for a shopping center or new town where the objective is careful control and uniformity, it would serve well (perhaps much of the content was borrowed from just such a development). However, it is unnecessarily over-detailed for our small town. For example, we don’t need illustrated descriptions of 8 different ways of lighting a sign, with restrictions on where they can be used. Just say that if a sign is internally lighted it shouldn’t create glare and let it be lighted any way the owner wants. Keep it simple.	Per Planning Commission and public feedback, some elements of the sign code have been removed or streamlined to improve clarity and eliminate items Planning Commissioners found unnecessary regulations to improve aesthetics and reduce clutter.
18	10/3/2018	Email	Cynthia Richardson	19.67.120.B, Supplemental sign setback requirements	Some clauses are particularly problematic, such as: Setback. At the intersection of any state or federal highway with an arterial or collector street, the setback of any [freestanding] sign or outdoor advertising structure must not be less than 50 feet from the established right-of-way of each highway or street. Does this mean that if a building at an intersection on south Commercial is at the front of the lot, the sign must be 50 ft. back, which would put it behind the building? Besides, we don’t have any federal highways. This wording was obviously borrowed from some other city and does not fit Anacortes	This language has been removed. Most sign setbacks have been integrated in to 19.67.070.
19	10/3/2018	Email	Cynthia Richardson	19.67.080.C.3.c, Monument signs & Table 19.67.060, Signs typologies	Monument signs must integrate a top, middle, and bottom element but pylon signs, which are subject to the height and area standards for monument signs, only need two simple posts. Why not just specify the allowed size for a freestanding sign and let the owner decide whether it has a post or a base or an arm? Keep it simple.	By definition, monument and pylon signs are two different types of signs with different shapes and structure, and thus require tailored standards.
20	10/3/2018	Email	Cynthia Richardson	19.67.090.A.1.c, Wall signs	Commercial tenants on upper levels may include a wall sign placed on façade above the business. The current code prohibits wall signs above the first floor, but allows signs lettered on the window glass of upper level businesses. This is important to keep a clean, uncluttered look to building facades, and should be maintained.	Provision updated to retain current code objective of prohibiting wall signs above the first floor but allowing window signs.

DIVISION 6 - Project Design						
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21	10/3/2018	Email	Cynthia Richardson	19.67 Signs	The current code says In the Central Business District, digital electronic signs with changeable messages are not permitted. That should be retained.	Per AMC 19.67.040(B)(2)(f) and Table 19.67.040(C)(2), digital and changeable copy signage elements may only be integrated into pole or monument signs and are not allowed in the CBD zone.
22	10/3/2018	Email	Cynthia Richardson	19.67 Signs	The current code is not perfect, but it is straightforward, easy for owners to understand and easy for the city to enforce. It was developed by consensus of citizens and businesspeople and has not resulted in problems. We certainly don't need 46 pages with over 12,000 words to deal with signs – a regulatory nightmare. Let's improve it a little, but keep it simple.	Per Planning Commission and public feedback, some elements of the sign code have been removed or streamlined to improve clarity and eliminate items Planning Commissioners found unnecessary.
23	10/3/2018	Email	Cynthia Richardson	19.64 Parking	The following clause from the current code has been deleted. Does it appear elsewhere? If not, it should be added. "K. A recreational vehicle (RV) may not be occupied in any zone as a dwelling unit. However, a guest(s) of a permanent resident may occupy a recreational vehicle parked on private property for a period not exceeding three weeks in a one-year period for any individual guest, nor nine weeks in a one-year period for all such RV occupancy on a property; the guest RV may be parked in a front yard in a driveway, or in a side or rear yard, for the legal duration of the guest's stay. An unoccupied recreational vehicle may be parked on private property in a side or rear yard, but not in a front yard (whether or not it is in a driveway), except for the limited guest period defined herein. RVs parked on streets, alleys, or undeveloped street rights-of-way shall be subject to the city's general parking regulations and enforcement. A pickup truck with a simple canopy or a	The RV language is now located in the Temporary Use provisions in AMC 19.48.020.D.2.b.iii.
24	10/3/2018	Email	Cynthia Richardson	19.64 Parking	The nonresidential parking requirements are based on square footage of buildings (net leasable area). The following language in the current code seems to have disappeared. "When a use is established which does not use a building, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the planning commission shall establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, with the decision appealable to the city council. Examples of such uses include, but are not limited to, passenger ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot."	Such uses largely fall under use categories in Table 19.64.040 that specify "director decision" for the very same reason.
25	10/3/2018	Email	Cynthia Richardson	19.64.040, Number of parking spaces required	It is important to give the director the authority to require parking commensurate with the actual parking needs of a particular use. 19.64.060 addresses reductions in minimum parking requirements and increases in maximums, but there may be cases where increases in the minimums are warranted by specific circumstances. Suggest adding the following under 19.64.040: D. For a use which does not use a building with a net leasable area, or which uses a very small building in relation to the number of vehicles reasonably expected, or has other unique parking requirements, the director must establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, based on information provided per 19.64.040 B. Examples of such uses include, but are not limited to, passenger or vehicle ferry service, boat tours, bicycle tours, car or truck rental, taxi service, boat transport services, cruise boat moorage, park-and-ride lot. E. For a use which is not listed in Table 19.64.040, the director must establish the number of spaces required to accommodate the reasonably expected parking demand generated by the use, based on listed uses which are comparable to the proposed use or information provided per 19.64.040 B.	The examples listed would fall under the Passenger Terminal or Vehicle Sales/Rental use categories, which are noted as "Director decision" in the table because of the rationale stated in the comment. A new provision 19.64.040(D) has been added to describe the procedures for unclassified uses.
26	10/3/2018	Email	Cynthia Richardson	19.64.040, Number of parking spaces required	Change the requirement for Vehicle Sales/Rental to "Director Decision". Otherwise, a small office with 1 parking space could be provided, and all of the rental vehicles could be parked on public streets (we have examples of this here in town).	Change completed as suggested.

DIVISION 6 - Project Design						
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27	10/3/2018	Email	Cynthia Richardson	19.64.070, Parking fee-in-lieu	Parking fee-in-lieu has been allowed in our code for several decades and has never been implemented or enforced. What makes us think it will work now? Basing fees on current construction costs will not pay for any meaningful quantity of parking if it takes 10 years to accumulate funds to purchase property. By then the value of the contributions will have diminished but the price of land and construction will have escalated, so we'll never have enough funding to actually build the parking needed.	A provision has been added that requires the City to adopt a parking fee-in-lieu plan before this option is available to applicants.
28	10/3/2018	Email	Cynthia Richardson	19.67.040.A.8, General sign requirements	This is in the sign section, not parking, but should be re-worded as follows. Commercial vehicles often park for more than 10 days in a 3 month period for perfectly legitimate reasons. Uses such as commercial vehicles on industrial property (but with the logo of a different business or trucking company), or parked in a storage lot, at a vehicle service business while awaiting parts on order for repairs, or other quite normal activities would be in violation. The intent is to keep them out of residential areas. Maybe consider adding the CBD. 8. Placement on private property <u>in a residential zone</u> for more than ten days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.	Comment acknowledged. The intent is to disallow vehicles parking in residential or commercial zones for the purpose of advertisement of off-site services/facilities.
29	10/4/2018	Email	Cynthia Richardson	19.61.060.C, Storefront block frontage departure criteria	Retail depth and Parking should NOT be eligible for departures in the CBD. The minimum retail depth should not be reduced – to do so would result in a “false front” and seriously impair the options for a variety of retail uses for the life of the building. Parking should NOT be allowed to intrude on the continuous storefront frontage of our limited CBD area. “Mitigating” the “visual impact” will never compensate for the loss of critical retail space.	The storefront standards have been updated so that departures from retail depth and parking location are not allowed in the CBD zone.
30	10/4/2018	Email	Cynthia Richardson	19.68.060 and 070, Special standards for several industrial zones	Why are the two paragraphs worded differently? Why is it objectionable to emit fumes or refuse matter or water carried waste in LM and AZ but not in I and HM? Why is glare a bad thing in I and HM but not in LM and AZ? Why prohibit “objectionable” things in LM and AZ but in I and HM it’s things “detrimental to the health, welfare and safety”? Why do the most intensive zones (I and HM) have to protect “persons occupying or visiting the zone or adjacent zones.” but LM and AZ only have to limit the uses. There is no obvious rationale for these differences, they are simply copied from the current code. Why is the MS zone (which abuts residential zones and the CBD) not regulated, but the HM zone, which is bounded by water, state highway, and refineries required to limit emissions to adjacent zones? Please combine these into a single standard that would apply equally to LM, AZ, I, HM and MS zones (or if the standards vary, do so on a rational basis that is more protective when abutting residential zones).	Standards combined as suggested, see new 19.69.060.
31	10/4/2018	Email	Cynthia Richardson	19.64.040, Number of parking spaces required	Add Accessory Dwelling Unit as a type of use in the parking table [19.64.040] with a reference to 19.47.030 B.9.	Change completed.
32	10/4/2018	Email	Cynthia Richardson	19.65.040.A, Landscape plans	Why should an owner or contractor have to go to the expense of hiring a horticulturist for a small project if they can draw up a simple landscape plan that meets code? Suggest the following change: A Washington licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) shall complete the landscape plan <u>except that a plan for a site with fewer than 5 units or for a site less than 20,000 square feet may be prepared by an unlicensed or non-certified person.</u>	Threshold adjusted to multifamily or non-residential or if the development site area is 10,000 gross square feet or larger.
33	10/4/2018	Email	Cynthia Richardson	19.65.050.G, Landscape installation standards	Suggest adding the following to G. Landscape installation standards <u>6. In areas frequented by deer, trees must be protected by fencing until they are mature enough to withstand deer foraging and bucks rubbing trees with their antlers.</u>	Language regarding wildlife added as suggested.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
34	10/4/2018	Email	Cynthia Richardson	19.65, Landscaping	Some subdivisions have height limits in their CC&R's to protect views. If city code requires a certain number of large trees, but the covenants prohibit large trees, which governs when a new house or building is built? Are such limits by covenant legal in new subdivisions if they conflict with city code?	Single family subdivisions/development are not subject to the required buffer types (which require certain tree sizes). See Table 19.65.070.
35	10/4/2018	Email	Cynthia Richardson	19.65.070.B and G, Landscaping site design standards	These two clauses sort of contradict each other. Change B. B. Supplemental buffer standards. <u>2. The required buffer vegetation must be planted within the property boundaries, however additional plantings above the minimum requirement may extend beyond</u> No required buffer may extend nearer to a street than the street right-of-way line. G. Use of right-of-way 2. Up to 50 percent of the on-site landscaping requirement can be satisfied by landscaping excess street right-of-way or detention facilities, including open stormwater conveyance swales, if landscaped and maintained .	Update made to clarify as suggested.
36	10/4/2018	Email	Cynthia Richardson	19.65.070.F.2, Existing site vegetation & 19.65.080, Maintenance	Trees eventually die. Is there a time limit? In the following instances, how is a subsequent owner made aware of a tree's bonus designation and the replacement criteria? How would someone know 10 years from now which trees are part of the "required" landscaping and which were added over and above the requirement? Is an agreement or landscape plan recorded? Does the City retain these records for easy reference by subsequent property owners? F. Existing site vegetation 2. Bonus for retention. 19.65.080 - Maintenance. A. The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition. E. Any property owner who fails to reasonably maintain and replace required landscaping and screening areas will be considered to have committed an offense under this title.	Subsection (E) has been deleted. No other changes recommended.
37	10/4/2018	Email	Cynthia Richardson	19.65.080.D, Maintenance	Does this prohibition apply only to trees that are part of the "required" landscaping? Can a non-required tree be limbed to improve a view? 19.65.080 - Maintenance. D. Limbing up <u>required</u> trees and "topping" or shearing off trees must be prohibited, <u>unless required for public safety reasons approved by the director</u> .	Subsection (D) has been deleted per staff feedback.
38	10/4/2018	Email	Cynthia Richardson	19.62.030.B, Balconies along side and rear property lines	What is the purpose of this? As written, it could be the left half of the railing is opaque and the right half is glass, or the top half is opaque and the bottom half glass, or vertical or horizontal members spaced so that you can peek through the spaces between. If the goal is privacy, none of those configurations would do much. And neighbors could still see whatever is above the railing. If people want glass or cable railings that they can see through, what's wrong with that?	The purpose statements of the section note: 1) To promote the functional and visual compatibility between developments, and 2) To protect the privacy of residents on adjacent properties. The suggested scenarios would comply with the standard and meet the purpose of providing some privacy.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
39	10/4/2018	Email	Cynthia Richardson	Table 19.66.030, Fence heights	I strongly disagree with the notion that there should be separate fence height standards for homes with daycare uses. If state laws require a 54” tall fence for child safety, then that should be the standard for all fences which the table now lists as 42”. The reasoning is simple: If I have a daycare and install a 54” fence, and then you buy the house but don’t run a daycare, the fence would be non-conforming. Would you then have to cut off the top foot of the fence? By making 54” the default for all fences, whether or not there is a daycare use becomes irrelevant. This wording should apply in all instances that now say 42” and the daycare column should be deleted: <u>54”, and any portion above 42” must be at least 50 percent transparent.</u> Also change the height references for day care in 19.66.040.	42” fence limits are common in front yards, to allow for visibility between streets and homes/front yards to provide eyes on the street and create a welcoming streetscape. The project team wouldn't suggest changing the standard to a taller height for a use that occupies a very small minority of uses. The issue was brought up during Planning Commission meetings, but no changes were suggested.
40	10/4/2018	Email	Cynthia Richardson	19.66.080, Fence types prohibited	The planning commission recommended that most building standards do not apply in the industrial-type zones because the businesses should be allowed to build what makes sense for their functional needs. Consistent with that philosophy, in the MS, I, LM, LMI, AZ, and HM zones, chain link fences should be permitted along the property lines without requiring landscaping or losing 10’ of useable area to a setback. It is normal and expected to have chain link fences in these areas. They are functional, and allow transparency for surveillance, as is evident in driving around those zones today. An exception would be areas with street frontage requirements. On the other hand, it is appropriate to restrict chain link fences in commercial and mixed-use zones, as well as residential. Suggest the following change: 19.66.080 - Fence types prohibited. A. Chain link fences are prohibited in the following areas: 1. In the CBD zone. 2. Between a street right-of-way and the front of any building in the C, CM, CM2, and MMU zones. 3. Between a street right-of-way and the front of any residential building. Departures per AMC 19.20.250 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.	Here's the updated text per Planning Commission recommendation: A. Chain link fences are prohibited in the following areas: 1. All non-industrial zones within ten feet of a street right-of-way. 2. Industrial zones when across the street from the CBD zone or residential zones and within ten feet of a street right-of-way. 3. Between a street right-of-way and the front of any residential building. DEPARTURES to subsections (1) and (2) above per AMC 19.20.250 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.
41	10/4/2018	Email	Cynthia Richardson	19.66.050, Fence, wall, hedge, and rockery measurements	This restricts fence posts to no more than 4” above the fence. That is arbitrary. There are examples in town where the posts extend a foot or more above the fence, and then cables are strung between the post tops to keep deer from jumping into the yard. Also, many decorative post caps, particularly those with lights, are more than 4 inches above the fence. Change this sentence: ”Fence posts that exceed the height of the upper rail by less than four inches may be exempted from the maximum height standards.” to ”Fence posts may exceed the height of the upper rail.”	Change made as suggested, with an exemption up to 12 inches above the upper rail.

DIVISION 6 - Project Design						
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42	10/4/2018	Email	Cynthia Richardson	19.66.090.C, Retaining wall and rockery terracing standards	Add the following: <u>b. The Director may require the retaining walls or rockeries to be designed by a structural engineer if drainage issues, unstable soils or other structural concerns are present.</u> <u>c. Where a slope consists of natural solid rock, rather than a constructed wall or rockery, terracing is not required.</u> It is counter-productive to require someone to blast or chip back solid rock into 5 ft. terraces. Natural rock is beautiful and structurally sound, and can be left in its natural state, even if it is a high or steep rock face.	The provision has been updated to clarify that only <u>constructed</u> retaining walls or rockeries within a required setback are subject to terracing standards. Suggested (b) language has been added.
43	10/5/2018	Email	Russ Olivier	Table 19.61.060(B), Storefront block frontage standards	Just thought I would add my thoughts to Cynthia's comments that made it to my inbox. Her logic is well reasoned, but I would resist demanding developers create retail space 40ft deep for new buildings. When you make demands like this it discourages developers and they will go elsewhere. There is a certain charm with smaller retail shops and tourism-oriented businesses need smaller footprints to make rents affordable. We've seen too many retail tenants fail over the past 5 years and my guess is renting too large of a space was a factor. Businesses that need larger retail space will find spots on Commercial or perhaps on side streets connecting to Commercial. I can't image the challenge of trying to "Thread the Needle" in a way that encourages development that benefits businesses and the community	See response to comment #15.
44	10/8/2018	Email	Cynthia Richardson	Table 19.66.030, Fence heights	The following text is a little confusing: Along/near rear property line with or without an abutting alley (what is "near"?) Within the street setback (it's the house that's set back, not the street – should be "front setback") 50 percent transparent (does that mean it can be glass?) "open" would be a better term Elsewhere between the façade and front property line Along/near any internal side property line Corner lot – side fence, within 5 feet of any street property line Through lots – within 5' of a street property line Why not simply say: The following fences are limited to 54" in height, and above 42" the fence must be at least 50% open: Along the front property line or within the required front setback Along or within 5 ft. of the side street property line of a corner lot Along or within 10 ft. of the rear street property line of a through lot	Updates will be considered. "Street setback" and other setbacks have been further defined in Chapter 19.12. Yes, "transparent" can include glass.
45	10/8/2018	Email	Cynthia Richardson	19.66.060, Site distance at intersections	This note was in Draft 1, should be added to Draft 2: * Note that traffic engineering safety standards may require lower fences and vegetation at some street corners for visibility of oncoming traffic (referred to as a sight distance triangle). Check with City staff before installing fences in street corner locations. See 19.66.060.	Unable to locate this note in Draft 1. Site distance standards have been moved to Chapter 19.69.

DIVISION 6 - Project Design						
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46	10/8/2018	Email	Cynthia Richardson	19.66.080, Fence types prohibited	Currently nearly the full length of the east side of R Ave. has high chain link fences. If all of them had to be set back 10 ft. they would lose 10,000 sq. ft. of useful space for every 1,000 ft. of fence. It's interesting to look at the boats and other activity as one drives by, and the see-through nature of the chain link allows peek-a-boo views of the bay as well as surveillance of the site. This is a truck route. Give the businesses a little slack. Let them use chain link or solid fences as suits their needs. Perhaps a compromise would be to require some landscaping to soften the look of the fences, but allow it to be planted in the City right-of-way so that no useful working area is lost. Suggest the following changes: Delete 19.66.040.A.2 19.66.080 - Fence types prohibited. A. Chain link fences are prohibited in the following areas: I. All zones- C, CBD, MMU, CM, LM, and all residential zones: within 10 feet of a street right-of-way.	See response to comment #40.
47	10/8/2018	Email	Cynthia Richardson	Figure 19.66.030(A)	This figure is confusing. Should say "front setback line" and "side setback line" (not street setback line – there is no such thing as a street setback line). Illustrating the property line and the setback line on each edge of the lot would make it more clear.	Street setback is the correct term - as used in the code. The graphic will be updated to clarify where the street ROW line is.
48	11/9/2018	PDF letter	Jimmy Blais	19.64.060(D) and (E), Parking modifications	These sections are overly burdensome and unnecessary. Parking increases and decreases should only be based on a parking study.	Changes have been made per recommendations of Planning Commission. A parking study provides the largest possible increase or decrease, and the other options are clearly optional.
49	11/9/2018	PDF letter	Jimmy Blais	Table 19.64.080, Bicycle parking	The proposed number of required bicycle parking seems higher than what is needed. They seem based on a highly urban area which do not reflect Anacortes.	Adjustments have been made based on public comments on this section.
50	11/9/2018	PDF letter	Jimmy Blais	19.64.120(H), Parking area design and construction	Requiring curbed and raised pedestrian paths is excessive and unnecessary. They add costs and cannot be altered without significant work. Striping, planters, material changes, etc. can achieve the same intent.	Provision moved to 19.62.050(D) and a departure opportunity has been added to allow for alternative designs.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic	Comment (may be paraphrased)	Response / Recommendation
51	11/9/2018	Email	Cynthia Richardson	19.67, Signs	[Author also provided Word document with extended comments.] The Planning Commission directed staff and consultants to simplify the sign regulations in the zoning code update. In an effort to help with that task, I have reviewed the draft 2 language and identified areas where that language seems to be confusing, contradictory, or could benefit from consolidation and simplification. The attached comments include my suggestions for changes. These areas stand out as needing particular attention: •Eliminate all references to “departures”. Set the standards, make them clear, and apply them uniformly. •Eliminate all subjective terms such as “compatible with”, “distinctive”, “special”, which would require personal judgment on the part of the reviewer. Requirements should be measurable by some objective standard. •Eliminate differences in standards for various materials, lighting, etc. •Instead of regulating each individual sign type separately, group similar types together (such as all freestanding signs) and regulate the group. Provide illustrations of examples of different sign types within the group, all of which would follow the same rules. •Consider the effect on current businesses if the rules change. •Regulations should relate to the dimensions of the building or site, regardless of how many owners or tenants there are. Tenants and owners can change over time, but buildings remain the same. Thank you for your consideration. I hope these comments are helpful in finding ways to simplify the sign regulations and make them more consistent.	Significant updates to sign chapter made per comments.

From: [Cynthia Richardson](#)
To: [Grage, Libby](#)
Subject: comments on Draft 3
Date: Friday, January 4, 2019 1:48:14 PM
Attachments: [3rd Draft zoning code CR edits.pdf](#)

Libby,

Attached is a copy of draft 3 of the zoning code update, with my suggested changes and comments.

In general, I would like to commend the staff and consultant team for incorporating many of the changes from the previous draft that were requested by the Planning Commission or suggested by citizens. The sign section is much simpler, and many specific concerns have been addressed.

Putting illustrations such as setback diagrams right in the definitions section so they're easy to find is helpful. Site Plan Review is a good addition to the code to assist early planning of a project. Tables that have a column telling specifically which section to refer to for details and exceptions are VERY useful. This saves a lot of searching around for the correct reference.

Following are comments on specific code issues that still remain unresolved or need fine tuning:

As you know from my previous comments, I am very concerned about "getting it right" with regard to the new MMU zone. Why is this zone so important?

- The Comprehensive Plan specifics that "The primary uses are commercial, hospitality, cultural, and recreational uses" but does not specify how to determine what constitutes "primary uses" in terms of percentage of the zone or other criteria.
- Unlike other zones, which are primarily occupied by existing uses which establish the zone character, the MMU zone is a blank slate and it is important to define its future character.
- Change will occur in established zones gradually over time, but it is likely that the entire MMU zone will be developed all at once, so it is critical to define the parameters for development to guide the developers.

It is very important to include the following words from the Comprehensive Plan to clarify that residential uses are not included in "primary uses". Adding these words to 19.40.040.C. is an appropriate place to do so.

"The primary uses are commercial, hospitality, cultural, and recreational uses. Residential uses are encouraged in mixed-use structures and allowed in single purpose structures provided developments include a horizontal mix of uses."

There are two key issues affecting this zone which must be clearly articulated in the code: **Amount of Residential Uses** and **Bonus Height**, and they must be considered separately.

MMU Amount of Residential Uses

The only reference in draft 3 to the percentage of residential uses in the MMU zone is obscurely buried in the zone-specific standards for Townhouses, Multifamily and Assisted Living residential types. These requirements must be in a more prominent location related to the MMU zone, not just in the residential standards.

It is important to keep the calculation of “primary uses” simple. I propose the following two methods, to give the developer the option of calculating the allowable percentage of residential uses either by percentage of the site area or by percentage of the floor area of the uses in the buildings.

19.42.080 Add the following:

C. Mixed-use Requirements: To comply with the Comprehensive Plan requirement for the primary uses to be commercial, hospitality, cultural, and recreational uses, residential uses must be limited to a maximum of 49% of the MMU zone by one of the following methods:

1. Site area method: Up to 49% of the site area is developed with single-purpose residential uses, and an equal amount of the site area (or more) is developed with non-residential uses, and the remaining site area is developed with mixed-use buildings in which not more than 49% of the total floor area of those buildings (added together) is residential uses.
2. Floor area method: The entire site area is developed with residential and non-residential uses in both single-purpose and mixed-use buildings, and the total floor area of residential uses throughout the site does not exceed 49% of the total floor area of all uses.

MMU Bonus Height

The Bonus Height section offers some flexibility, but some features are not appropriate, and the scale is variable. Small buildings should be able to utilize the additional height bonus by providing more modest bonus features.

Suggest adding the following wording:

The bonus feature(s) must be proportional to the amount of space gained with the additional floor(s). For larger buildings, the bonus feature(s) must be more substantial than for smaller buildings to qualify for the additional floor area gained with the added height. The director may limit the added floors(s) to only a portion of a larger building, to be proportional to a more modest bonus feature.

Requiring a developer to provide certain features in exchange for the opportunity to build an

additional story or two is a good strategy. To qualify for the bonus height, a feature should **meet two criteria:**

- A. Be of benefit to the general public** (not just the occupants of the project)
- B. Be a permanent amenity**, not easily removed in the future

Some of the proposed bonus features meet those criteria (good idea) and others do not (bad idea). Here is a list of the proposed bonus features with my comments:

1. Vertical Mixed Use ground floor uses.

Good idea but bad formula for size of the space.

It has been clearly shown that a 20' depth is NOT sufficient for normal modest retail or restaurant or office uses. If the "primary" facade of a 50'x150' building is on the 50' side, at 20' depth that would be 500 sf of ground level space earns 7,500 sf of an additional floor. By designating a narrow strip for commercial use, a developer could build 15 times as much space on the bonus floor. That's not a fair trade-off.

Instead of a percentage of building facade, which varies depending on size and orientation of the building, why not have a formula that relates to the actual bonus area earned?

For example, say that this ground floor area must be suitable for commercial uses, on or within 40 ft. of a primary building facade, minimum dimension of 50 ft., and total area equal to at least 20 percent of the area of the bonus floor. In other words, the developer would get a bonus area of 5x the area set aside on the ground floor.

Keep in mind that this space is not lost - it is a community asset in trade for extra developable area, and the developer still gets to use that space for many revenue-producing business types.

2. Additional ground level pedestrian-oriented space

Good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

3. Space for a public park

Good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

4. Ornamental stormwater management features.

Bad idea.

Stormwater management science and related code requirements have changed significantly in the past decade, and will continue to change as state-of-the-art evolves,

so the "bonus" feature will be out of date or even illegal then. If not maintained these can get overgrown with weeds. This is not a permanent amenity. Bad examples: An "artistic" downspout or gutter should not earn the right to build thousands of square feet of added space. .

5. Plants on walls and roofs.

Bad idea.

Plants are meant to grow in the ground. Artificially created planting areas on walls or roofs require extensive maintenance, can die off in winter and turn brown, will require significant quantities in summer to stay green (which goes against water conservation goals), and are not a permanent amenity of benefit to the community. The rooftop gardens, in particular, would probably not even be visible to the public.

6. Upper floor setbacks.

Good idea, needs refinement.

This reduces the perception of height and bulk and is a permanent feature. However, if a short side faces an internal street and a long side is visible from other viewpoints, it won't have the desired effect. Requiring at least a portion of ALL facades over 50' long to be set back would incorporate this bulk-reducing feature regardless of which direction one is viewing from. Or perhaps require setbacks on more sides for greater size of floor area to be gained in the extra story.

7. Integration of public art.

Bad idea.

Art is too subjective, and tastes change over the years. Spending 1% of the development cost on something that is not permanent and could be moved or sold negates the public benefit.

Developer could choose one big ugly thing (as worded, administrator only has to agree that it's clearly recognizable as public art, but has no say over what is chosen).

If this option is allowed, it should specify that the Anacortes Arts Commission would conduct a public process to invite submittals and select the art. Distributing several smaller art pieces throughout the area should be encouraged, rather than giving a windfall to one artist (\$500,000 on a \$50 million project).

Public art should be encouraged, but perhaps as trade-offs for other departures, or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

8. Exceptional landscaping display

Good idea.

This creates permanent open space that can be enjoyed by all as a public benefit.

9. Integrating brick as the primary cladding material

Bad idea.

Brick is attractive and gives a sense of permanence, but does not necessarily create an attractive building. Allowing an ugly building to be taller just because of the cladding material on half of the street facades just means it will be a taller ugly building.

Brick cladding should be encouraged, but perhaps as trade-offs for other departures, or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

-
-

10. Provide freely accessible public restrooms.

Good idea but too small.

Public restrooms are important in any area intended to attract the general public, but are relatively inexpensive to provide and shouldn't qualify for adding another whole story.

Public restrooms should be encouraged, but perhaps as trade-offs for other departures or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

11. Provide indoor meeting space and/or performance space

Good idea.

Must include public restrooms.

12. Other similar features

Good idea.

Flexibility is good for both the developer and the community to meet changing needs. Amenities to qualify for the added height must be permanent, provide a public benefit, and be proportional to the magnitude of the increased square footage gained on the added floor(s).

Among the various comments that I have made on the attached copy of the 3rd Draft, here are some topics that I particularly want to bring to your attention:

The City cannot assure compliance with **ALL** other laws. To say this puts the City in an

untenable liability situation.

Recording. All short subdivisions must be recorded in compliance with the following:

Prior to recording, the applicant must submit the final short plat map to the city for signatures per AMC 19.32.050(C) and 19.32.060.

Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire.

Do you think the folks in Skyline realize that there could be 50' tall buildings all along the waterfront? No problem, a tsunami will take care of that.

Lot coverage percentages. These percentages result in some odd inequities. **Why should a person with a 6,000 sf lot in the R3 zone be able to build a house with a 900 sf larger footprint than THE SAME SIZE LOT in the R2 zone?** Where in the Comp Plan does it say people should build smaller houses in the lower density zones? Or if you happen to have a 9,000 sf lot (3 of the 30-foot lots) in R3 you could cover 4,500 sf, but 1,350 sf less on the same size lot in R2. That just seems backwards.

Street Frontage Maps:

The Planning Commission agreed that ALL STREET FRONTAGES SOUTH OF 17th should be UNDESIGNATED. Why do some still have other designations?

Why was Map I changed to bring the mixed designation all the way to the corner instead of wrapping the storefront around (as in draft I)? It would be odd to allow landscaped frontages to come to the corner (and the landscaped designation allows parking there). Since ground level spaces must be 50' deep, wrapping the storefront designation around the corner for 50' so the building must come to the sidewalk makes sense.

Landscaping. Requiring landscaping DOES NOT MAKE SENSE FOR COMMERCIAL AVE IN CBD. Storefront designation requires 0 setback, and other sides allow 0 setback. A landscaped area between or behind these buildings would not be seen or used.

Pole signs. Table 19.67.060(A) restricts pole signs to HM and LMI. This must be changed. Pole signs are the primary sign type along Commercial Ave. with over 50 existing signs that would become non-conforming if this restriction isn't changed. Pole signs are practical, less massive than monument signs, and should be allowed. Treat pole signs the same as other freestanding signs. Restricting the height and size may be appropriate in some zones, but please give small businesses the option to have inexpensive pole signs visible to motorists.

R3A rezone area. I am dismayed that one of the concepts that was very important in the development of the Comprehensive Plan has been left out of the current draft of the zoning

map. The R3 area generally between 12th and 22nd was intended to be a key part of the change to smaller lots because it is an area that historically has many houses on smaller lots, which has established the character of the neighborhood. It was understood that the exact boundaries would be designated on the final map as part of this update process. That has not been done, and I was told by staff that it would be done “later” as part of a separate process. It should be done now, to complete the transition of key areas to smaller lot sizes as specified in the Comprehensive Plan.

Thank you for considering my comments.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221
360-299-9081



TITLE 19 - UNIFIED DEVELOPMENT CODE

Planning Commission / 3rd Draft – December 18, 2018

[File name: DRAFT ADR MASTER_18-1218]

New Organization

The new code features an improved organization with eight overarching divisions. Each division contains a number of chapters, and individual sections follow after that. See page 2 for a table of contents with the chapters and sections.

1. General and legislative provisions
2. Procedures
3. Permits
4. Zoning and Land Uses
5. Community design
6. Project design
7. Environment
8. Development agreements

Tracking Content Changes since the Last Draft

Key changes made to text and graphics since the second public draft are highlighted in yellow.

TABLE OF CONTENTS

Division 1 - General and Legislative Provisions	5
Chapter 19.10 - GENERAL PROVISIONS	7
Chapter 19.12 - DEFINITIONS & INTERPRETATION.....	9
Chapter 19.14 - INTERNATIONAL CODES.....	25
Chapter 19.16 - LEGISLATIVE ACTIONS	26
Division 2 - Procedures.....	33
Chapter 19.20 - APPLICATION PROCEDURES	35
Chapter 19.22 - CONCURRENCY	51
Chapter 19.28 - PERMIT REVISION & EXPIRATION	54
Division 3 - Permits	56
Chapter 19.30 - SITE PLAN REVIEW	58
Chapter 19.32 - LAND DIVISIONS	60
Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS	71
Chapter 19.36 - CONDITIONAL USES	73
Chapter 19.38 - VARIANCES.....	75
Division 4 - Zoning and Land Uses	77
Chapter 19.40 - ZONES.....	81
Chapter 19.41 - ALLOWED USES	88
Chapter 19.42 - FORM & INTENSITY STANDARDS	101
Chapter 19.43 - RESIDENTIAL USES	129
Chapter 19.44 - COMMERCIAL USES.....	148
Chapter 19.45 - INDUSTRIAL USES.....	161
Chapter 19.46 - PUBLIC, INSTITUTIONAL & OPEN SPACE USES.....	166
Chapter 19.47 - ACCESSORY USES & STRUCTURES	171

Chapter 19.48 - TEMPORARY USES	177
Chapter 19.49 - NONCONFORMING USES & STRUCTURES	180
Division 5 - Community Design	182
Chapter 19.50 - INTRODUCTION.....	184
Chapter 19.51 – PUBLIC STREET IMPROVEMENTS REQUIRED.....	185
Chapter 19.52 - PUBLIC STREET DESIGN.....	191
Chapter 19.53 - PRIVATE DRIVEWAYS & ACCESS	197
Chapter 19.54 - SUBDIVISION DESIGN & BLOCK STRUCTURE	202
Division 6 - Project Design.....	212
Chapter 19.60 - INTRODUCTION.....	216
Chapter 19.61 - BLOCK FRONTAGE STANDARDS.....	220
Chapter 19.62 - SITE PLANNING	252
Chapter 19.63 - BUILDING DESIGN	274
Chapter 19.64 - PARKING.....	294
Chapter 19.65 - LANDSCAPING.....	306
Chapter 19.66 - FENCES, WALLS & HEDGES.....	322
Chapter 19.67 - SIGNS.....	332
Chapter 19.68 - WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS.....	374
Chapter 19.69 - STANDARDS, GENERALLY	375
Division 7 - ENVIRONMENT	378
Chapter 19.70 - CRITICAL AREAS	378
Chapter 19.72 - SHORELINES.....	378
Chapter 19.76 - STORMWATER.....	378
Chapter 19.78 - CLEARING & GRADING	378
Division 8 - DEVELOPMENT AGREEMENTS	379
Chapter 19.80 - DEVELOPMENT AGREEMENTS	379

Chapter 19.82 - DEVELOPMENT AGREEMENT WITH PORT..... 379

DIVISION I - GENERAL AND LEGISLATIVE PROVISIONS

Division I - General and Legislative Provisions 5

Chapter 19.10 - GENERAL PROVISIONS 7

19.10.010 - Purpose.....	7
19.10.020 - Applicability.....	7
19.10.030 - Administration.....	7
19.10.040 - Fees and costs.....	7
19.10.070 - No special duty created.....	7
19.10.080 - Savings.....	7
19.10.090 - Severability.....	8

Chapter 19.12 - DEFINITIONS & INTERPRETATION..... 9

19.12.020 - Definitions.....	9
19.12.040 - Rules of interpretation.....	23
19.12.060 - Supremacy.....	23
19.12.080 - Administrative interpretation.....	23

Chapter 19.14 - INTERNATIONAL CODES..... 25

Chapter 19.16 - LEGISLATIVE ACTIONS 26

19.16.010 - Purpose.....	26
19.16.020 - Applicability.....	26
19.16.030 - General requirements.....	26
19.16.040 - Petitions.....	27
19.16.050 - Docketing.....	28
19.16.060 - Environmental review of docket.....	29
19.16.070 - Public notices.....	29

19.16.080 - Review by Planning Commission.....	30
19.16.090 - Review by City Council.....	31
19.16.100 - Final disposition of annual docket.....	32
19.16.110 - Emergency or interim regulations.	32

Chapter 19.10 - GENERAL PROVISIONS

19.10.010 - Purpose.

The purpose of this Title is to implement the Comprehensive Plan and state laws related to land use and development in a manner that is clear, concise, and understandable. It is also intended to comply with state rules for combining and expediting development review and integrating environmental review and land use development plans.

19.10.020 - Applicability.

This Title is applicable to all land and land uses within the corporate limits of the City of Anacortes, and the City's urban growth area, except as pre-empted by law or interlocal agreement. All city departments, and the City itself, are subject to this Title.

19.10.030 - Administration.

The director has the duty to administer and enforce AMC Titles 16, 17, 18, and 19.

19.10.040 - Fees and costs.

- A. The City Council may, by resolution, adopt a schedule of fees for permit applications and appeals. Per RCW 82.02.060, impact fees must be adopted by ordinance.
- B. The cost of postings, mailings, and publications must be paid for by the applicant.

19.10.070 - No special duty created.

- A. It is the purpose of this title to provide for the health, welfare, and safety of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this title.
- B. Nothing contained in this title is intended to be nor may be construed to create or form the basis for any liability on the part of the city or its officers, agents, and employees for any injury or damage resulting from the failure of any premises to abate a nuisance or to comply with the provisions of this title or be a reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason or a consequence of any inspection, notice or order, in connection with the implementation or enforcement of this title, or by reason of any action of the city related in any manner to enforcement of this title by its officers, agents or employees.

19.10.080 - Savings.

Nothing contained in this title may be construed as abating any action now pending under or by virtue of any ordinance of the city herein repealed, or as discontinuing, abating, modifying, or altering any penalty accrued or to accrue, or as affecting liability of any person, firm or corporation, or as waiving any right of the city under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this title.

19.10.090 - Severability.

If any provision of this title is declared unconstitutional or invalid by any court of competent jurisdiction, it must be conclusively presumed that this title would have been enacted without the provision so held unconstitutional or invalid, and the remainder of this title must not be affected as a result of any part being held unconstitutional or invalid.

Chapter 19.12 - DEFINITIONS & INTERPRETATION

19.12.020 - Definitions.

The following definitions apply to this title, and other definitions may be found in individual chapters when applicable to that chapter:

A. A definitions.

“A-board” means a type of sign defined in AMC 19.67.030.

“Access corridor” means a vehicle circulation area in private ownership which provides access to a single flag lot.

“Accessory dwelling unit (ADU)” means a second small dwelling on the same lot as a single-family dwelling and meeting the requirements of AMC 19.47.030(C).

“Accessory structure” means a type of structure defined in AMC 19.47.020.

“Accessory use” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use. See AMC Chapter 19.47 Uses & Structures for applicable standards.

“Active recreation” means a mix of uses that includes the following facilities or facility types: athletic fields, buildings or structures for active recreational activities, fitness centers, swimming pools, , community gardens, courts, children's play areas, formally developed dog play areas, and other similar structures or development, and may include related uses such as retail and concession stands related to the principal use.

“Adult concessions”. See AMC 5.35.030 for definitions pertaining to adult concession which by this reference are adopted for and applicable to AMC Title 19 to the extent used therein.

“Adult family home” means a group living use defined in AMC 19.43.020(B).

“Advertise” means to describe or draw attention to a product, service, or event in a public medium in order to promote sales or attendance.

“Alterations” means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another.

“AMC” means the Anacortes Municipal Code.

“Appellant” means a person who files a complete and timely appeal of a city decision.

“Appellate body” means that officer or body prescribed by this Title as having the authority to hear the appeal of a development permit.

“Applicant” means a person seeking development or permit approval from the City.

“Articulation” means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See AMC 19.63.030 for articulation provisions.

“Articulation interval” means the measure of articulation, the distance before architectural elements repeat. See AMC 19.63.030 for articulation provisions.

“Artisan manufacturing” means a light manufacturing use defined in AMC 19.45.030(B).

Comment [CR1]: Could this also be for more than one lot? Perhaps say "access to a lot or lots". Would this term apply to the private roads in a cottage development, for instance?

“Assisted living facility” means a type of group living use defined in AMC 19.43.020(D).

B. B definitions.

“Basement” means that portion of a building below the ground floor having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter.

“Bed and breakfast establishment” means an overnight lodging use defined in AMC 19.44.050(B).

“Binding site plan” means a drawing to scale specified by AMC Chapter 19.32 Land Divisions which: (a) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (b) contains inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Anacortes; and (c) contains provisions making any development be in conformity with the site plan.

“Blank wall” means a ground floor wall or portion of a ground floor wall as described in AMC 19.63.060(B) that does not include a transparent window or door.

“Block” means a parcel of land bounded on all sides by city streets, which may be divided by an alley, and generally comprised of individual building lots.

“Block frontage” refers to the area between a street and building façades and other portions of a lot close to the street property line. This includes both streetscape elements (planting strips and sidewalks), street setbacks, and building façades. See AMC Chapter 19.61 Block Frontage Standards for applicable standards.

“Boarder” means a patron of a boarding or rooming house who is provided meals, with or without lodging, for compensation.

“Boundary line adjustment” means the adjustment of a boundary line between existing lots.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Building height”. See AMC 19.42.140 for building height calculations, exceptions, and modifications.

Building site”. See “site area”

“Burden of proof” means a party’s duty to prove an assertion or charge.

“Business or commerce” means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance, or commodity for livelihood or profit, except if the garage sale exception applies.

C. C definitions.

“Cannabis” means all parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purpose of this chapter, “cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term “cannabis” includes cannabis products and useable cannabis.

“Cannabis products” means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term “cannabis products” does not include useable cannabis. The definition of “cannabis products”

as a measurement of THC concentration only applies to the provisions of this chapter and must not be considered applicable to any criminal laws related to marijuana or cannabis.

“Cargo container” a type of temporary use defined in AMC 19.48.020(C).

“Carport” means a protective covering for a parking space open on two or more sides, also categorized under the term garage.

“Certificate of occupancy” means a permit to occupy a premises issued after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

“City” means the City of Anacortes, Washington.

“City Council” means the duly elected City Council of the City of Anacortes.

“City’s NPDES permit” means the 2013-2018 Phase II Western Washington Municipal Stormwater Permit issued by the Department of Ecology pursuant to the National Pollutant Discharge Elimination System.

“Closed record appeal” means an administrative appeal on the record to a local government body or officer, including the legislative body, following an open record hearing on a project permit application when the appeal is on the record with no or limited new evidence or information allowed to be submitted and only appeal argument allowed.

“Commission” means Planning Commission for the purposes of this title.

“Comprehensive Plan” means the City’s Comprehensive Plan adopted pursuant to RCW Chapter 36.70A.

“Comprehensive Plan amendment” means an amendment or change to the text or maps of the Comprehensive Plan.

“Conditional use” means a use that requires a Conditional Use Permit (CUP) and that may be restricted as a condition of approval.

“Cornice” means a horizontal molding projecting along the top of a wall, building, etc. See AMC 19.63.040(D) for related standards.

“Cottage dwelling” refers to a type of household living use defined in AMC 19.43.010(D).

“Council”. See “City Council”.

D. D definitions.

“Day” means calendar day, not business day, unless otherwise specified. See AMC 1.04.070 Computation of time.

“Day care” means a commercial use defined in AMC 19.44.010.

“Decision” means the written report of findings and conclusions issued by the decision-maker.

“Decision-maker” means that officer or body prescribed by this Title as having the authority to approve, approve with conditions, or deny a permit under this Title or hear an appeal and issue a revised decision.

“Department” means the City of Anacortes Planning, Community, and Economic Development Department.

“Departure” means a provision allowing for applicants to propose alternative means of compliance with a specific standard on a voluntary basis, provided they meet the purpose of the standard. See AMC 19.20.220 for more information on departures.

“Detached building” means a building surrounded on all sides by open space and not physically connected to any other building.

“Development” means any land use, activity, or project regulated by AMC Titles 13, 16, 17, 18, 19, and 20, including but not limited to building permits, subdivisions, binding site plans, rezones, conditional use permits, shoreline permits, short plats, or variances.

“Development permit” means a permit or approval for a development, and includes project permits per RCW 36.70B.020.

“Development site” means **that portion of any property** ~~lot or lots~~ that encompass all phases of a development proposal.

“Director” means the director of the Planning, Community and Economic Development Department or the director’s designee.

“Division of land” means any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any part of an owner’s land as defined in this section. Sale of a condominium apartment and rental or lease of a building, facility or structure which does not alter or affect the legal description of an owner’s land **does** not constitute a division of land.

“Drive-in or drive-through restaurant or refreshment stand” means any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages to customers in vehicles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

“Duplex dwelling” refers to a type of household living use defined in AMC 19.43.010(E).

“Dwelling unit” or “dwelling” means a building or portion thereof providing complete housekeeping facilities for one family. A “dwelling unit” does not include a motel or hotel, which is separately defined.

E. E definitions.

“Effective date” means the date a final decision becomes effective.

“Essential public facility” (EPF) means any public facility or facilities owned or operated by a unit of local or state government, public or private utility, transportation company, or any other entity that provides a public service as its primary mission, and is difficult to site. EPFs include those facilities listed in RCW 36.70A.200.

F. F definitions.

“Façade” means the entire street wall face of a building extending from the grade of the building to the top of the parapet or eaves and the entire width of the building elevation.

“Family” means:

1. One person or two or more related persons living together.
2. No more than five unrelated persons living together as a single nonprofit housekeeping unit.
3. Unrelated persons living together in a state licensed adult family home pursuant to RCW 70.127.010, with the provider’s family counting as up to six persons not related to the providers living with them as one housekeeping unit for profit.
4. In a single-family dwelling, one roomer or boarder is permitted in addition to the family.

Comment [CR2]: What about un-platted acreage?

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“Fence” means a structure which is built, constructed, or composed of parts joined together of material in some definite manner, in which the prime purpose is to separate and divide, partition, enclose or screen a parcel or parcels of land.

“Final decision” means the final City action, in writing, to approve, approve with conditions, or deny a permit application.

“Final plat” means a precise scale drawing of a subdivision and dedications which conforms to the approved preliminary plat, meets all the conditions of approval, and meets the requirements of the Skagit County Auditor for recording.

“Final short plat” means a precise scale drawing of a short subdivision and dedications which conforms to the approved preliminary short plat, meets all conditions of approval, and meets the requirements of the Skagit County Auditor for recording.

“Floor” means the same thing as a “story”.

“Floor area, net (NFA)” means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, ramps, toilet rooms, mechanical rooms, and closets.

“Floor area, gross (GFA)” means the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, ramps, closets, the thickness of interior walls, columns, or other features. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above. The gross floor area does not include shafts with no openings, or interior courts.

“Freestanding sign” means a type of sign defined in AMC 19.67.030.

G. G definitions.

“Gateway block frontage” refers to a type of block frontage designation that emphasizes landscaping on frontages facing State Route 20. See AMC 19.61.100 for details.

“Garage” means a sheltered or enclosed accessory space used for the storage of the motor vehicles, recreational vehicles, or boats. The term “garage” includes carport.

“Garage sale” means all general sales, open to the public, conducted from or on a residential premises in any residential zone, for the purpose of disposing of personal property.

“General service establishment” refers to a type of commercial use category defined in AMC 19.44.020(A).

“Grade” means the level of the surface of the ground.

“Grading” means any excavating or filling or combination thereof, of land.

“Gross acre” means acreage plus one-half the width of abutting right-of-way of streets and alleys.

“Groundcover” means small plants such as salal, ivy, ferns, mosses, grasses, or other types of vegetation which normally cover the ground.

“Ground floor” means the first floor of any building nearest, on, or above the same plane as the fronting right-of-way. “Grubbing” means the removal of trees, shrubs, stumps and rubbish from the project site.

H. H definitions.

“Heavy industry” means a land use category defined in AMC 19.45.010(A).

“Hedge” means trees, vines, and/or shrubs which are planted in a substantially uniform configuration, grown and joined together in some definite manner and generally pruned to a uniform shape, creating a substantial barrier to sight.

“Home occupation” means a type of accessory use defined in AMC 19.47.040+50.

“Hospital” means a type of medical use defined in AMC 19.44.030(C).

“Hotel” or “motel” means a type of overnight lodging use defined in 19.44.060(C).

I. I definitions.

“Improved public street” means a platted public street, paved to city standards and specifications.

“Incidental sign” means a type of design defined in AMC 19.76.030.

“Infiltration device or facility” means a drainage device or facility designed to use the hydrologic process of surface and stormwater runoff soaking into the ground, commonly referred to as a percolation, to dispose of surface and stormwater runoff.

J. J definitions.

“Junk yard” means a lot, land, or structure, or part thereof, used for the collecting, storage, and sale of waste paper, rags, scrap metal, used building materials, or discarded material; or for the collecting, dismantling, storage, salvaging or sale of parts of machinery, or vehicles not in running condition. Junk yard includes auto wreckage yard or storage yard for wrecked automobiles.

K. K definitions.

“Kennel” means a type of personal service use defined in AMC 19.44.080. Also see AMC 6.06.090 Commercial kennels, catteries, pet shops and animal shelters—General conditions for applicable standards.

L. L definitions.

“Land clearing” means the act of removing or destroying trees or groundcover.

“Landmark building” means a structure recognized as historic or architecturally significant through designation on a local, state, or national historic register.

“Landscape” and “landscaped area” means an inclusive combination of trees, shrubs, flowers, ferns, groundcover, and other vegetation as defined in AMC 19.65.030.

“Landscaped block frontage” refers to a type of block frontage designation that emphasizes landscaped setbacks. See AMC 19.61.070 for details.

“Light industry” means a land use category defined in AMC 19.45.020(A).

“Live-work dwelling unit” refers to a type of household living use defined in AMC 19.43.010(K).

“Loading space” means an off-street space or berth on the same lot with a building, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, parking lot or other appropriate means of access.

“Local government” means a county, city, or town.

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“Local Improvement District” means an area comprised of a specific set of properties which are subject to a special property tax assessment after City Council action by ordinance pursuant to state statutes.

“Local utility” means a type of utilities use defined in AMC 19.46.040(A).

“Long subdivision” means the division or redivision of land into ten or more lots for the purpose of sale, lease, or transfer of ownership.

“Lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term include tracts or parcels.

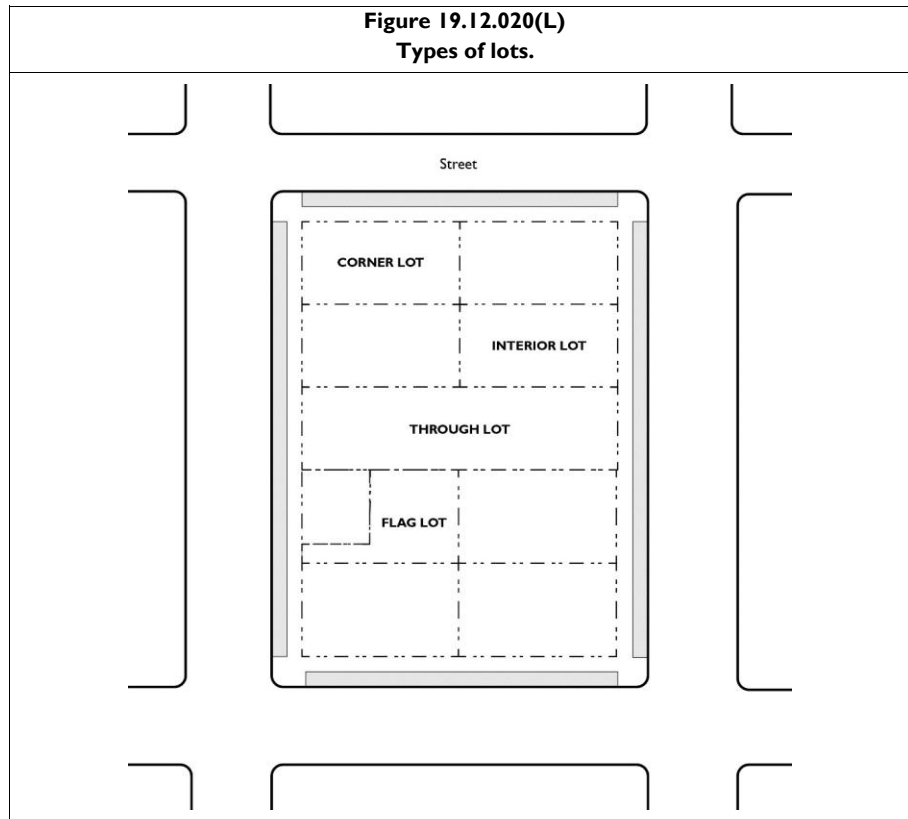
“Lot coverage” means the area of a lot which is covered by buildings and structures. See AMC 19.42.130 for a clarification of how lot coverage standards established by AMC Chapter 19.42 Form & Intensity Standards are applied.

“Lot frontage” means the portion of the property line which abuts a street right-of-way.

“Lot of record” means a lot which is described by a final plat, short plat, or metes and bounds, and is established consistent with applicable local and state regulations at the date a legal instrument creating the lot is recorded at the Skagit County auditor’s office.

“Lot types”. The diagram in figure 19.12.020(L) illustrates terminology used in this title with reference to corner lots, interior lots, and through lots.

1. “Corner lot” means a lot located at the intersection of two or more streets. A lot abutting a curved street or streets must be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.
2. “Interior lot” means a lot with frontage on only one street.
3. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. “Flag lot” means a parcel of land, the body of which is separated from a public street by one or more lots, connected to a public street by a narrow portion (flag pole) of the parcel. See AMC 19.42.150(B) for flag lot setback standards.
5. “Shared access lot” means a group of lots sharing a driveway. See AMC 19.54.040(D) for shared access lot standards.



“Low impact development” (LID) means a stormwater and land-use management strategy that strives to mimic the pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing the following techniques:

1. Conservation.
2. Use of on-site natural features.
3. Site planning.
4. Distributed stormwater best management practices (BMPs) integrated into a project design.

LID BMPs are distributed stormwater management practices, integrated into a project design that emphasize the pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. Common LID BMPs include, but are not limited to: bio-retention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, water re-use, and rainwater harvesting.

Comment [CR3]: why repeat the same words?

M. M definitions.

"Manufactured home" refers to a type of household living use defined in AMC 19.43.010(K).

"Marijuana" means all parts of the plant cannabis, whether growing or not. See also "Cannabis."

"Marine block frontage" refers to a type of block frontage designation that emphasizes use of either the Storefront or Landscaped block frontage standards but which also offers greater flexibility in site orientation. See AMC 19.61.090 for details.

"Medical office" means a type of medical use defined in 19.44.030.

"Minimum requirement" means a technical minimum requirement described in Volume I of the Stormwater Management Manual for Western Washington (SWMMWW) and Appendix I of the City's NPDES permit.

"Mixed block frontage" refers to a type of block frontage designation that allows use of either the Storefront or Landscaped block frontage standards. See AMC 19.61.080 for details.

"Mixed-use development" means a development or building that has a mix of uses such as, but not limited to, residential, office, retail, civic, dining, institutional, and industrial.

"Mixed-use zone" means a zone that allows a variety of uses such as, but not limited to, residential, office, retail, civic, dining, institutional, and industrial.

"Modulation" means stepping forward or backwards a portion of the façade as a means to articulate or add visual interest to the façade.

"Motel". See "Hotel".

"Multi-family age-restricted dwelling" refers to a type of household living use defined in AMC 19.43.010(J).

"Multifamily dwelling" refers to a type of household living use defined in AMC 19.43.010(I).

"Municipal service facility" means a type of general service use defined in AMC 19.44.020(D).

N. N definitions.

"Neighborhood grocery store" means a type of retail sales use defined in AMC 19.44.120(D).

"Nonconforming" or "pre-existing nonconforming" means a use or structure that was legally established when it was commenced or constructed but does not conform to laws or rules that were subsequently adopted.

"Nursery" means a type of agriculture use defined in AMC 19.46.010(E).

"Nursing home" means a type of group living use defined in AMC 19.43.020(E).

O. O definitions.

"Open record hearing" means a hearing conducted by a single hearing body or officer authorized by the city to conduct such hearings, that creates the city's record through testimony and submission of evidence and information, under procedures prescribed by the city by ordinance or resolution.

"Open record pre-decision hearing" means an open record hearing held prior to the City's decision on a project permit.

"Open record appeal hearing" means an open record hearing held on an appeal if no pre-decision hearing has been held on the project permit.

"Open space" means that part of a property which is unobstructed by structures from the ground upward, unless otherwise noted for internal open space provisions in AMC 19.62.040.

P. P definitions.

“Passive recreation” means a mix of uses on undeveloped land (including wetland buffers) or minimally improved lands which includes the following: naturally landscaped areas, non-landscaped greenspaces, picnic areas, water bodies, trails, interpretive trails and other similar structures or development.

“Parking space” means an off-street space plus room to enter and exit the space that is used temporarily to park a motor vehicle, and which has access to a public street or alley.

“Party of record” means a person who has testified at a public hearing, or submitted a written statement related to an application within the allowed timeframe, and who provides the City with a complete mailing address.

“Pedestrian-oriented space” means publicly accessible spaces that enliven the pedestrian environment by providing opportunities for outdoor dining, socializing, relaxing and provide visual amenities that can contribute to the character of the neighborhood. See AMC 19.62.040(D) for pedestrian-oriented space design criteria.

“Permanent sign” means a type of sign defined in AMC 19.67.030.

“Permitted use” means any use authorized or permitted alone or in conjunction with another use in a specific zone and subject to the limitations of the regulation of such zone.

“Person” means and includes a human being or legal entities such as corporations, partnerships, etc.

“Personal service” means a category of land uses defined in AMC 19.44.080(A).

“Place of assembly” means a place for groups of people to gather for an event or scheduled program. Examples include both civic or public uses (see AMC 19.46.020) or commercial recreation uses (see AMC 19.44.090-100).

“Planning Commission” means the duly appointed Planning Commission of the city.

“Plat” means a scale drawing of a subdivision showing lots, blocks, streets, or tracts, or other division or dedications of land to be subdivided.

“Pole sign” means a type of freestanding sign defined in 19.67.030.

“Portable sign” means a type of freestanding sign defined in AMC 19.67.030.

“Preliminary plat” means a neat and approximate scale drawing of a proposed subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, and other information needed to properly review the proposal.

“Preliminary short plat” means a neat and approximate scale drawing of a proposed short subdivision, showing the existing conditions and the proposed layout of streets, lots, blocks, encumbrances, encroachments, and other information needed to properly review the proposal.

“Principal use” means the use for which the majority of a lot, structure, or building, is designed or actually employed.

“Produce stand” means a type of temporary use defined in AMC 19.48.020(A).

“Professional office” means a type of commercial use category defined in AMC 19.44.040.

“Projecting sign” means a type of building-mounted sign defined in AMC 19.67.030.

“Project permit or project permit application” means any land use or environmental permit or license required from the city for a project action, including but not limited to building permits, subdivisions, binding site plans, conditional uses, shoreline substantial development permits, site plan

review, permits or approvals required by critical area ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, sub area plan, or development regulations except as otherwise specifically included in this subsection.

“Public access” means access for all persons at all times.

“Public park” means a type of parks, open space, and natural areas land use defined by 19.46.030(B).

“Public safety facility” means a type of general service used defined in AMC 19.44.020(E).

“Public street” means a public thoroughfare which provides the principal means of access to abutting properties. See AMC Chapter 19.52 Public Street Design for related public street design standards and roadway functional classifications.

Q. Q definitions.

“Qualified professional” means a person with experience and training in the applicable field or critical area. A qualified professional must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geology or related field, and two years of related work experience.

R. R definitions.

“Real estate signs” means signs used for the purpose of marketing real property as opposed to identifying place of business.

“Recreational vehicle” means a type of temporary use defined in AMC 19.48.020(D).

“Regional utility” means a type of utilities use defined in AMC 19.46.040(B).

“Religious institution” means a type of civic land use defined in AMC 19.46.020(G).

“Research and development” means a type of use category defined in AMC 19.45.040.

“Retail” means a type of use category defined in AMC 19.44.120(A).

“Retaining wall” means a structure that retains (holds back) any material (usually earth) and prevents it from sliding or eroding away.

“Rezone” means an amendment which changes the use classifications and/or boundaries upon the official zoning map.

“Right-of-way” means a strip of land in public ownership used for transportation, utility, open space, or other public purposes.

“Rockery” means placed rocks used to control soil erosion.

“Roofline” means the highest edge of the roof or the top of a parapet, whichever establishes the top line of the structure when viewed in a horizontal plane.

“Rooming house” means a type of group living use defined in AMC 19.43.020(F).

S. S definitions.

“School” means a type of civic use defined in AMC 19.46.030(l).

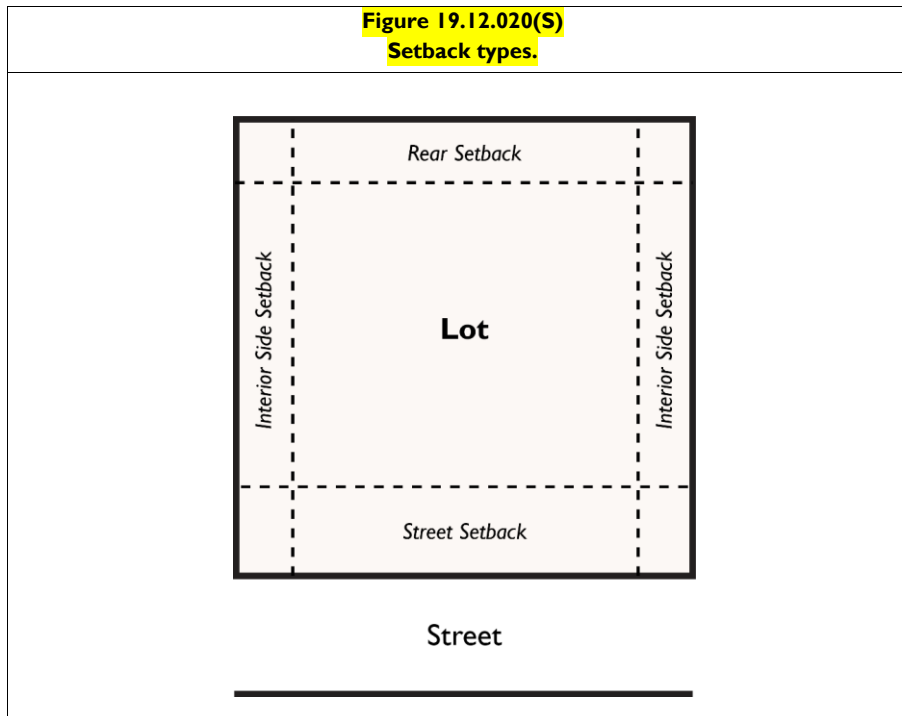
“Second floor” means the habitable floor above the ground floor.

“Sediment basin (pond)” means a temporary sediment pond installed at a construction site.

“Setback” means the minimum required distance between a property line and a line parallel to that property line. **Types of setbacks include:**

1. Street setback.
2. Street setback - garage.
3. Side street setback.
4. Interior side setback.
5. Interior side setback - second floor.
6. Rear setback.

Figure 19.12.020(S) shows the location of some setback types on a typical lot. See AMC 19.42.150 for clarification on how all setback types are measured.



“Setback line” means a line designating the minimum setback from the property line. See AMC 19.42.150 for measurement clarifications.

“Shell building” means a non-residential building that is capable of being divided into multiple leasable units or spaces with different uses but has had no use or uses identified as part of a land use permit application.

“Shoreline permit” means a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance issued pursuant to the City’s Shoreline Master Program.

“Short plat” means the plat of a short subdivision.

“Short subdivision” means the division or redivision of land into nine or fewer lots.

“Single-family dwelling” refers to a type of household living use defined in AMC 19.43.010(B).

“Single family - small lot dwelling” refers to a type of household living use defined in AMC 19.43.010(C).

“Site area” means the total horizontal area within the property lines excluding external streets, except where property lines extend waterward of the ordinary high water mark (OHWM) in which case the site area is the total horizontal area landward of the OHWM and excluding external streets.

“Sign”. See AMC 19.67.030 for sign and sign-related definitions.

“Significant tree” means a deciduous and evergreen tree greater than six inches in diameter at five feet above grade.

“Site plan” means a map or representation of a site showing thereon the location of various features of a particular proposal, such as setbacks, buildings, parking areas, and other items.

“Standard of review” means the amount of deference given by an appellate body in reviewing a decision of a lower decision-maker.

“Storefront” means the ground floor façade of a commercial use adjacent to a sidewalk or internal pathway.

“Storefront block frontage” refers to a type of block frontage designation that emphasizes storefronts. See AMC 19.61.060 for details.

“Stormwater management manual” means the city’s manual for design of stormwater facilities, as adopted in AMC 19.76.040.

“Street gutter” means a low area at the side of a road used to catch water and carry it away from the road.

“Streetscape” means the space between the buildings on either side of a street that defines its character. The elements of a streetscape include block frontages, building façades, landscaping (trees, yards, bushes, plantings, etc.), sidewalks, street paving, street furniture (benches, kiosks, trash receptacles, fountains, etc.), signs, awnings, and street lighting.

“Structure” means that which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, not to include fences less than **seven feet** high, paved areas, or retaining walls.

“Story” means that portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

“Substandard lot” means a lot that does not meet current city standards for area, width, or other dimensional characteristics for the zone in which it is located.

“Surface water” means waters that flow over the land surface and frequently interact with groundwater.

“SWMMWW” means 2014 Stormwater Management Manual for Western Washington.

T. T definitions.

“Temporary signs” means conforming signs permitted for a specified period of time. See AMC 19.67.100 for applicable standards.

“Tent structure” means any structure which is designed to be freestanding or partially supported by another structure, is covered with metal, canvas, plastic, or other material of a generally temporary nature, supported by a wood or pipe or similar skeletal frame.

“Townhouse dwelling” refers to a type of household living use defined in AMC 19.43.010(H).

“Tract” means land reserved for special uses such as open space, surface water retention, utilities, or access. Tracts are not counted as lots nor considered as building sites.

“Transparency” means the degree to which rays of light may transmit through a substance. For storefronts and other ground level non-residential uses, transparency also refers to the ability to see through the window and into the building as clarified in AMC 19.61.060.

“Tree” means any living woody plant characterized by one main stem or trunk (or a group of trunks, in some species) and many branches, and having a diameter of eight inches or more measured at twenty-four inches above ground level when mature.

“Triplex dwelling” refers to a type of household living use defined in AMC 19.43.010(F).

U. U definitions.

“Undesignated block frontage” refers to a type of block frontage without a designation. See AMC 19.61.100 for details.

“Undeveloped lot” means a lot or parcel of land upon which no building or structure exists.

“Under-canopy signs” means a type of building-mounted sign defined in AMC 19.67.030.

“Unit”. See “Dwelling unit”.

“Unit lot subdivision” means a subdivision of land within a parent parcel that creates individual sellable lots. See AMC 19.32.050(D) for unit lot subdivision procedures.

V. V definitions.

“Variance” means an adjustment from a dimensional or numeric standard of Title 19 issued per AMC Chapter 19.38 Variances.

“Vertical building modulation” means a stepping back or projecting forward vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet façade the articulation standards in AMC 19.63.030.

W. W definitions.

“Wall” means an upright structure of wood, stone, brick or other such material serving to enclose, divide, support or protect.

“Wall sign” means a type of building-mounted sign defined in AMC 19.67.030.

“Water-oriented industrial uses” means a type of use category defined in AMC 19.45.080(A).

“Weather protection” means a permanent horizontal structure above pedestrian areas such as sidewalks and building entries that protects pedestrians from inclement weather.

“Window sign” means a type of building-mounted sign defined in AMC 19.67.030

19.12.040 - Rules of interpretation.

- A. Within this title, all words used have their normal and customary meanings, unless specifically defined otherwise in this title.
 - 1. Words used in the present tense include the future.
 - 2. The plural includes the singular and vice versa.
- B. Distances are measured horizontally unless otherwise specified.
- C. Interpretations of this code must be consistent with the Comprehensive Plan.
- D. Interpretations related to uses in each zone should be based on the “purpose” section of each zone.
- E. Where two applicable rules conflict within this title, the most restrictive rule controls unless otherwise specified.

19.12.060 - Supremacy.

In the event of a conflict between provisions of this title and AMC Title 13, 16, or 17, the provisions of this title control. In the event of a conflict between provisions of this title and AMC Chapter 18.16 Shoreline Master Plan, the provisions of AMC Chapter 18.16 Shoreline Master Plan control.

19.12.080 - Administrative interpretation.

- A. Consistent with RCW 36.70B.110(11), any person may submit a written request for an interpretation of this title. Any such request must:
 - 1. Specify each code section for which an interpretation is requested.
 - 2. Describe why an interpretation of each section is necessary.
 - 3. Include any reasons or material in support of a proposed interpretation.
 - 4. Include any fee established by the City Council for such requests.
- B. If the interpretation request is associated with a pending application for a development permit, the director may consolidate the request with the process for review of the application. If the director does not consolidate the request with an application, the director must issue an interpretation within 60 days of receipt of the request and publish it to the City website.
- C. In making an interpretation, the director must consider all of the following:
 - 1. The applicable provisions of the code including their purpose and context.
 - 2. The applicable provisions of the Comprehensive Plan and other relevant codes and policies.
 - 3. The impact of the interpretation on other provisions of the AMC.
 - 4. The implications of the interpretation for development within the City as a whole.

- D. The director may respond to inquiries regarding the applicability and interpretation of various code provisions prior to or outside the context of a formal request for an administrative interpretation.
- E. An administrative interpretation is not binding on the director or City, nor appealable, but the decision-maker on a relevant development permit application may treat an interpretation as persuasive authority.

Chapter 19.14 - INTERNATIONAL CODES

AMC 19.14 International Codes is omitted from this document. No changes are currently proposed.

Chapter 19.16 - LEGISLATIVE ACTIONS

19.16.010 - Purpose.

This chapter establishes a program and process for early and continuous public participation for land use legislation consistent with RCW Chapter 36.70A, the Growth Management Act.

19.16.020 - Applicability.

- A. This chapter applies to adoption and amendment of any of the following legislative matters:
 - 1. The Comprehensive Plan.
 - 2. The Comprehensive Plan land use map.
 - 3. Implementing development regulations.
- B. This chapter does not apply to any of the following quasi-judicial matters:
 - 1. Development permit applications.
 - 2. Rezones permitted by an existing Comprehensive Plan designation that do not require a simultaneous amendment to the Comprehensive Plan.
- C. This chapter does not apply to any of the following legislative matters:
 - 1. Adoption and amendment of international and uniform codes such as the International Building Code, International Fire Code, or other codes required by the State of Washington.
 - 2. Adoption of regulations governing impact fees, development agreements, and amendment of this chapter.

19.16.030 - General requirements.

- A. For amendments to the Comprehensive Plan policies (other than the capital facilities planning element, or the capital facilities financing plan) or land use map, the City must:
 - 1. Accept petitions per AMC 19.16.040.
 - 2. Docket amendments per AMC 19.16.050.
 - 3. Perform environmental review of the docket per AMC 19.16.060.
 - 4. Provide all public notices per AMC 19.16.070.
 - 5. Perform review by the Planning Commission per AMC 19.16.080.
 - 6. Offer additional opportunities for public comment if required per AMC 19.16.090.
 - 7. Adopt all amendments by ordinance simultaneously each year except for amendments that qualify for one of the exceptions in RCW 36.70A.130(2)(a).
- B. For amendments to the development regulations, the City must:
 - 1. Accept petitions per AMC 19.16.040 and docket amendments per AMC 19.16.050, or the City may itself initiate the process of adopting or amending development regulations at any time.
 - 2. Provide all public notices per AMC 19.16.070.

3. Perform review by the Planning Commission per AMC 19.16.080.
 4. Offer additional opportunities for public comment if required per AMC 19.16.090.
 5. Adopt all amendments by ordinance.
- C. For amendments to the capital facilities planning element, or the capital facilities financing plan, the City must:
1. Update the capital facilities financing plan at least once every two years.
 2. Ensure the financing plan is consistent with the Comprehensive Plan, as required by RCW 36.70A.070, and includes at least the next six years of capital facilities expenditures.
 3. Ensure the financing plan is consistent with the City budget.
 4. Hold a public hearing and offer a written comment period of at least two weeks.
 5. Provide public notice consistent per AMC 19.16.070.
 6. Offer additional opportunities for public comment if required per AMC 19.16.090.
 7. Adopt the amendments to the capital facilities planning element, or the capital facilities financing plan, by ordinance into the City's Comprehensive Plan.
 8. Consistent with the provisions for timing of amendments to the Comprehensive Plan identified in RCW 36.70A.130, adopt the amendments either:
 - a. Simultaneous with the docket of annual amendments to the Comprehensive Plan; or
 - b. Simultaneous with adoption or amendment of the City budget.

19.16.040 - Petitions.

- A. Types of petitions. A petition is one or more of the following types:
1. An amendment to the Comprehensive Plan policies.
 2. An amendment to the Comprehensive Plan land use map (which requires a simultaneous rezone).
 3. An amendment to the development regulations.
- B. When to file.
1. A petition must be submitted on or before the last business day of March, except that a City-initiated petition is not subject to this deadline.
 2. A petition for a rezone or map amendment may be considered only once between each Comprehensive Plan Periodic Update unless the applicant demonstrates a substantial change in circumstances. A petition for the same property may not be considered in consecutive years.
- C. How to file.
1. A petition must be filed with the department on forms provided by the department.
 2. A petition must be filed with all fees required by the adopted fee schedule.
 3. A City-initiated petition does not require a written petition or fees.
- D. Contents of petition. A petition for amendment of the Comprehensive Plan or the development regulations must include the following:

1. A detailed statement of what is proposed to be changed and why.
 2. A statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented.
 3. A demonstration of why the proposal is needed.
 4. A statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.
- E. A petition for a rezone or amendment of the Comprehensive Plan map must also include a detailed description of how the map amendment complies with:
1. The land use designation criteria in the Comprehensive Plan.
 2. Approval criteria for map amendments and rezones.

19.16.050 - Docketing.

- A. The department must review all new petitions and any petitions deferred from the previous year's docket, and forward a recommendation to the City Council as to which petitions should be included in the next year's docket.
- B. In making its docket recommendation, the department must consider whether:
1. The petition complies with the filing requirements.
 2. The petition, in light of all proposed amendments being considered for inclusion in the year's docket, can be reasonably reviewed within the staffing and operational budget allocated to the department by the City Council.
 3. The proposed amendment, to be adopted, would not require additional amendments to the Comprehensive Plan or development regulations not addressed in the application, and is consistent with other goals, objectives and policies adopted by the City Council.
 4. The proposed amendment raises policy, land use, or scheduling issues that would more appropriately be addressed as part of an ongoing or planned work program, or as part of the periodic review cycle.
 5. Some legal or procedural flaw in the petition would prevent its legal implementation.
 6. The petition lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the department from requesting additional information at any later time.
- C. Following receipt of the department's docket recommendation, the City Council must hold a public hearing to allow applicants and the public to comment on the department's recommendation. The City Council must subsequently consider the department's recommendation and the public comment and decide which petitions to include as part of the annual docket.
- D. The City Council must include, exclude, or defer each petition.
1. Include. The City Council's decision to include a petition in the docket is procedural only and does not constitute a decision by the City Council as to whether the amendment will ultimately be approved.
 2. Exclude. The City Council's decision to exclude a petition from the docket terminates the petition.

3. Defer. The City Council's decision to defer a petition means the City Council will consider the petition for docketing in the next annual amendment cycle.
- E. The petitions included in the docket must be processed according to the remaining sections of this chapter, including public review and comment and Planning Commission recommendation, and final City Council action to approve, approve with modifications, defer to a subsequent amendment cycle, or deny each petition.

19.16.060 - Environmental review of docket.

- A. After the Council establishes the year's docket of Comprehensive Plan amendments, the City must complete environmental review of all of the proposed amendments, consistent with the requirements of RCW Chapter 43.21C and AMC Chapter 18.04 State Environmental Policy Act. For a site-specific Comprehensive Plan amendment, the applicant must submit a complete environmental checklist, required fees, and any other supporting information required by the department.
- B. After receipt and review of the environmental checklist(s) for each of the docketed Comprehensive Plan amendments, the department must issue threshold determination(s) on the docket of amendments.
- C. Any environmental review must consolidate, as much as practical, site-specific SEPA review with review of the entire docket of proposed Comprehensive Plan amendments to ensure adequate consideration of cumulative effects of the proposed amendments.
- D. A petition that is carried over from a previous year's docket to the next docket does not require a new SEPA checklist and fee, and is not required to be considered in the same environmental document as other proposals in the same docket. However, the department may require additional SEPA analysis to assess the cumulative impacts of the various proposals constituting a docket.

19.16.070 - Public notices.

- A. All public hearings and written comment periods that appear in this chapter require public notice.
- B. Consistent with RCW 36.70A.035(1), "public notice" whenever it appears in this chapter includes all of the following:
 1. Publishing a native electronic copy of the document on the proposal's webpage on the department's website.
 2. Sending notice to the department's e-mail list, including general lists or relevant lists for specific proposals or subject areas.
 3. Publishing a paid notice in the City's official newspaper.
- C. For site-specific proposals (e.g. site-specific Comprehensive Plan map amendments), the initial "public notice" of a proposal also includes all of the following:
 1. Posting notice on the property.
 2. Mailing notice directly to the owners of the subject property and to all property owners within 300 feet of the subject property.
- D. Notices must include all of the following:
 1. A concise description of the proposal in plain English.

2. Information on how to provide comment on the proposal.
3. Deadlines for public comment.
4. Address of the project webpage.

19.16.080 - Review by Planning Commission.

- A. Public Hearing.
 1. After environmental review, the Planning Commission must hold at least one public hearing before issuing a recommendation on each proposal.
 2. If necessary due to the number of people present to comment, the Planning Commission may continue the public hearing to another date, time, or location.
- B. Deliberations.
 1. Required consideration. The Planning Commission must consider the following in making its recommendation:
 - a. Public hearing testimony and written comment received during any public comment period.
 - b. Recommendations and analysis from relevant City advisory groups.
 - c. Staff recommendations and analysis.
 - d. Legal advice.
 - e. Consistency of the proposal with the Anacortes Comprehensive Plan.
 - f. For proposed Comprehensive Plan map changes, whether the proposal is justified by changed or changing conditions, whether the proposal would create an isolated land use designation unrelated to adjacent designations (a spot zone), and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.
 2. Ability to ask follow-up questions. The Planning Commission may ask specific follow-up questions of those that testify or submit written comments in order to clarify their testimony or request specific further information.
 3. Ability to continue deliberations. The Planning Commission may continue their deliberations to a subsequent meeting if it needs additional information or additional time to deliberate.
- C. Recommendation to City Council.
 1. Timing. At the conclusion of its deliberations, the Planning Commission must vote on the proposal.
 2. Vote. The Planning Commission may vote to recommend approval, approval with modifications, or rejection of the proposal. The Planning Commission may recommend general modifications to the proposal and need not provide explicit textual edits.
 3. Content. The Planning Commission's recommendation on a proposal must be by recorded motion, which must contain the following components:
 - a. Findings of fact: a list of facts that the Planning Commission believes to be true and that are relevant to its recommendation on the proposal.

- b. Reasons for action: an explanation of the Planning Commission's rationale in making its recommendation.
- c. Recommendation: the recommendation resulting from the vote.
- d. Vote: a record of the roll call vote on the entire recorded motion.
- e. Additional comments: other relevant comments, suggestions, or recommendations, not strictly related to the recommendation, that the Planning Commission desires to include.
- f. Signature of the chair attesting that the recorded motion reflects the Planning Commission's decision.

19.16.090 - Review by City Council.

- A. Upon receipt of the Planning Commission's recommendation, the City Council must consider and take action on the recommendation.
- B. The City Council may take final action with no further process in any of the following situations:
 - 1. When the plan, plan amendment, or development regulation to be adopted by the City Council conforms substantially to the proposal as made available for public comment.
 - 2. Pursuant to RCW 36.70A.035, when any of the following are true:
 - a. An environmental impact statement (EIS) has been prepared under RCW Chapter 43.21C for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement.
 - b. The proposed change is within the scope of the alternatives available for public comment.
 - c. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect.
 - d. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120.
 - e. The proposed change is to a resolution or ordinance enacting a moratorium or interim control adopted under RCW 36.70A.390.
 - 3. When the action is to preserve the status quo and reject any and all changes in their entirety.
- C. Except as provided in subsection (B), the City Council must allow additional public comment opportunity prior to final action. The City Council must choose one or more of the following options to provide such opportunity:
 - 1. An additional written public comment period.
 - 2. One or more public hearings before the City Council.
 - 3. Remand of issue(s) to the Planning Commission for further recommendations after an additional written public comment period, or an additional public hearing, or both.
- D. If the City Council adopts a substantial change from the original proposal without remand, it must adopt its own findings of fact and reasons for action, setting forth the factors considered in the public comment or at the hearing and its own analysis of findings considered by it to be controlling.

19.16.100 - Final disposition of annual docket.

- A. The City Council must take action (approve, deny, or defer) on the current year's docket before establishing a subsequent docket.
- B. The City Council may defer action on any specific plan or plan amendment to a future docket if:
 - 1. Additional time is needed to analyze the impacts of the proposal.
 - 2. Retaining the proposal on the docket would unfairly delay action on other proposals that are otherwise ready for a decision.
 - 3. Approval of the proposal depends on the implementation of other rules, standards or policies that either do not exist or are not official by the time the City Council is ready to make its decision on the annual docket.
 - 4. The City Council determines that the proposed plan or plan amendment is more appropriately considered during a subsequent amendment process.

19.16.110 - Emergency or interim regulations.

The provisions of RCW 36.70A.390 for emergency or interim maps or regulations or moratoria, if applicable, supersede the requirements of this chapter.

DIVISION 2 - PROCEDURES

Division 2 - Procedures..... 33

Chapter 19.20 - APPLICATION PROCEDURES 35

19.20.010 - Policy35

19.20.020 - Applicability.....35

19.20.030 - Types of review.....35

19.20.040 - Consolidated review.....37

19.20.050 - Eligibility for permits.....38

19.20.060 - Lots of record.38

19.20.070 - Vesting.....38

19.20.080 - Requirement for public notices.....39

19.20.090 - Pre-application conference.....40

19.20.100 - Pre-application neighborhood meeting40

19.20.110 - Application-contents and completeness-revisions.....41

19.20.120 - Application-notice.42

19.20.130 - Application-department review43

19.20.140 - Public hearings and meetings44

19.20.150 - Public hearing-notice.....44

19.20.160 - Decision-timing45

19.20.170 - Decision-notice46

19.20.180 - Appeals.....46

19.20.190 - Remand.48

19.20.200 - Reconsideration.....48

19.20.210 - Exhaustion of administrative remedies.....48

19.20.220 - Departures	49
19.20.230 - Framework development plans.....	49
Chapter 19.22 - CONCURRENCY.....	51
19.22.010 - Purpose.....	51
19.22.020 - Definitions.....	51
19.22.030 – Applicability	51
19.22.040 – Project concurrency review.....	52
19.22.050 – Concurrency test.....	53
19.22.060 – Phased development	53
Chapter 19.28 - PERMIT REVISION & EXPIRATION	54
19.28.010 - Permit revision.....	54
19.28.020 - Permit expiration.....	54

Chapter 19.20 - APPLICATION PROCEDURES

19.20.010 - Policy.

This chapter establishes standard procedures for review of development permit applications and appeals. These procedures are designed to promote timely and informed public participation, eliminate redundancy in the process, minimize delay and expense, and result in approvals that further the goals and policies of the Anacortes Comprehensive Plan. These procedures are intended to be consistent with the provisions of RCW Chapter 36.70B and integrate the land use permit process with the environmental review process.

19.20.020 - Applicability.

- A. This chapter applies to all applications and all development permits issued per AMC Titles 16, 17, and 19.
- B. Exemptions. Consistent with RCW 36.70B.140, the following permits are exempt from the procedural requirements of this chapter:
 - 1. Sidewalk use permits.
 - 2. Development agreements.
 - 3. Final approval of short subdivisions and subdivisions.
 - 4. Landmark designations and street vacations.

19.20.030 - Types of review.

- A. Decisions on applications are governed by several types of review processes, described and distinguished in this section. The types of review are generally organized in ascending order of significance, amount of public process, and level of discretion exercised by the decision maker.
- B. The director must determine the proper review type for all permit applications. If there is a question as to the required type of process, the director must resolve it in favor of the higher type number. A Type 3-PC review is considered a higher level than a Type 3-HE review.
- C. Table 19.20.030(1) identifies the types of review for all applications, and describes the process for each type of review.
 - 1. The types of applications that are subject to each type of review are listed in the column immediately beneath the heading for each type.
 - 2. The processes required for each type of review is further described by the remainder of the column beneath the heading for each type.
 - 3. The remainder of this chapter describes the required processes for each type of review.

Table 19.20.030
Review classification and process matrix.

Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions
Types of applications	• Accessory dwelling units • Boundary line adjustments • Building, mechanical & plumbing permits • Clearing & grading permits • Extension of time for approval • Fence permits • Minor permit revisions • Sign permits • Site plan review, less than 10 dwelling units, and/or less than 12,000sf of non-residential gross floor area, and/or less than 20,000sf of site improvements • Shoreline exemptions • Wireless Telecommunication uses in AMC 17.63.060	• Administrative conditional use permits, including home occupation permits • Binding site plans, less than 10 lots • Level 1 variances • Preliminary short subdivisions • SEPA threshold determinations • Site plan review, 10 or more dwelling units, and/or 12,000sf or more of non-residential gross floor area, and/or 20,000sf or more site improvements • Stormwater Management Manual exceptions	• Level 2 variances • Special use permits for towers or antennas • Zone boundary determination	• Any other applications identified as “conditional uses” in AMC Title 17 • Shoreline Conditional Use & Variance Permits • Shoreline Substantial Development Permits (SSDP) for projects valued less than one million dollars on site less than three acres • Special use & reasonable use permits per AMC Chapter 17.70	• Binding site plans, 10 or more lots • Conditional use permits, except administrative CUPs • Essential Public Facilities, type 1 & 2 • Framework development plans • Preliminary long subdivisions • R1 zone density bonus • Site-specific rezones authorized by the Comprehensive Plan • Shoreline Substantial Development Permits (SSDP) for projects valued at \$1 million or more or on site of 3-acres or more
Pre-application conference	At discretion of director	At discretion of director	Yes	Yes	Yes
Pre-application neighborhood meeting	No	No, except for short subdivisions, binding site plans, and site plan review at discretion of director	Yes	Yes	Yes

Table 19.20.030 Review classification and process matrix.					
Types of Review	Type 1 Administrative Ministerial Actions	Type 2 Administrative Decisions	Type 3-HE Hearing Examiner Decisions	Type 3-PC Planning Commission Decisions	Type 4 City Council Decisions
Notice of application	No	Yes	Yes	Yes	Yes
Comment period	None	14 days	21 days	21 days (30 for shoreline permits)	21 days (30 for shoreline permits)
Recommendation by	None	None	Director	Director	Planning Commission
Pre-decision open-record public hearing	No	No	Yes, before Hearing Examiner	Yes, before Planning Commission	Yes, before Planning Commission
Closed-record decision hearing	No	No	No	No	Yes, before City Council
Decision by	Director	Director	Hearing Examiner	Planning Commission	City Council
Notice of decision	No	Yes	Yes	Yes	Yes
Local appeal available to	Hearing Examiner	Hearing Examiner	City Council	City Council	None
Appeal hearing type	Open-record	Open-record	Closed-record	Closed-record	N/A

19.20.040 - Consolidated review.

- A. Optional consolidated application processing. All projects that involve two or more application processes may, at the applicant's written request, be processed collectively under the highest numbered type procedure required for any part of the application or may be processed individually under each of the review procedures. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.
- B. Integration of environmental review. An application for a development permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04 State Environmental Policy Act concurrently with review of the development permit application except where exempted by that chapter.

- C. Per RCW 36.70B.050, review of an application is allowed only one open record hearing and one closed record appeal hearing.
- D. The appeal of a SEPA procedural determination is not subject to this section.

19.20.050 - Eligibility for permits.

- A. All development permits require a lot of record as described in AMC 19.20.060.
- B. The department may not issue any development permit for a lot created through a division, conveyance, or segregation that was illegal or contrary to city subdivision laws or RCW Chapter 58.17.

19.20.060 - Lots of record.

- A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single substandard lot of record at the effective date of adoption of the 1978 zoning ordinance. Such lot must have been in separate ownership and not of continuous frontage with other lots in the same ownership continuously since April 19, 1978. This provision applies even when such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone, provided that setback dimensions and other requirements not involving area or width, or both, of the lot conform to the current regulations for the zone in which such lot is located.
- B. If two or more contiguous substandard lots, or combination of contiguous substandard lots and portions of lots, were in single ownership of record as of April 19, 1978, or at any time since that date, they must be aggregated and considered a single parcel for purposes of meeting current area and dimensional standards for lots in the zone in which they are located. If all such contiguous land under single ownership still constitutes a substandard lot once aggregated, a single-family dwelling and customary accessory buildings may be erected thereon (or other uses generally permitted in the zone), provided setback, lot coverage, and other requirements are met. No portion of land or lots thus aggregated may be used or sold in a manner which creates or leaves remaining a substandard lot.
- C. Any residential lot or lots, which were used as residential prior to April 19, 1978, and have been in continual residential use since April 19, 1978, in a zone that is now zoned light manufacturing must be considered a conforming, permitted residential use within the nonresidential designation. Other requirements of the nonresidential designation, such as lot size, setbacks, density, land coverage, building height, and parking apply to such residential lots.

19.20.070 - Vesting.

- A. An application for a building permit or land division vests at the time a complete application is filed with the department and all application fees are paid, consistent with RCW 19.27.095(1) and RCW 58.17.033(1).
 - 1. An application is complete on the date a complete application is filed, as subsequently determined in the letter of completeness.
 - 2. An application vested under this section is not subject to laws or regulations that become effective after the date of vesting, except as provided below.

- B. This section may not be construed to restrict the City from imposing conditions on development permits pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, WAC Chapter 197-11, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.
- C. This section may not be construed to prevent the City from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

19.20.080 - Requirement for public notices.

- A. Applicability. This section applies whenever one of the following is required by this chapter:
 - 1. Notice of Application.
 - 2. Notice of Public Hearing.
 - 3. Notice of Decision, including any revised Notice of Decision.
- B. Distribution. The department must timely distribute the notice by:
 - 1. Publication in the City's official newspaper.
 - 2. Electronic mail or first class mail to:
 - a. The applicant.
 - b. Any appellant.
 - c. Any parties of record.
 - d. Any person who, prior to rendering the decision, has requested a copy of the Notice of Decision.
 - e. Any agencies with jurisdiction over the application or any agencies that commented on the application.
 - f. Washington State Department of Transportation if the project is located adjacent to the right-of-way of a state highway.
 - g. Skagit County if the project is located adjacent to a city boundary.
 - 3. For a Notice of Application, via first class mail to owners of property within 300 feet of the subject property.
 - 4. For a Notice of Decision, to the County Assessor.
 - 5. Posting on at least two notice boards on or near the subject property, and on the notice board at City Hall and public library. The director may establish standards for size, color, layout, design, wording, and placement of the signs and notice boards.
- C. Errors in precise compliance with the rules contained in this section do not require repeating the public notice if the notice was reasonable and adequate.

19.20.090 - Pre-application conference.

- A. Purpose. The pre-application conference is intended to:
 - 1. Provide the City and other agency staff with information about the proposed development.
 - 2. Enable staff to advise the applicant of applicable approvals and requirements.
 - 3. Acquaint the applicant with the applicable requirements of the AMC and other laws.
 - 4. Identify issues and concerns in advance of a formal application.
- B. When required.
 - 1. Generally. A pre-application conference is required when shown in AMC 19.20.030.
 - 2. Exception. The director may waive the pre-application conference if the proposal has few development-related issues, involves subsequent phases of an approved development, or is substantially similar to a prior proposal affecting substantially the same property.
- C. To schedule a pre-application conference, the applicant must submit a request on forms provided by the department and pay any applicable fees.
- D. The advice the City provides at pre-application meetings is not binding upon the City and does not prevent the City from enforcing all applicable regulations.

19.20.100 - Pre-application neighborhood meeting.

- A. Purpose. The purpose of the neighborhood meeting is to:
 - 1. Inform citizens about the potential project at an early stage.
 - 2. Foster communication between the applicant and the public regarding potential issues and opportunities for solutions related to the project.
- B. When required.
 - 1. A pre-application neighborhood meeting is required when shown in AMC 19.20.030.
 - 2. The applicant must hold a neighborhood meeting before submitting an application and after any required pre-application conference.
 - 3. The director may require the applicant to hold another neighborhood meeting if the applicant's plans change significantly from those described at the neighborhood meeting.
- C. Meeting.
 - 1. The meeting must be held in a public meeting place, such as the Public Library meeting room, Depot Arts Center, or City Hall or similar room as approved by the director.
 - 2. The meeting may be facilitated by a third-party facilitator approved by the director.
 - 3. The meeting must be held Tuesday, Wednesday, or Thursday at 6 or 7 p.m. and may not overlap with any other City meeting or City holidays.
- D. Notices.
 - 1. The director may provide standard notice formats and guidelines for conducting the meeting.
 - 2. The notice must include:
 - a. a brief description of the project;

- b. date, time, and location of the neighborhood meeting;
 - c. name and phone number of the applicant or their representative.
- 3. The notice must be mailed at least 10 days prior to the meeting to all of the following:
 - a. The department.
 - b. The list of property owners that must receive the notice of application.
- 4. The notice must be published in the local newspaper at least 10 days prior to the meeting.
- 5. The applicant must also post the notice on the project site at least 10 days prior to the meeting.
- E. The applicant is responsible for all fees and costs associated with the pre-application neighborhood meeting.

19.20.110 - Application-contents and completeness-revisions.

- A. Contents of applications.
 - 1. Application requirements:
 - a. Applications must be submitted on forms provided by the department.
 - b. Applications must be signed by the owners of the property subject to the application, or include the owner's notarized authorization for the applicant to submit the application.
 - c. Applications must include fees, as calculated by the director following the adopted fee schedule.
 - d. Applications must include all the information specified in any applicable code section as well as the application checklist provided by the department.
 - 2. The applicant must apply for all permits identified in the pre-application meeting and required by law.
- B. Complete applications.
 - 1. A permit application is complete for the purposes of this section when it meets the requirements of section A.
 - 2. When the director makes a determination on completeness of an application, the director must provide to the applicant either:
 - a. A written determination that the application is complete; or
 - b. A written determination that the application is incomplete, a request for information necessary to make the application complete, and a notice that the requested information must be submitted within 90 days.
 - 3. A determination of completeness is not required if the director issues the permit prior to the deadlines in subsection (C).
 - 4. A determination of completeness does not preclude the director from requesting additional information or studies either at the time of the determination of completeness or later, if the information is required to complete review of the application or substantial changes in the permit application are proposed.

C. Timing.

1. Initial receipt of application. Upon initial receipt of an application, the director must provide the applicant a determination of completeness within 28 days. If the director does not provide a written determination within 28 days, the application is deemed complete at the end of the 28th day.
2. Receipt of additional information. When the applicant submits the requested information, the director must evaluate the application for completeness within 14 days. If the director does not provide a written determination within 14 days, the application is deemed complete at the end of the 14th day.
3. Incomplete applications.
 - a. The applicant may submit a written request for extension of the deadline to submit the requested information for an additional 90 days. The director may grant up to two such extensions.
 - b. If the applicant has not provided the requested information by the deadline, the director must reject and return the application along with any unspent application fees.

D. Revisions to applications.

1. The applicant may make minor revisions to the application after the determination of completeness and before the closure of an open public hearing.
2. A "minor revision" to an application is one that does not:
 - a. Involve more than ten percent increase in area or intensity of the use.
 - b. Increase the number of lots, dwelling units, or density.
 - c. Decrease the quality or amount of open space.
 - d. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents.
 - e. Expand onto property not included in the original proposal.
3. Any revision other than a minor revision requires a new application.

19.20.120 - Application-notice.

- A. When required. A Notice of Application is required when shown in AMC 19.20.030 Types of review.
- B. Contents. The Notice of Application must include all of the following:
 1. The application number.
 2. The name of the applicant.
 3. The date of application, the date of the notice of completion for the application, and the date of the notice of application.
 4. Identification of the location of the project, by address if available.
 5. A description of the proposed application, a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070.

6. The identification of other permits not included in the application, to the extent known by the City.
7. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed.
8. A statement of the public comment period, which lasts the number of days specified for the application type in AMC 19.20.030 Types of review; except all shoreline permits subject to the comment period as outlined in WAC 173-27-110(2)(e), which allows for a 30-day comment period.
9. A statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights.
10. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application.
11. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and consistency.
12. If the City is using the optional DNS process (WAC 197-11-355), additional information will be added to the notice as required by WAC 197-11-355(2).
13. Any other information determined necessary by the City, such as the City's likely threshold determination, if complete at the time of issuance of the notice of application.

C. Timing.

1. The department must distribute a Notice of Application within 14 days of determination that an application is complete and at least 15 days prior to any open record hearing.
2. Within seven days after the end of the public comment period, the department must transmit the applicant a copy of public comments timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to these comments within seven days from the date the comments are transmitted.

19.20.130 - Application-department review.

- A. The department has a duty to review each application for compliance with applicable city codes and to deny, or recommend denial of, or approve, or recommend approval of, an application based on its compliance with applicable city codes.
- B. If the department is required to provide a recommendation to the decision maker or body making a recommendation on an application, the department's recommendation must include all of the following:
 1. The date of determination of completeness.
 2. Identification of city codes relevant to evaluation of the application.
 3. A statement of facts necessary for the decision maker to evaluate the application's compliance with applicable city codes.
 4. The department's evaluation of whether the application complies with applicable city codes.
 5. A description of the public process the application is subject to.

6. A description of any environmental review related to the application.
 7. Draft findings of fact for the decision-maker.
 8. Any other information that is necessary to make a decision regarding the application.
- C. Requirement to consider comments.
1. In making its recommendation or decision, the department must consider written comments, and applicant's responses, that are timely received.
 2. Except for a determination of significance, the department may not issue its SEPA threshold determination or issue a decision or recommendation on the application until the expiration of the public comment period on the notice of application.

19.20.140 - Public hearings and meetings.

- A. All hearings and meetings conducted as part of processing a permit application must be conducted consistent with this section.

Table 19.20.140				
Types of hearings and meetings.				
	Open-record Pre-decision	Closed-record Decision	Open-record Appeal	Closed-record Appeal
Participation	Any interested party	Applicant and any party of record	The applicant, any appellant, and any party of record	The applicant, any appellant
Facts allowed outside the record	Yes	No	Yes	No
Standard of review	Compliance with AMC Titles 16, 17, 18, 19	De novo	Clearly erroneous	Clearly erroneous
Burden of proof	Applicant	Applicant	Appellant	Appellant

- B. Swearing-in required. Before testifying, any witness, including city staff, must be required to declare that he or she will testify truthfully, by oath or affirmation.
- C. Continuations. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a specified date and no further notice under this section is required.

19.20.150 - Public hearing-notice.

- A. When required.** A notice of public hearing is required for any public hearing held on a permit application pursuant to this chapter.
- B. Contents.** The public notice must include **all of the following**:
1. The application number.
 2. Project summary/description of each project permit application.
 3. The designation of the hearing body.

4. The date, time, and place of the hearing and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the hearing body.
5. General project location, vicinity, address, and parcel number(s), if applicable.
6. The name of the applicant or applicant's authorized representative and the name, address and telephone number of a contact person for the applicant, if any.
7. The SEPA threshold determination, or description thereof, will be contained in the notice, along with any appropriate statement regarding any shared or divided lead agency status and phased review and stating the end of any final comment period.
8. A statement regarding the appeal process.
9. The date when the staff report will be available and the place and times where it can be reviewed.

C. Timing. The department must distribute, including by publishing in the City's official newspaper, a notice of public hearing at least 15 days prior to the date of public hearing.

19.20.160 - Decision-timing.

A. Time limits.

1. The decision-maker may not issue its decision on an application until the expiration of the public comment period on the notice of application.
2. The final decision on an application for a development permit must be made within the time limits from determination of completeness listed in Table 19.10.200-1.

Table 19.20.160 Decision timing.	
Type of Application	Time Limit
Preliminary subdivisions and binding site plans (RCW 58.17.140)	90 days
Final subdivisions (RCW 58.17.140)	30 days
All other development permits (RCW 36.70B.080)	120 days

3. The following time periods are excluded from the calculation of the time limits:
 - a. Any time required to correct plans, perform studies, or provide additional information.
 - b. Any time during which substantial project revisions are made or requested by an applicant, in which case the 120 days will be calculated from the time that the City determines the revised application to be complete.
 - c. Any time required for the preparation and review of an environmental impact statement.
 - d. Any time required to complete the process for the siting of an essential public facility.
 - e. Any time required to obtain any necessary variance.
 - f. Any time required for any administrative appeals.
 - g. Any time required for any administrative appeal of SEPA threshold determination, if applicable.

- h. Any time required for any remand to the hearing body.
 - i. Any extension of time mutually agreed upon by the City and the applicant.
 - j. Any specific amount of additional time that the City determines is necessary for the processing of a specific complete project permit application.
4. **Extension of time.** If the City is unable to issue its final decision on an application within the time limits provided for in this section, it must provide written notice to the applicant. The notice must include a statement of the reasons why the time limits cannot be met and an estimated date for issuance of the Notice of Decision.

B. Effective date. The decision is effective on the date stated in the decision, resolution, or ordinance. The date from which appeal periods may be calculated is the date of issuance of the decision.

19.20.170 - Decision-notice.

- A. When required. When a final decision is made that requires a Notice of Decision per AMC 19.20.030 or a decision is made on appeal, the department must issue a Notice of Decision.
- B. Contents. The Notice of Decision must include **all of the following**:
- 1. The application number.
 - 2. The name of the applicant.
 - 3. The name of the project.
 - 4. The street address of the project site.
 - 5. A description of the application.
 - 6. The date of final decision on the application.
 - 7. The date the Notice of Decision was issued.
 - 8. The decision on the application.
 - 9. Any threshold determination made pursuant to RCW Chapter 43.21C.
 - 10. A notice that affected property owners may request a change in valuation from the County Assessor for property tax purposes notwithstanding any program of revaluation.
 - 11. The procedure for appeal and the deadline for filing an appeal.

19.20.180 - Appeals.

- A. Standing. The following parties have standing to appeal final decisions:
- 1. The director.
 - 2. The applicant.
 - 3. Any owner of the property subject to the application.
 - 4. Any party of record.
- B. Necessary parties. The following are parties to any appeal:
- 1. The director.

2. The applicant.
 3. Any owner of the property subject to the application.
- C. Permissive joinder. The hearing body may add a party with standing to the appeal, after the appeal deadline has passed, upon the request of the party.
- D. Time to file. An appeal is timely only if it is:
1. Filed with the City Clerk within 14 calendar days after written notice of the decision is mailed; and
 2. Accompanied by the required appeal fee.
- E. Method of service. Appeals must be delivered to the City Clerk by mail or personal delivery before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, regardless when such appeals were mailed or postmarked.
- F. Contents. Appeals must be submitted on forms provided by the department and contain the following:
1. Appellant's name, address, and phone number.
 2. A description of the appellant's standing to appeal.
 3. Identification of the application or decision that is the subject of the appeal.
 4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based, with specific references to the facts in the record.
 5. The specific relief sought.
 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature or the signature of the appellant's agent, provided such agent's authorization is in writing and accompanies the appeal.
- G. Automatic stay. Except for administrative appeals of SEPA threshold determinations, the timely filing of an appeal will stay the decision until such time as the appeal is concluded or withdrawn.
- H. Procedures. The appellate body may provide in its procedures for a decision on the appeal after a hearing where the parties present argument, or new evidence when allowed by this chapter; or after the parties submit written arguments.
- I. Decision on appeal. The appellate body must issue a written decision on the appeal supported by written findings and conclusions, and the department must distribute a revised Notice of Decision incorporating the decision on appeal.

19.20.190 - Remand.

- A. In the event that the appellate body determines that the public hearing record is insufficient or otherwise flawed, the appellate body may remand the matter back to the original decision-maker to correct the deficiencies.
 - 1. The appellate body must specify the items or issues to be considered and the time frame for the additional work.
 - 2. The original public hearing may be re-opened if necessary for the limited purpose of addressing specific questions articulated by the appellate body.
 - 3. Only the parties of record to the open-record hearing, or in the case of an appeal, the parties to the appeal, may participate in the remand.
- B. The original decision-maker must affirm, modify, or reverse its original action based on the revised public record.

19.20.200 - Reconsideration.

- A. A party to the underlying decision may seek reconsideration only of a final decision by filing a written request alleging specific errors on a form provided by the department within 10 days of the date of decision.
- B. The decision-maker must consider the request without public comment or argument by the party filing the request. Reconsideration may be granted only when a material legal error has occurred or a material factual issue has been overlooked that would change the previous decision.
 - 1. If the request is denied, the previous action will become final.
 - 2. If the request is granted, the decision-maker may revise and reissue its decision or may call for argument in accordance with the procedures for closed-record appeals. If the decision is revised and the decision requires a Notice of Decision, the department must distribute the revised notice.

19.20.210 - Exhaustion of administrative remedies.

- A. No further administrative appeals are available when the final appeal shown in AMC 19.20.030 has been heard.
- B. A request for reconsideration is not required to exhaust administrative remedies.

19.20.220 - Departures.

- A. Overview and purpose. This title provides for a number of specific departure opportunities to development standards. The purpose is to provide applicants with the option of proposing alternative design treatments provided such departures meet the “purpose” of the particular standard and any additional departure criteria established for the particular departure opportunity.
- B. Departures are voluntary. This provision allows the flexibility for applicants to propose alternative designs on a voluntary basis, provided they meet the purpose of the standard and applicable departure criteria as noted above.
- C. Applicability. Departure opportunities are available only where noted for specific standards.
- D. Procedures. Permit applications that include departure requests go through the standard review procedures in this division depending on the application type.
- E. Approval criteria. Project applicants must successfully demonstrate to the decision-maker how the proposed departure meets the purpose(s) of the standard and other applicable departure criteria that applies to the specific standard.
- F. Documentation. The decision-maker must document the reasons for approving all departures (to be maintained with project application records) for the purpose of providing consistency in decision-making by the city.

19.20.230 - Framework development plans.

- A. **Purpose and applicability.** Framework development plans apply to proposals to establish block frontage designations as established in AMC 19.61.180, adjust the list of permitted uses where specifically allowed in this title, and/or to obtain preliminary approval, for a large and/or phased development proposal that depicts its major development and design parameters (i.e. major circulation and infrastructure systems, open spaces, block frontage designations, allocation of categories of land uses and development intensities among portions of the development site, and phasing of development over time).
- B. **Procedures.** Framework development plan applications are subject to review procedures as established in AMC Chapter 19.20 Application Procedures. A framework development plan may be submitted and reviewed concurrently with other applications.
- C. **Application requirements.** An application must be submitted on forms provided by the department and must demonstrate compliance with the approval criteria described in this section.
- D. **Changes to approved framework development plan.** Subsequent development applications may incorporate minor changes to locations of circulation routes [and other project design parameters](#), provided they meet the purposes of the plan, the Anacortes Comprehensive Plan, and applicable code sections. This also means that the changes would not significantly alter the development’s general function, form, intensity, character, demand on public facilities, and impact on adjacent properties.
- E. **Review criteria.**
 - 1. Plans must meet the goals and policies of the Anacortes Comprehensive Plan.
 - 2. Plans must meet the purposes and standards in AMC 19.61.180.
 - 3. Proposed layouts and circulation routes are consistent with the purposes and standards of AMC 19.54.020 (Block design and connectivity standards), AMC 19.62.050 (Internal pedestrian access and design), and AMC 19.62.060 (Vehicular circulation and parking).

F. **Conditions authorized.** In approving a framework development plan, the decision-maker may impose, in addition to regulations and standards expressly specified in this code, other conditions necessary to ensure compatibility with the review criteria. These conditions may include, but are not limited to:

1. Placing restrictions on permitted uses.
2. Integrating design parameters on circulation and streetscape design elements.
3. Integrating supplemental building massing standards.
4. Integrating supplemental screening and landscaping standards.

G. **Recording.** Prior to framework development plan approval, the plan's components and conditions must be documented on a form approved by the director and City Attorney, and [following approval, they](#) must be recorded with the Skagit County Auditor's office as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors. [If these documents are not recorded within 60 days of approval, the approval must expire.](#)

Comment [CR4]: If the covenants are recorded, and then the approval is denied or if the approval conditions are modified (necessitating revising the covenants), then the recorded document would not be consistent with the approval. I definitely agree with the requirement for the documents to be recorded, but recording them before Council approval seems backwards. Adding an expiration deadline is an incentive to get them recorded.

Chapter 19.22 - CONCURRENCY

(From AMC 17.05, with updates)

19.22.010 - Purpose.

- A. To ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with the development
- B. To ensure that public facilities and services necessary to support development will be adequate to serve the development without decreasing service levels below adopted minimum standards.
- C. Concurrency for most urban public facilities and services is assured by the manner in which the city comprehensive plan and its functional plans are integrated, implemented and monitored. The following public facilities and services, termed “concurrency facilities and services,” however, need to be analyzed on a site-specific basis: road, water, sewer/septic, stormwater, police, and fire. This chapter describes concurrency management systems for the city.
- D. To provide a framework for determining facilities and services needs and to provide a basis for meeting those needs through capital facilities planning.
- E. To provide for the evaluation of requests for development to ensure that adequate facilities can be provided within a reasonable time of the development impact.

19.22.020 - Definitions.

For the purposes of this chapter, the following words have the following meanings:

“Adequate” means at or above the adopted level of service standards.

“Available facility capacity” means capacity in a concurrency facility that is currently available for use without requiring facility construction, expansion or modification.

“Concurrency facilities and services” means facilities and services for which concurrency is required in accordance with the provisions of this chapter. They are potable water, sanitary sewer, stormwater management, roads, law enforcement, and fire and emergency medical response. The City of Anacortes is the service provider for all of these facilities and services for the entire area within its limits.

“Concurrency test” means the comparison of an applicant’s impact on concurrency facilities to the capacity of the concurrency facilities.

“Concurrent with development (concurrent)” means that improvements or strategies are in place at the time of development or that financial commitment is in place to complete the improvements or strategies within six years.

“Level of service (LOS) standard” means an established minimum capacity of public facilities or services that must be provided per unit of demand or other appropriate measure of need. For transportation, an A through F scale is frequently used to reflect level of service and to designate a LOS standard.

19.22.030 – Applicability

- A. This chapter applies to all development except the following:

Comment [CR5]: This wording differs slightly from C (above). Should be consistent wording.

- I. Development types which create no additional impacts on concurrency facilities or services including, but not limited to:
 - a. Any addition or accessory structure to a residence with no change in use or increase in the number of dwelling units.
 - b. Interior renovations with no change in use or increase in number of dwelling units.
 - c. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use.
 - d. Replacement structure with no change in use or increase in number of dwelling units.
 - e. Temporary construction trailers.
 - f. Driveway, resurfacing or parking lot paving.
 - g. Reroofing of structures.
 - h. Demolitions.
 - i. Any other permit or approval that the Director determines has no impact on a concurrency facility or service.

B. The following development permits are exempt from the requirements of this chapter:

1. Accessory dwelling units.
2. Boundary line adjustment.
3. Final plats (if a concurrency test was conducted for the corresponding preliminary plat permit).
4. Rezone.
5. Street vacation.
6. Temporary use permit.
7. Variance.

19.22.040 – Project concurrency review.

- A. Development is prohibited, and all applications therefore must be denied, if the development would cause the level of service on a concurrency facility or service to decline below adopted levels of service standards, unless the improvements or strategies to accommodate the new development are made concurrent with the development, subject to the provisions of subsection 19.22.050(C).
 - I. For potable water, sewer/on-site sewage disposal and stormwater management, only available capacity or capacity that can be provided prior to the actual use of the facility will be used.
- B. If a proposed development would cause the level of service to decline below adopted level of service standards for an affected facility, the proposed development may nonetheless be approved if the Director finds that an improvement will be completed that will result in meeting adopted level of service standards of all affected concurrency facilities at the time of development, or that a financial commitment is in place to complete the improvement or implement the strategy within six years.
- C. All development approvals must include a finding as to the application of this chapter, and those approvals for which concurrency improvements are required under this chapter must be expressly conditioned thereon.

19.22.050 – Concurrency test.

- A. In conducting the concurrency test, the City must use the level of service standards adopted in the Capital Facilities Element of the Comprehensive Plan.
- B. *Procedures.* The concurrency test for concurrency facilities will be performed in the processing of the development permit and conducted by the Department in consultation with the Public Works Department.
- C. *Test.* Development applications must comply with either subsection [\(C\)\(1\)](#) or [\(C\)\(2\)](#) below:
 - 1. If the capacity of concurrency facilities is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed and is to be documented by the Director.
 - 2. If the available facility capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:
 - a. Accept a ninety-day reservation of available facility capacity on concurrency facilities and modify the application to reduce the need for planned facility capacity on concurrency facilities;
 - b. Accept a ninety-day reservation of available facility capacity on concurrency facilities and demonstrate to the service provider's satisfaction that the development will have a lower need for capacity than usual and, therefore, the available facility capacity is adequate;
 - c. Accept a ninety-day reservation of available facility capacity on concurrency facilities and arrange with the service provider for the provision of the additional capacity of concurrency facilities required; or
 - d. Appeal the results of the concurrency test in accordance with the procedures for the applicable underlying permit, per AMC 19.20.030.

19.22.060 – Phased development.

- A. When a development is proposed in phases, or construction is proposed to occur over a period greater than three years, concurrency facilities and services impacts must be reviewed as part of environmental review.
- B. The city and the proponent of the development must enter into an agreement identifying the improvements or strategies that will be required with each phase or time period of development to meet the concurrency facilities and service requirements.
- C. All implementing permits, including but not limited to subdivision and building permits, must be conditioned that the improvements identified in the agreement are made concurrent with construction during such phase or time period or that a financial commitment is in place to complete the improvements or strategies within six years of construction.

Chapter 19.28 - PERMIT REVISION & EXPIRATION

19.28.010 - Permit revision.

- A. Type of review. A major revision to an approved permit requires a new application. A minor revision to an approved permit may be approved by the director. The director may condition approval to ensure compliance with this section.
- B. Types of revisions.
1. A major revision is any revision other than a minor revision, or a revision that does not qualify as a minor revision when considered cumulatively with other minor revisions since initial issuance of the permit.
 2. A minor revision is a revision that does not:
 - a. Increase the area of the use by more than ten percent;
 - b. Increase the intensity of the use in a way that significantly affects the surrounding area in terms of traffic, noise, hours of operation, parking, or other impacts;
 - c. Increase the number of lots, dwelling units, or density;
 - d. Decrease the quality or amount of open space;
 - e. Result in any significant environmental impact not adequately reviewed or mitigated by previous documents;
 - f. Expand onto property not included in the original proposal.
- C. A permit revision may not extend the time for expiration.

19.28.020 - Permit expiration.

- A. Expiration Schedule. Permits and approvals have the following initial terms until expiration, and may be extended the number of times indicated for the length of extension indicated.

Table 19.28.020			
Permit terms and extensions.			
Type of Permit or Approval	Initial Term	Number of Allowed Extensions	Length of Each Extension
Boundary line adjustment	1 year to record	0	n/a
Building permits	18 months	1	18 months
Clearing, grading, grubbing	1 year to complete work	1	6 months
Conditional Use Permit	5 years to establish use	1	1 year
Framework Development Plan	5 years to establish use	1	1 year
Preliminary Plat, Short Plat, Binding Site Plan	Time to submit final plat is as established in RCW 58.17.140.	0	n/a
Reasonable Use Exception	5 years to establish use	1	1 year
Shoreline Exemption	1 year per SMP	0	n/a

Table 19.28.020 Permit terms and extensions.			
Type of Permit or Approval	Initial Term	Number of Allowed Extensions	Length of Each Extension
Shoreline Permits	2 years to commence construction; 5 years maximum. See WAC 173-27-090(4)	1	1 year
Site Plan Review	18 months to apply for building permit	1	18 months
Special Use Permit	See applicable code section		
Variance	5 years to establish use	1	1 year
Wetland Delineation Verification	5 years from city approval	0	n/a

- B. Shortening Permit Term. The City may, when issuing a decision, require a shorter expiration period than that indicated in subsection (A) when the nature of the specific development is such that the normal expiration period is unreasonable or would adversely affect the health, safety, or general welfare of people working or residing in the area of the proposal. The decision-maker may adopt time limits as a part of action on shoreline permits, in accordance with WAC 173-27-090.
- C. Commencement of Permit Term. The term for a permit will commence on the date of the final decision; except that in the event the decision is appealed, the effective date will be the date of decision on appeal. The term for a shoreline permit will commence on the effective date of the permit as defined in WAC 173-27-090.
- D. When Permit Expires.
1. A permit issued under this title will expire if, on the date the permit expires, the project sponsor has not performed the work indicated in Table 19.28.020-1 or fulfilled the requirements of the applicable permit.
 2. Exception. The initial permit term does not include the time during which a permit was not actually pursued by construction because of pending litigation related to the permit or because the applicant was diligently pursuing permits from other agencies necessary for construction.
- E. Extension of Land Use Applications. An extension may be granted by the director for one year if the applicant has attempted in good faith to complete the proposed development activity necessary to meet the conditions of approval.
- F. Extension of Shoreline Permits. In accordance with Section 18.16.130.

DIVISION 3 - PERMITS

Division 3 - Permits..... 56

Chapter 19.30 – SITE PLAN REVIEW 58

19.30.010 - Purpose.....58

19.30.020 - Applicability.....58

19.30.030 - Application requirements58

19.30.040 - Review criteria58

Chapter 19.32 - LAND DIVISIONS 60

19.32.010 - Purpose.....60

19.32.020 - Applicability.....60

19.32.030 - Preliminary land division approval - Application requirements.....61

19.32.040 - Preliminary land division approval – Criteria for decision.....63

19.32.050 - Procedures for review – Specific land division types.....64

19.32.060 - Final plat application requirements.....67

19.32.070 - Review criteria for approval of final subdivisions.....69

19.32.080 - Subdivision alteration and vacation.....70

19.32.090 - Violations - Penalty.....70

Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS 71

19.34.010 - Purpose.....71

19.34.030 - Application requirements71

19.34.020 - Review Criteria71

19.34.050 - Final approval and recording.....72

Chapter 19.36 - CONDITIONAL USES..... 73

19.36.010 - Purpose.....73

19.36.020 - Applicability.....73

19.36.030 - Application requirements	73
19.36.040 - Review Criteria	73
19.36.050 - Conditions authorized.....	74
Chapter 19.38 - VARIANCES.....	75
19.38.010 - Purpose.	75
19.38.020 - Applicability.....	75
19.38.030 - Variance levels.....	75
19.38.040 - Review Criteria	75

Chapter 19.30 – SITE PLAN REVIEW

19.30.010 - Purpose.

To ensure that site plans are reviewed to achieve the following purposes:

- A. Compliance with the provisions of the AMC and ~~all~~ other applicable laws.
- B. Coordination, as is reasonable and appropriate, with other known or anticipated development on private properties in the area, and with known and anticipated right-of-way and other public projects in the area.
- C. The encouragement of proposals that embody good design principles that will result in high quality development on the subject property.
- D. The adequacy of streets and utilities in the area of the subject property to serve the anticipated demand from the proposal.
- E. Determination that the proposed street access to the subject property is ~~the optimal~~ a suitable location and configuration for access.

19.30.020 - Applicability.

- A. All non-subdivision development proposals will be subject to site plan review and approval except: repair, maintenance, grading below the minimum defined limits of this title, and interior remodeling.

19.30.030 - Application requirements.

- A. An application must be submitted to the department on forms provided by the department and include applicable fees and all required information in the application submittal checklist.
- B. Site plan review applications are reviewed per AMC Chapter 19.20 Application Procedures.
- C. ~~The department may optionally request a three dimensional visualization of proposed development that will exceed a building height of 30 feet.~~

19.30.040 - Review criteria.

- A. Conformance with ~~all~~ other applicable laws, ordinances and regulations.
- B. Conformance with AMC Chapter 15.32 Underground Utilities.
- C. Conformance with AMC Chapter 119.22 Concurrency.
- D. Conformance with AMC Chapter 18.04 State Environmental Policy Act.
- E. Conformance with the applicable zoning provisions of Division 4, including:
 - 1. AMC Chapter 19.41 Allowed Uses.
 - 2. AMC Chapter 19.42 Form & Intensity Standards.
 - 3. The applicable use standards of AMC Chapters 19.43-48.
- F. Conformance with the applicable community design provisions of Division 5, including:

Comment [CR6]: The City cannot assure compliance with **ALL** other laws.

Comment [CR7]: What is optimal for the owner may not be optimal for the city or the neighbors. Changing to "suitable" would allow the city to require a location that the owner might not consider optimal, but meets other needs.

Comment [CR8]: Bad idea. Nearly all homes and buildings are over 30 ft. and might have to do this - at extra cost. And what would it accomplish? There are no criteria on which the "visualization" would be judged to determine whether the project is acceptable. Is this intended to be for view blockage, design standards, or what? On what basis would decisions be made? Perhaps useful for buildings over 50 ft. in some areas, if criteria are specified.

Comment [CR9]: The City cannot assure compliance with **ALL** other laws. To say this puts the City in an untenable liability situation.

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1. AMC Chapter 19.51 Public Street Improvements Required.
 2. AMC Chapter 19.52 Public Street Design.
 3. AMC Chapter 19.53 Private Driveways & Access.
 4. AMC Chapter 19.54 Subdivision Design & Block Structure.
- G. Conformance with the applicable project design provisions of Division 6, including:
1. AMC Chapter 19.61 Block Frontage Standards.
 2. AMC Chapter 19.62 Site Planning.
 3. AMC Chapter 19.63 Building Design.
 4. AMC Chapter 19.64 Parking.
 5. AMC Chapter 19.65 Landscaping.
 6. AMC Chapter 19.66 Fences, Walls & Hedges.
 7. AMC Chapter 19.67 Signs.
 8. AMC Chapter 19.69 Standards, Generally.
- H. Conformance with other applicable environmental provisions, including:
1. AMC Chapter 17.70 Critical Area Regulations.
 2. AMC Chapter 18.16 Shoreline Master Plan.
 3. AMC Chapter 19.76 Stormwater.
 4. AMC Chapter 19.78 Clearing & Grading.

Chapter 19.32 - LAND DIVISIONS

19.32.010 - Purpose.

- A. To provide criteria, regulations, processes, and standards to govern the division of land within the city.
- B. To ensure that public facilities and services necessary to support development are adequate to serve development at the time development occurs.
- C. To promote the public health, safety, and general welfare of the city in accordance with standards established by the state subdivision law, as established by RCW 58.17.010.
- D. To guide the future growth and development of the city in accordance with the goals and policies of Anacortes Comprehensive Plan.

19.32.020 - Applicability.

- A. This chapter applies to all divisions or redivisions, of land applied for after the effective date of the ordinance codified in this chapter, except as listed in subsection (B) below. Subdivisions, short subdivisions, binding site plans, unit lot subdivisions, plat alterations, and plat vacations are all considered divisions or redivisions of land for purposes of this chapter.
- B. This chapter does not apply to:
 - 1. Cemeteries and other burial plots while used for that purpose.
 - 2. Divisions of land into lots or tracts each of which is five acres or larger if the land is not capable of description as a fraction of a section of land, including the area bordering on a street or road which would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to such center line.
 - 3. Divisions made by testamentary provisions, or the laws of descent.
 - 4. Divisions for the purpose of lease when no residential structure other than manufactured homes or travel trailers are permitted to be placed upon the land and an enforceable, binding site plan has been approved in accordance with the binding site plan provisions of this chapter, and which:
 - a. Identifies and shows the areas and location of all streets, roads, improvements, utilities, and open spaces.
 - b. Contains inscriptions or attachments setting forth the limitations and conditions for the use of the land as are established by the City Council.
 - 5. Divisions made in connection with acquisition of land by the city, including divisions made by deed for road widening purposes, provided that such land may be accepted on behalf of the city by action of City Council.
 - 6. Adjustments of boundary lines in accordance with AMC Chapter 19.34 Boundary Line Adjustments. Divisions made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site.

7. Divisions of land into lots or tracts less than three acres that is recorded in accordance with 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities per RCW 58.17.040(9).
8. Divisions of land for the purpose of leasing land for facilities providing personal wireless services while use for that purpose.
9. Divisions of land for the purpose of dedicating to the public such tracts of lands for open spaces, drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, water supplies, sanitary wastes and other general purposes that may be required to protect the public health, safety and welfare.
10. Condominiums, pursuant to RCW 58.17.040(7).

19.32.030 - Preliminary land division approval - Application requirements.

- A. Preliminary approval. All land division applications must be submitted in conformance with AMC 19.20.110 and contain the following:
1. Application. A completed application form and application fees.
 2. Title report. A title report issued within 30 days of application, showing all persons having ownership interest, a legal description describing exterior boundary of the land to be subdivided and listing all encumbrances affecting the land.
 3. SEPA. A completed and signed environmental (SEPA) checklist if the division of land is not exempt under WAC 197-11-800.
 4. Grading. A preliminary grading plan in accordance with AMC Chapter 19.78 Clearing & Grading and showing proposed cuts and fills for public improvements and private development, including transitions between the subject and adjacent properties.
 5. Stormwater.
 - a. A preliminary stormwater management plan including runoff calculations, documentation that the minimum technical requirements of the Stormwater Management Manual for Western Washington, as adopted by the city, have been met, upstream and downstream analysis, a maintenance plan for any new stormwater facilities and existing and proposed drainage facilities for the site and adjacent areas as specified by the engineer, and feasibility analysis of using LID facilities, all consistent with AMC Chapter 19.76 Stormwater.
 - b. The results of a (wet and dry season) soil analysis of the project site to determine the feasibility of on-site stormwater infiltration.
 6. A tree preservation plan with AMC Chapter 16.50 Tree Preservation.
 7. Supplemental studies and reports. Any related information and/or studies identified in the preapplication conference meeting, or deemed necessary by the director, including but not limited to a traffic study, geotechnical report, critical areas report and mitigation plan, landscape plans.
 8. Preliminary plans. A set of full size plans containing the following information (multiple sheets may be used in order to provide clarity):
 - a. The name of the proposed project, if any.

- b. The name, address, seal and signature of the land surveyor who prepared the preliminary plat map.
 - c. The date the preliminary plat map was prepared or revised, the scale, north arrow, and quarter section, section, township and range.
 - d. Full and correct legal description of lands being subdivided.
 - e. A vicinity sketch clearly showing the location of the property.
 - f. Accurate lines to scale showing the parcel to be subdivided, the block lines, and the lot lines.
 - g. Dimensions and numbers or description for each lot and tract.
 - h. Total acreage and square feet of land to be divided and the land area by acreage and in square feet of each of the proposed lots.
 - i. Density calculations indicating maximum and minimum density requirements, if applicable, for the proposal and including density bonus calculations, if applicable.
 - j. Existing zoning and zoning boundaries on the site and immediately adjacent property.
 - k. Municipal boundaries, township lines, and section lines.
 - l. Setback lines for all proposed lots having unusual shape, steep topography, critical areas, wetlands or other environmental or unusual limitations on its building site.
 - m. Location, width, and names of all existing and proposed streets or other public ways within or adjacent to the proposed subdivision. Road profiles may be required.
 - n. Location of existing and proposed improvements such as stormwater facilities, sidewalks, utilities, power poles, etc., within the boundaries of the lands being subdivided and adjacent lots and right-of-way.
 - o. Location of existing and proposed easements or tracts to be dedicated for any public purpose or for the common use of the property owners of the lands being divided.
 - p. Location of existing structures, septic tanks, drain fields, wells and other improvements located on the site and within 50 feet of the development; and whether such structures are proposed to remain on the property.
 - q. Shorelines and critical areas as defined in AMC Chapter 17.70 Critical Area Regulations and AMC Chapter 18.16 Shoreline Master Plan.
 - r. A current topographic survey. Contour lines in areas to be developed must be at two-foot intervals, or as specified by the city engineer. Five-foot intervals may be used in areas not to be developed. All contour lines must be extended into adjacent properties at least 300 feet to show the topographical relationship of adjacent property to the proposed development.
 - s. A legend identifying all existing and proposed boundary lines, buffers, drainage facilities and utilities, roadway sections, erosion control facilities, grading and critical areas, landscape features, and other required items specified above.
 - t. A stormwater site plan prepared pursuant to SWMMWW Vol. I Technical Requirements December 2014 Chapter 3 – Preparation of Stormwater Site Plans, or comparable requirements in a later SWMMWW as amended by the Washington Department of Ecology.
9. Reduced-size plans. A reduced size vicinity map and site plan showing proposed lot layout (suitable for public notice purposes).

10. Detailed requirements. The director is authorized to provide more detailed requirements for each of the items required for submittal of a complete preliminary plat or final plat application, including size, scale, number of copies, and content.

19.32.040 - Preliminary land division approval – Criteria for decision.

Each proposed preliminary land division must be reviewed to ensure that:

- A. The proposal conforms to the requirements of this chapter and RCW 58.17.
- B. The proposal conforms to the form and intensity standards in AMC Chapter 19.42 Form & Intensity Standards for the zone in which the property is located. Proposals using the unit lot subdivision process must conform to the applicable use standards for the proposed use type in AMC 19.43.010.
- C. The proposal conforms to the community design standards in AMC Division 5, including:
 1. AMC Chapter 19.51 Public Street Improvements Required.
 2. AMC Chapter 19.52 Public Street Design.
 3. AMC Chapter 19.53 Private Driveways & Access.
 4. AMC Chapter 19.54 Subdivision Design & Block Structure.
- D. The proposal conforms to the standards of:
 1. AMC Chapter 16.50 Tree Preservation.
 2. AMC Chapter 17.70 Critical Area Regulations.
 3. AMC Chapter 19.22 Concurrency.
 4. AMC Chapter 19.76 Stormwater, including stormwater infiltration when feasible.
- E. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:
 1. Makes adequate provision for parks, recreation, and playgrounds.
 2. Makes adequate provision for schools and school grounds.
 3. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this title and that provide safe walking conditions for students who walk to and from school.
 4. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- F. Lack of compliance with the criteria in subsections (A) through (E) above will be grounds for denial of a proposed short subdivision, binding site plan, unit lot subdivision, or preliminary long subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
- G. Phasing. Where a subdivision is to be developed in phases with a final plat approved and recorded separately for each phase, the following applies:
 1. The applicant must request approval of phasing in the preliminary subdivision application.
 2. Each separate phase is required to meet the requirements of the criteria above and all other applicable city codes when considered independently from any other phase.
 3. Where an applicant requests phasing after preliminary subdivision approval has been granted, phasing may be approved only through modification of the preliminary subdivision approval using the preliminary subdivision approval procedures in AMC 19.20.030.

19.32.050 - Procedures for review – Specific land division types.

A. Preliminary short subdivision procedures.

1. Approval process. Short subdivisions follow the procedures established in AMC 19.20.030.
2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All such facilities and improvements must be completed or have a performance assurance posted to assure completion as provided in AMC 19.51.070, prior to recording of the short subdivision. All development of a short subdivision must be subject to any conditions imposed by the city on the short subdivision approval.
3. Revision and expiration. Short subdivisions follow the revision and expiration procedures established in AMC 19.28.010.
4. Recording. All short subdivisions must be recorded in compliance with the following:
 - a. Prior to recording, the applicant must submit the final short plat map to the city for signatures per AMC 19.32.050(C) and 19.32.060.
 - b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire.
5. Restriction on further division. Land within an approved and recorded short subdivision may not be further subdivided within a period of five years from the date of final approval if such further division would result in more than nine lots within the original short subdivision boundaries. Any division that would result in more than nine lots within the original short subdivision within the five-year period may be accomplished only by following the process for preliminary and final subdivision approval in this section.

Comment [CR10]: Long plats allow 120 days, which seems a little too long, but whatever time is allowed, it is important to have a deadline.

B. Preliminary long subdivision procedures.

1. Approval process. Preliminary long subdivisions follow the procedures established in AMC 19.20.030.
2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All development must be subject to any conditions imposed by the city on the preliminary long subdivision approval.
3. Revisions and expiration. Long subdivisions follow the revision and expiration procedures established in AMC 19.28.010.

C. Final subdivision procedures.

1. Final plats must be submitted in accordance with AMC 19.32.070.
2. Review. The final plat must be reviewed to assure that the following have been completed:
 - a. The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements.
 - b. The proposed final plat bears the certificates and statements of approval required by this section.
 - c. A current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.

- d. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.
 - e. The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a surety in an amount commensurate with improvements remaining to be completed per AMC 19.51.070.
 - f. The surveyor has certified that all survey monument lot corners are in place and visible.
 - g. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate must be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the city must be evidenced by the approval of the final plat.
3. Review of final long subdivisions. The city council must review the final plat at a public meeting, according to the review criteria for final plats in AMC 19.32.070. No public hearing is required. If the City Council approves the final plat, the Mayor is authorized to inscribe and execute the written approval on the face of the plat map. If the City Council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.
 4. Review of final short subdivisions. The Director must review the final short plat according to the criteria for final plats set forth in AMC 19.32.060.
 5. Recording. All final plats must be recorded in compliance with the following:
 - a. Fees and performance assurance. Prior to recording, the applicant must submit the original final plat drawings to the Public Works Department together with the plat checking fees. Unless all required improvements have been constructed prior to final plat approval, the applicant must also submit all required performance assurances to guarantee completion of the improvements as required by AMC 19.51.070.
 - b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat must be filed for record with the Skagit County Auditor.
 - c. Time limit. All final plats must be recorded within 120 days after final approval is granted by the city. Approval must expire if the final plat is not recorded within this period.

D. Unit lot subdivisions.

1. Approval process. Unit lot subdivisions follow the procedures established in AMC 19.20.030 for short subdivision or long subdivision, according to the number of unit lots proposed. Final unit lot subdivisions of ten or more lots follow the procedures for final long subdivision in subsection (C).
2. Compliance with prior approvals. Sites developed or proposed to be developed with duplexes, triplexes, cottages and townhouses per the standards in AMC 19.43.010 may be subdivided into individual unit lots as provided herein. The development as a whole must conform to the regulations applicable to the site and zone and to applicable plans that were granted approval through provisions of this code.
3. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards.
4. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.

5. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association must be executed for use and maintenance of common garage, parking and vehicle access areas; underground utilities; common open space; exterior building façades and roofs; and other similar features, must be recorded with the Skagit County Auditor.
6. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the Skagit County Auditor.
7. Notes must be placed on the face of the plat or short plat as recorded with the Skagit County Auditor to acknowledge the following:
 - a. Approval of the design of the unit on each of the lots was granted by the review of the development, as a whole, on the parent lot **per the standards of AMC Chapter 19.43 Residential Uses.**
 - b. Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the city through subject file number as stated in subsection (D)(7)(a) above.
8. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All development must be subject to any conditions imposed by the city on the preliminary approval.
9. Revision and expiration. **Unit lot subdivisions follow the revision and expiration procedures established in AMC 19.28.010.**

10. Recording. All short subdivisions must be recorded in compliance with the following:

- a. Prior to recording, the applicant must submit the final short plat map to the city for signatures **per AMC 19.32.050(C) and 19.32.060.**
- b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire.

E. Binding site plans.

1. Division of land using the binding site plan process is limited to:
 - a. Divisions for sale or lease of property **in mixed-use or industrial zones.**
 - b. Divisions for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed on the land.
 - c. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Ch. 64.32) or the Condominium Act (RCW CH. 64.34).
2. Approval process. Binding site plans follow the procedures established in AMC 19.20.030 **and are not subject to a final subdivision procedure.**
3. Post-approval requirements. The following requirements apply to proposals submitted under this section:
 - ~~a. Approved binding site plans must be submitted for recording with the Skagit County Auditor.~~
 - ~~b.a. All provisions, conditions, and requirements of the binding site plan are legally~~

Comment [CR11]: Not just "submitted" must actually be recorded. Need time limits

enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract, or parcel that does not conform to the requirements of the binding site plan approval, will be considered a violation of this chapter.

- e.b. All development must be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document must reference the requirement for compliance with any existing or subsequent permit approval.

4. Recording. All short subdivisions must be recorded in compliance with the following:

- a. Prior to recording, the applicant must submit the final short plat map to the city for signatures per AMC 19.32.050(C) and 19.32.060.
- b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire.

d.c. Revision and expiration. Binding site plans must follow the revision and expiration procedures established in AMC 19.28.010.

e.d. Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city.

19.32.060 - Final plat application requirements.

- A. Applications for final plat approval will be accepted only when all of the following conditions have been satisfied:
1. All plans, specifications, as-built drawings, and documents relating to required public improvements have been approved and accepted by the city engineer.
 2. All deeds, conveyances, covenants, dedications, indemnities, restrictions, and agreements have been approved by the City Attorney.
 3. All fees are paid and accepted, all voluntary contributions are accepted and approved, and all security devices are approved and effective.
 4. All improvements and other conditions required by the preliminary plat approval have been installed and approved, or have been bonded in accordance with this Title.
 5. All sewage disposal, water supply, stormwater and other utility systems are functioning properly and are determined to be adequate.
 6. All required certifications by the owner, financial institutions, and surveyor are signed.
 7. A title report, completed within 30 days preceding submittal of a complete final plat, is provided showing ownership and all other interests in the land described and shown on the final plat is in the name of the person signing the owner's certificate.
 8. A completed Stormwater Site Plan and a Stormwater Maintenance Plan for all stormwater elements of the plat.
- B. Final plat maps must be prepared in accordance with the following:
1. A land surveyor registered in the state of Washington must prepare or supervise the preparation of the final plat, pursuant to RCW 58.04.003, and must certify and sign the map.
 2. A land surveyor registered in the State of Washington must survey the land to be divided, and as much of the sections in which the land is located as is needed to properly orient the land within the sections. The survey must comply with applicable state and city standards.
- C. The following information must be included on all final plat maps:
1. The full and complete legal description of all land included in the plat.
 2. The name of the plat.
 3. Locations and names, without abbreviation, of all streets, public areas, and easements within and adjoining the plat.
 4. True north point on each sheet which depicts property included in the plat
 5. The scale, uniform and of sufficient size for good legibility, on each sheet which depicts property included in the plat
 6. The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.

Comment [CR12]: I still think these specifics should be in a separate document, referenced here. The fact that 12 changes were made between draft 2 and 3 makes it clear that changes may need to be made from time to time. And that should be possible by updating the reference document without changing the zoning code, just as it is, for example, with street standards.

7. Centerline data on streets and easements, including bearings and distances.
 8. All dimensions along the lines of each lot and tract, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any boundary line in the field.
 9. Centerline data, width and sidelines of all easements, restrictions, and rights-of-way to which lots and tracts are subject.
 10. Easements for storm drains, sewers, utilities and all other purposes must be denoted by broken lines.
 11. The maximum impervious surface allowed for each lot.
 12. Provisions approved by the city attorney, ensuring access to storm drainage facilities and public access to trails or sidewalks if required as a condition of preliminary plat approval.
 13. Contiguous plats, by name or if unplatted, so noted.
 14. City and county boundaries crossing or adjoining the subdivision.
 15. All lots must be numbered in sequence and provided with an address as provided by the City's address coordinator.
 16. Each lot must be shown entirely on one sheet.
 17. All points which were used as ties to establish the boundaries of the tract.
 18. The location, size and shape of all permanent control monuments found and established at the controlling corners on the perimeter and within the plat and all monuments or other evidence used as ties to establish the plat boundaries.
 19. Accurate boundaries of all areas to be dedicated or reserved for public use or to be committed for the common use of property owners within the subdivision. All dedications and reservations must be stated on the plat together with appropriate recording references as required by the director.
 20. All required dedications, endorsements, covenants, affidavits, and certificates must be stated and shown on the face of the plat.
 21. The section, township and range.
 22. Conditions of approval of the preliminary plat including but not limited to dedications, reservations, open space tracts, critical areas and buffers, LID features, stormwater requirements and homeowners' association obligations.
 23. Homeowners' association documents, condominium declarations, and other similar documents required or permitted by the preliminary plat.
 24. Names and addresses of subdivider(s) and surveyor(s) on each sheet.
 25. The number of the sheet and total number of sheets on each sheet.
 26. Other information the director deems necessary.
- D. Certificates. The following certificates must be shown on the final plat map. Certifications by the owner, financial institutions and surveyor must be signed before the final plat is submitted for city signatures.
- I. Surveyor. The surveyor's seal and signature on the plat along with a statement certifying that:
 - a. The plat was prepared by the surveyor or under their supervision;

Comment [CR13]: Do we have impervious surface limitations? I thought those were rejected and lot coverage used instead.

- b. The plat is a true and correct representation of the land and has been thoroughly surveyed as required by this chapter;
 - c. The legal description is a full and correct description of the land to be divided; and
 - d. Monumentation and lot corner stakes as required by the city engineer and this chapter have been or will be set.
2. Owner. The owner of any interest in and the holder of any lien or encumbrance upon the land proposed for subdivision must certify that the proposed final plat is submitted with their consent and there is no objection thereto.
 3. Dedications. A statement and certificate of dedication by the owner, acknowledged by a notary, and acceptable to the city attorney, for all areas to be dedicated to or for the benefit of the public. This includes dedication of City stormwater facilities and access easements when required by AMC Chapter 19.76 Stormwater.
 4. Owner's covenant. The owner must grant to the city a covenant acceptable to the city and releasing, indemnifying and holding the city harmless from any and all claims for damages, liabilities, or injunctive relief of whatever nature arising from the design, construction, operation and maintenance of the plat and all associated improvements.
 5. Waiver of access. If required by the conditions of preliminary plat approval, a waiver by the owner of direct access to any street from any property.
 6. Roads not dedicated. A statement by the owner and clear visual indication on the plat of every street, way, road, sidewalk or the similar facility that is not dedicated to the public, and specifying the maintenance and inspection responsibility therefor.
 7. City engineer. A statement to be signed by the city engineer accepting the survey data, dedications and reservations, the layout of streets and other rights-of-way, design of bridges, sewage and water system, all other utilities, and all other public improvements.
 8. Director. A statement to be signed by the director that the final plat conforms to the approved preliminary plat and all conditions of the preliminary approval.
 9. County treasurer. A statement to be signed by the county treasurer that all taxes and assessments for which the land to be divided may be liable as of the date of the signing of the statement have been paid in full.
 10. City treasurer. A statement to be signed by the city treasurer that all assessments, fees and contributions have been paid in full or secured in accordance with this title.
 11. Council approval. For long subdivision final plats only, a statement that the City Council has approved the final plat, to be signed by the mayor and city clerk following final action of the City Council.
- E. The surveyor must set monuments ~~as~~at street intersections, lot and block corners, boundary angle points, points in curves in streets, points of tangents in streets, points of intersection in streets, controlling corners on the boundaries of land and at other points as required by the city engineer. The type of monument and method of setting will be specified by the city engineer.

19.32.070 - Review criteria for approval of final subdivisions.

No final subdivision may be approved unless the final subdivision:

- A. Substantially conforms to all terms, conditions, and provisions of preliminary approval.

- B. Contains a dedication to the public of all common improvements including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate is evidenced by the owner's presentment of final plat showing the dedication, and the acceptance by the City is evidenced by the approval of the final plat.
- C. Meets the requirements of this chapter, applicable state laws, and all other local ordinances adopted by the City which were in effect at the time a complete application for the preliminary plat approval was filed.

19.32.080 - Subdivision alteration and vacation.

Requests for subdivision alterations or subdivision vacations are reviewed and processed according to the procedures and criteria outlined in RCW 58.17.212 thru .218.

19.32.090 - Violations - Penalty.

- A. Any violation of any provision of this chapter constitutes a civil violation under AMC Title 20 for which a monetary penalty may be assessed and abatement may be required as provided therein.
- B. This chapter must not be construed to relieve from or lessen the responsibility of any person owning any land or building, constructing or modifying any subdivisions in the City for damages to anyone injured or damaged either in person or property by any defect therein; nor may the City or any agent thereof be held as assuming such liability by reason of preliminary or final approval or by issuance of any permits or certificates authorized herein.

Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS

19.34.010 - Purpose.

The purpose of this Chapter is to establish criteria for the review and approval of boundary line adjustments.

19.34.030 - Application requirements.

- A. An application must be submitted to the department on forms provided by the department and include applicable fees, Record of Survey, and all required information in the application submittal checklist.
- B. Boundary line adjustments are reviewed per AMC 19.20 Application Procedures.

19.34.020 - Review Criteria.

- A. A boundary line adjustment may be used to:
 - 1. Resolve boundary line issues, such as encroachments, between two lots.
 - 2. To consolidate two or more lots.
 - 3. Other minor adjustments to boundary lines that meet the requirements and purpose of this chapter.
- B. In order to approve a boundary line adjustment, the decision-maker must find that the boundary line adjustment will not:
 - 1. Create any additional lot.
 - 2. Alter the underlying plat pattern such as changing the general orientation of lots or lot access.
 - 3. Result in the entire relocation of lots from one area to another.
 - 4. Result in avoiding public improvement requirements that would be associated with a replat or other new land division approval, or an obligation to pay latecomer fees.
 - 5. Require the creation of new streets or private roads, or require dedication of public right-of-way, or creation of access easements.
 - 6. Diminish or impair existing or future drainage, water supply, or sanitary sewage disposal.
 - 7. Result in a lot that contains insufficient area and dimensions to meet the minimum lot size for the applicable zone.
 - 8. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision.
 - 9. Result in a lot without adequate vehicular access, including access for emergency response vehicles.
 - 10. Result in a lot having more than one zoning or land use designation.
 - 11. Result in a lot located partially within the city limits and partially within unincorporated Skagit County.

- C. A proposed boundary line adjustment that does not meet all the criteria of this section is processed under the appropriate land division requirements (AMC Chapter 19.32 Land Divisions).

19.34.50 - Final approval and recording.

- A. The decision-maker is authorized and granted the discretion to require, as a condition of approval, that the boundary line adjustment record of survey include other relevant parcel boundaries and, site features.
- B. Approval of the boundary line adjustment is not final until all of the following requirements are met:
1. There is compliance with the requirements of this chapter.
 2. The surveyor preparing the Record of Survey finds or sets monuments at all corners and angle points of the adjusted lots. At the discretion of the City, witness corners and reference monuments may be used when impracticable to monument the actual corners.
 3. Each adjusted lot must have a unique identifier on the Record of Survey that has not been previously used or associated, in any way, with the adjusted parcels.
 4. The County treasurer has certified that all taxes on the land have been fully paid and discharged consistent with applicable requirements.
 5. The record of survey is prepared by a Washington State licensed land surveyor in accordance with Chapter 332-130 WAC and Chapter 58.09 RCW.
 6. Recording required. No boundary line adjustment may be recorded unless approved as provided in this chapter. A copy of an approved boundary line adjustment must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire. A final Record of Survey has been approved by the director and filed for record by the applicant with the Skagit County Auditor.

Chapter 19.36 - CONDITIONAL USES

19.36.010 - Purpose.

Some uses in some zones are permitted subject to a conditional use permit because of their unusual characteristics, or special characteristics of the area in which they are to be located, so that they may be properly located **and designed** with respect to the objectives of this title and their effect on surrounding properties.

19.36.020 - Applicability.

The provisions of this chapter apply to all conditional uses.

19.36.030 - Application requirements.

A conditional use requires a permit. An application must be submitted on forms provided by the department and must demonstrate compliance with the conditional use criteria described in this chapter.

19.36.040 - Review Criteria.

- A. In order to grant a conditional use permit, the decision-maker must find that the use would be consistent with the following criteria:
1. The use would comply with any specific requirements for the conditional use specified elsewhere in this code.
 2. Access to the site is appropriate considering the anticipated volume of traffic resulting from the use.
 3. Off-street parking and loading facilities are adequate in terms of location, amount, and design to service the use.
 4. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
 5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining, or neighboring properties.
 6. Hours and manner of operation of the proposed use, including anticipated noise generation, are not inconsistent with the adjacent or nearby uses.
 7. Public facilities and utilities are capable of adequately serving the proposed use.
 8. The physical conditions of the site, including size, shape, topography, and drainage, are suitable for the proposed development.
 9. Any other factors deemed relevant ~~to~~ by the decision-maker.

19.36.050 - Conditions authorized.

- A. In permitting a conditional use, the decision-maker may impose, in addition to regulations and standards expressly specified in this code, other conditions necessary to ensure compatibility with the conditional use criteria.
- B. These conditions may include, but are not limited to:
 - 1. Requirements increasing the required lot size or setback dimensions;
 - 2. Increasing street widths, controlling the location and number of vehicular access points to the property;
 - 3. Increasing the number of off-street parking or loading spaces required;
 - 4. Limiting the coverage or height of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character keeping with the surrounding area; and
 - 5. Requirements under which any future enlargement or alteration of the use must be reviewed by the city and new conditions imposed.

Chapter 19.38 - VARIANCES

19.38.010 - Purpose.

The purpose of this chapter is to establish the criteria for a variance.

19.38.020 - Applicability.

- A. Generally, variances are allowed to grant relief from dimensional or numeric standards, including:
 - 1. Building size or height.
 - 2. Landscaping.
 - 3. Lot coverage;
 - 4. Minimum density or maximum lot size.
 - 5. Parking.
 - 5. Setbacks.
- B. Variances are not allowed for any of the following:
 - 1. Allowable, conditionally permitted, or prohibited uses in each zone.
 - 2. Maximum density or minimum lot size.
 - 3. Procedural or administrative provision of this Title.
 - 4. Any provision of this code which, by the express terms of that provision, is not subject to a variance.
 - 5. Any conditions of approval established during permit review.
 - 6. The provisions of AMC Chapter 17.70 Critical Area Regulations.

19.38.030 - Variance levels.

- A. Variances are categorized into two levels, as specified below or elsewhere in this Title.
 - 1. A Level 1 variance is any variance up to 25 percent of the numerical standard in question.
 - 2. A Level 2 variance is any variance that exceeds 25 percent of the numerical standard in question.
- B. A request for a variance must be reviewed as the highest level for which it qualifies.

19.38.040 - Review Criteria.

- A. The City may approve or approve with modifications an application for a variance from the provisions of this code only if by preponderance of evidence, the applicant demonstrates that all of the following criteria are met:
 - 1. The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone of the site.

2. The variance is necessary because of the unique size, shape, topography, or location of the site.
 3. The site is deprived, by the provisions of this code, of rights and privileges enjoyed by other properties in the vicinity and same zone as the site.
 4. The variance is the minimum necessary to provide the site with those rights and privileges.
 5. The need for the variance is not the result of deliberate actions of the applicant or property owner.
 6. Granting of the variance will not be materially injurious to the property or improvements in the vicinity and zone in which the site is located.
 7. The variance is not inconsistent with the purpose of the provision being varied.
- B. Conditions for granting. In authorizing the variance, the decision-maker may attach any conditions that it deems to be necessary or desirable in order to carry out the purposes of this chapter and in the public interest.
- C. Approval. If the variance application is approved, the applicant must record the variance against the property with the County Auditor on a form provided by the department and provide the department a copy of the recording. [If the variance is not recorded within 60 days of approval, the approval must expire](#)
- D. Transfer of ownership. A variance runs with the land. Compliance with the conditions of a variance is the responsibility of the current owner of the property, whether the applicant or a successor.

DIVISION 4 - ZONING AND LAND USES

Division 4 - Zoning and Land Uses 77

Chapter 19.40 - ZONES..... 81

19.40.010 - Generally.....	81
19.40.020 - Establishment of zones.....	82
19.40.030 - Residential zones established.....	83
19.40.040 - Mixed-use zones established.....	84
19.40.050 - Industrial zones established.....	86
19.40.060 - Overlay designations established.....	87
19.40.070 - Zoning of annexed land.....	87

Chapter 19.41 - ALLOWED USES 88

19.41.010 - Purpose.....	88
19.41.020 - Classification of uses.....	88
19.41.030 - Key to the use table.....	88
19.41.040 - Principal uses permitted in residential zones.....	90
19.41.050 - Principal uses permitted in mixed-use and industrial zones.....	93
19.41.060 - Landmark buildings.....	97
19.41.070 - Public Use zone uses.....	97
19.41.080 - Aeronautical zone uses.....	97
19.41.090 - Overlay designation uses.....	100

Chapter 19.42 - FORM & INTENSITY STANDARDS 101

19.42.010 - Generally.....	101
19.42.020 - Form and intensity standards for residential zones.....	102
19.42.030 - Form and intensity standards for mixed-use and industrial zones.....	104

19.42.040 - Bonus incentives, generally.....	105
19.42.050 - Bonus incentives in the R1 zone.....	105
19.42.060 - Bonus incentives in the R4 zone.....	107
19.42.070 - Bonus incentives in the CM zone.....	110
19.42.080 - Bonus incentives in the MMU zone.....	110
19.42.100 - Minimum lot size calculations.....	114
19.42.110 - Minimum lot width circle calculation and exceptions.....	115
19.42.120 - Density calculations.....	116
19.42.130 - Lot coverage calculations, exceptions, and modifications.....	117
19.42.140 - Building height calculations, exceptions, and modifications.....	118
19.42.150 - Setback types and measurements.....	122
19.42.160 - Permitted projections into required setbacks.....	125
19.42.170 - Setback modifications.....	126
19.42.180 - Old Town supplemental form and intensity standards.....	126
19.42.190 - Aeronautical zone form and intensity standards.....	127
19.42.200 - Public Use zone form and intensity standards.....	128
Chapter 19.43 - RESIDENTIAL USES.....	129
19.43.010 - Household living.....	129
19.43.020 - Group living.....	146
Chapter 19.44 - COMMERCIAL USES.....	148
19.44.010 - Day care.....	148
19.44.020 - General service.....	148
19.44.030 - Medical.....	149
19.44.040 - Office.....	150
19.44.050 - Overnight lodging.....	150
19.44.060 - Parking.....	151

19.44.070 - Passenger terminal.....	151
19.44.080 - Personal service.....	151
19.44.090 - Recreation, indoor.....	153
19.44.100 - Recreation, outdoor.....	155
19.44.110 - Restaurant/bar.....	157
19.44.120 - Retail sales.....	158
19.44.130 - Vehicle sales/rental.....	160
Chapter 19.45 - INDUSTRIAL USES.....	161
19.45.010 - Heavy industrial.....	161
19.45.020 - Light industrial.....	161
19.45.030 - Light manufacturing.....	162
19.45.040 - Research and development.....	162
19.45.050 - Self-service storage.....	163
19.45.060 - Warehouse and distribution.....	163
19.45.070 - Waste-related service.....	163
19.45.080 - Water-oriented industrial.....	164
19.45.090 - Wholesale trade.....	164
Chapter 19.46 - PUBLIC, INSTITUTIONAL & OPEN SPACE USES	166
19.46.010 - Agriculture.....	166
19.46.020 - Civic.....	167
19.46.030 - Parks, open space, and natural areas.....	169
19.46.040 - Utilities.....	170
Chapter 19.47 - ACCESSORY USES & STRUCTURES	171
19.47.010 - Generally.....	171
19.47.020 - Accessory structures.....	171
19.47.030 - Accessory dwelling unit (ADU).....	173

19.47.040 - Home occupations.....	175
19.47.050 - Caretaker residences.....	176
Chapter 19.48 - TEMPORARY USES	177
19.48.010 - Applicability.....	177
19.48.020 - Temporary use standards.....	177
Chapter 19.49 - NONCONFORMING USES & STRUCTURES	180
19.49.010 - Purpose.....	180
19.49.020 - General rule.....	180
19.49.030 - Enlargement, alteration, expansion or change of nonconforming uses	180
19.49.040 - Enlargement, alteration, reconstruction of nonconforming buildings and structures...	181
19.49.050 - Abandonment.....	181

Chapter 19.40 - ZONES

19.40.010 - Generally.

A. Purpose.

The city is divided into zones to assist in orderly community development, conserve the value of property, and safeguard the public welfare by:

1. Implementing the Anacortes Comprehensive Plan policies through land-use regulations.
2. Providing for adequate public facilities and services in conjunction with development.
3. Providing an efficient and compatible relationship of land uses and zones.
4. Providing for a transportation system that offers greater options, mobility, safety, and access in support of the City's growth strategy.
5. Conserving the City's natural resources and attractions.

B. Establishment of the Official Zoning Map.

1. The location and boundaries of zones established by this title are shown and maintained as part of the City's Geographic Information System (GIS) under the direction of the director. The Zoning GIS layer constitutes the City of Anacortes's Official Zoning Map and is part of this title. All notations, references, and other information shown must have the same force and effect as if fully described in this title.
2. At the direction of City Council, the director is authorized to revise the Official Zoning Map. No unauthorized person may alter or modify the Official Zoning Map.
3. The Planning, Community & Economic Development Department must maintain digital or printed copies of the Official Zoning Map and maintain records of superseded official maps.

C. Zoning map interpretation. When uncertainty exists as to boundaries of any land use zone shown on the Official Zoning Map, the following rules apply:

1. Where a boundary is indicated as approximately following the center line of streets, alleys, railroads, or highways, the actual center line must be construed to be the boundary.
2. Where a zone boundary is indicated as approximately following the lot or tract lines and are map scaled at not more than 20 feet from the lot or tract lines, the actual lot or tract lines must be construed to be the boundaries of such zone.
3. Where a zone boundary divides a lot or tract, the boundary must be determined by map scaling unless the actual dimensions are shown on the map.
4. Where boundaries are indicated as following lines of ordinary high water, government or meander line, the lines must be considered to be the actual boundaries, and, if they should change, the boundaries must be considered to move with them.
5. Where a public right-of-way is vacated, the vacated area must have the zone classification of the adjoining property that it merges with.
6. Zone boundary determination. In case uncertainty exists which cannot be determined by application of the foregoing rules, a zoning boundary determination must be made as established in Table 19.20.030. The decision must be guided by the standards in subsections (1) through (5)

of this subsection, the intent and language of the Anacortes Comprehensive Plan, and the purpose statement of the zones where boundaries are in question.

19.40.20 - Establishment of zones.

1. Establishment of zones. In order to regulate uses of land, buildings and structures in conformance with the policies of the comprehensive land use plan, the city is divided into the residential zones in AMC 19.40.030, mixed-use zones in AMC 19.40.040, and industrial zones in AMC 19.40.050.
2. The purpose statements for each zone and map designation in the following sections must be used to guide the application of the zones and designations to all lands in the city. The purpose statements also must guide interpretation and application of land use regulations within the zones and designations, and any changes to the range of permitted uses within each zone through amendments to this title.

Table 19.40.020 List of zones.		
Zone Name	Abbreviation	Comprehensive Plan Designation
RESIDENTIAL ZONES (AMC 19.40.030)		
Residential Low Density 1	R1	Residential Low Density 1
Residential Low Density 2	R2	Residential Low Density 2
Residential Low Density 2A	R2A	Residential Low Density 2
Residential Medium Density 3	R3	Residential Medium Density
Residential Medium Density 3A	R3A	Residential Medium Density
Old Town	OT	Old Town
Residential High Density 4	R4	Residential High Density
Residential High Density 4A	R4A	Residential High Density
MIXED-USE ZONES (AMC 19.40.040)		
Central Business District	CBD	Central Business District
Commercial	C	Commercial
Marine Mixed-Use	MMU	Marine Mixed-Use
Commercial Marine	CM	Commercial Marine
Commercial Marine 1 NOTE: This zone is being eliminated	CM1	
Commercial Marine 2	CM2	Commercial Marine
Public Use	P	Public Use
INDUSTRIAL ZONES (AMC 19.40.050)		
Light Manufacturing	LM	Light Manufacturing
Light Manufacturing I	LM1	Light Manufacturing
Manufacturing and Shipping	MS	Manufacturing and Shipping
Heavy Manufacturing	HM	Heavy Manufacturing
Industrial	I	Industrial

Table 19.40.020 List of zones.		
Zone Name	Abbreviation	Comprehensive Plan Designation
Aeronautical Zone	AZ	Aeronautical Zone
OVERLAY DESIGNATIONS (AMC 19.40.060)		
Medical Overlay	MED-O	Medical Overlay
Live/Work Overlay	LW-O	Live/Work Overlay
Mixed-Use Business Overlay	MUB-O	Mixed-Use Business Overlay

19.40.030 - Residential zones established.

A. Residential Low Density 1 (R1)

1. This designation provides for low density residential development in the southern end of the City that is inappropriate for more intensive urban development due to topography, the frequent presence of wetlands, the high cost and difficulty in extending public facilities, and the desire to create a lower intensity transitional area between the city and the surrounding forest and hillsides.
2. Use of this zone is appropriate for areas designated Residential Low Density 1 in the Comprehensive Plan.

B. Residential Low Density 2 (R2)

1. This designation provides for low density residential development in mostly established neighborhoods generally west of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area and/or due to the areas' separation from commercial services.
2. Use of this zone is appropriate for areas designated Residential Low Density 2 in the Comprehensive Plan.

C. Residential Low Density 2A (R2A)

1. This designation provides for low density residential development in established neighborhoods generally east of Anacopper Mine Road. These areas are inappropriate for more intensive urban development due to the established character of the area.
2. Use of this zone is appropriate for areas designated Residential Low Density 2 in the Comprehensive Plan and generally east of Anacopper Mine Road.

D. Residential Medium Density 3 (R3)

1. This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.
2. Use of this zone is appropriate for areas designated Residential Medium Density in the Comprehensive Plan.

E. Residential Medium Density 3A (R3A)

1. This designation provides for moderate density residential uses in areas characterized by a historical pattern of smaller (generally 3,000 square feet) lots. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.
2. Use of this zone is appropriate for areas designated Residential Medium Density in the Comprehensive Plan.

E. Old Town (OT)

1. This designation recognizes the unique heritage, scale, and character of the oldest residential area of the city by establishing standards to maintain the scale and character of the area.
2. Use of this zone is appropriate for areas designated Old Town in the Comprehensive Plan.

F. Residential High Density 4 (R4)

1. This designation provides for urbanized areas with high density residential uses within walking distance of public transit and commercial/employment areas and/or community facilities. This designation creates a transition from high intensity uses, such as commercial or industrial development, to lower intensity residential areas.
2. Use of this zone is appropriate for areas designated Residential High Density in the Comprehensive Plan.

G. Residential High Density 4A (R4A)

1. This designation provides for special urbanized areas with an established mixture of single-family dwellings and low density multifamily uses.
2. Use of this zone is appropriate for areas designated Residential High Density in the Comprehensive Plan.

19.40.040 - Mixed-use zones established.

A. Central Business District (CBD)

1. This designation applies to the existing downtown commercial district in Anacortes. The purpose of the zone is to reinforce downtown as the center of commercial, civic, and cultural activities within the city. The CBD zone is expected to accommodate new development while reinforcing and enhancing its historic pedestrian-friendly character and scale.
2. Use of this zone is appropriate for areas designated Central Business District in the Comprehensive Plan.

B. Commercial (C)

1. This designation provides for a wide variety of general service and retail commercial uses, and mixed-uses serving local and regional residents and the traveling public.
2. Use of this zone is appropriate for areas designated Commercial in the Comprehensive Plan.

C. Marine Mixed-Use (MMU)

1. This designation provides for a special mix of commercial, cultural, recreational, and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian-friendly character.

The primary uses are commercial, hospitality, cultural, and recreational uses. Residential uses are encouraged in mixed-use structures and allowed in single purpose structures provided developments include a horizontal mix of uses.

2. Use of this zone is appropriate for areas designated Marine Mixed-Use in the Comprehensive Plan.

D. Commercial Marine (CM)

1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways and the tourism trade is of primary importance.
2. Use of this zone is appropriate for areas designated Commercial Marine in the Comprehensive Plan.

E. Commercial Marine 1 (CM1)

NOTE TO REVIEWERS: This zone is being eliminated.

1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for a marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways and the tourism trade is the primary importance.
2. These purposes are accomplished by:
 - a. Allowing ship and boat building and repair, marine sales and services, conference centers, parks and piers, research and development, yacht clubs, and other uses which support the intent of the district;
 - b. Allowing manufacturing, storage and shipment of goods, limited retail, multifamily housing above the ground floor, and other uses which enhance the purpose of a marine-oriented district under special conditions and limitations; and
 - c. Establishing basic design standards focused on building character and the pedestrian environment.
3. Use of this zone is appropriate for areas designated Commercial Marine in the Comprehensive Plan.

E. Commercial Marine 2 (CM2)

1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways is of primary importance. This designation provides for a mix of commercial and industrial uses.
2. Use of this zone is appropriate for areas designated Commercial Marine in the Comprehensive Plan.

F. Public Use (P)

1. This designation is to allow for common public uses where the need arises and uses will not create a nuisance or interfere with existing uses.
2. Use of this zone is appropriate for any designation within the City provided the site is appropriately located to accommodate common public uses.

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Comment [CR14]: It is very important to include these words from the Comprehensive Plan to clarify the primary uses.

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19.40.050 - Industrial zones established.

A. Light Manufacturing (LM)

1. This designation provides for a mix of industrial structures and uses which do not create noise, smoke, odors, or other objectionable nuisances or hazards detrimental to uses in the LM zone or surrounding zones.
2. Use of this zone is appropriate for areas designated Light Manufacturing in the Comprehensive Plan.

B. Light Manufacturing I (LMI)

1. This designation provides for a mix of industrial structures and uses, service and limited retail uses that minimize external visual or physical impacts on adjacent properties and generally do not compete with uses in the CBD and C zones. It is intended primarily to accommodate industrial type uses that do not need water access or proximity to the central business district or to the Commercial Avenue corridor.
2. Use of this zone is appropriate for areas designated Light Manufacturing in the Comprehensive Plan.

C. Manufacturing and Shipping (MS)

1. This designation provides for manufacturing and shipping uses that can utilize the deep waters of Guemes Channel and uses supplementary to and compatible with the principal uses.
2. Use of this zone is appropriate for areas designated Manufacturing and Shipping in the Comprehensive Plan.

D. Heavy Manufacturing (HM)

1. This designation provides for heavy manufacturing and closely related uses in the March Point area. To avoid unnecessary regulations on heavy manufacturing, regulations for this zone are intended to provide protection principally against effects harmful to other zones.
2. Use of this zone is appropriate for areas designated Heavy Manufacturing in the Comprehensive Plan.

E. Industrial (I)

1. This designation provides for manufacturing and closely related uses in areas with existing industrial uses or other areas with suitable land and transportation access that are buffered from residential and other uses that are likely to complain about industrial activities.
2. Use of this zone is appropriate for areas designated Industrial in the Comprehensive Plan.

F. Aeronautical Zone (AZ)

1. This designation provides for the Anacortes Airport and associated uses. The purpose of the AZ zone is to provide for the siting and development of the Anacortes Airport, an essential public facility as defined in Chapter 36.70A RCW, and related facilities.
2. Use of this zone is appropriate for areas designated Aeronautical Zone in the Comprehensive Plan.

19.40.060 - Overlay designations established.

A. Purpose. Some areas within the city have unique characteristics, special land uses, and/or land use objectives that call for an overlay designation. Overlays impose restrictions on a specific geographic area within an existing zone or zones. Property in an overlay remains subject to the restrictions and limitations of the underlying zone and the overlay regulations act to supplement but not replace the regulations of the underlying zone.

B. Medical Overlay (MED-O)

This overlay designation provides for coordinated expansion of Island Hospital and growth of medical support uses in the immediate vicinity while minimizing the impacts on surrounding residential uses.

C. Live/Work Overlay (LW-O)

This overlay designation provides the opportunity to combine living and working spaces in individual units, provided the scale and impact of such non-residential uses is limited. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed use and industrial zones.

D. Mixed-Use Business Overlay (MUB-O)

This overlay designation provides the opportunity to integrate non-residential uses together with residential uses. Such uses must be limited to those uses that minimize external or physical impacts on residential uses. Non-residential uses may be developed as a single use site or building or integrated with residential uses within a single building or on the same site. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed-use or industrial zones.

19.40.070 - Zoning of annexed land.

All annexations must be enacted with the land use designation and zone pre-designated in the Comprehensive Plan land use map and the Official Zoning Map. Generally, land within the city's urban growth boundary that is annexed to the city and is located north of South March Point Road must be zoned Heavy Manufacturing (HM) and land within the city's urban growth boundary that is annexed to the city and is located south of South March Point Road must be zoned Light Manufacturing I (LMI). The precise locations of these boundary lines are shown on the Official Zoning Map. In the event that the urban growth boundary is extended to other areas in the future, the zoning for such areas must be pre-designated by the City Council at the time the extension is approved.

Chapter 19.41 - ALLOWED USES

19.41.010 - Purpose.

The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

19.41.020 - Classification of uses.

- A. Use categories.
 - 1. In order to regulate uses, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
 - 2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
 - 3. Use category definitions are included in AMC Chapters 19.43-46.
 - 4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The director has the responsibility for categorizing all uses.
- B. Principal uses. Allowed principal uses by zone are listed in Tables 19.41.040-050. Principal uses are grouped into categories of uses.
- C. Accessory uses. Accessory uses are allowed in conjunction with a permitted principal use as established in AMC Chapter 19.47 Accessory Uses & Structures.
- D. Temporary uses. Temporary uses are allowed as established in AMC Chapter 19.48 Temporary Uses.

19.41.030 - Key to the use table.

The use tables in this chapter determine whether a use is allowed in a zone.

A. Permitted use (P).

Where the letter "P" appears in the use tables, the subject use is permitted. "Permitted" uses are those that do not require discretionary land use approval permits, but may require building permits, shoreline permits, or other permits required by AMC Chapter 19.14 International Codes.

B. Conditional use (C).

Where the letter "C" appears in the use tables, the subject use is allowed subject to the conditional use review procedures specified in AMC 19.20.030 Types of review and AMC Chapter 19.36 Conditional Uses.

C. Use not permitted ().

Where no symbol appears in the use tables, the subject use is prohibited in that zone.

D. Special use limitations (X).

For uses containing a superscript ^(X), refer to the code reference in the right column next to the superscript ^(X).

E. Unclassified uses.

Where a proposed use is not classified in the use tables and sections below, the director must apply the use provisions of a use most similar in scale and associated level of impacts. Where the director finds that there is no such similar use, the director must make a determination in writing on whether the use should be permitted, conditionally permitted, or prohibited, based on the purpose of the applicable zone, the mixture of permitted, conditional, and prohibited uses, and the scale and projected impacts of the proposed use. Special criteria in helping to determine whether a use is appropriate for the zone:

1. Consider the scale and type of buildings compared to other permitted uses in the zone.
2. Consider the amount, type, and pattern of vehicular traffic anticipated for the use.
3. Consider the expected outdoor uses and activities associated with the use.
4. Consider the expected noises, odors, emissions, and unique visual impacts associated with the use.

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 19.43.010(A)
Single-family	P	P	P	P	P	P	P	P	AMC 19.43.010(B)
Single-family, small lot				P	P	P	P		AMC 19.43.010(C)
Cottage housing		P	P	P	P	P	P		AMC 19.43.010(D)
Duplex		C	P	P	P	P	P	P	AMC 19.43.010(E)
Triplex				C	P	P	P		AMC 19.43.010(F)
Townhouse				C	P	P	P		AMC 19.43.010(G)
Multifamily, 4 units				C	P	P	P		AMC 19.43.010(H) and (I)
Multifamily, 5 or more units						P	P		AMC 19.43.010(H) and (I)
Live-work									AMC 19.43.010(J)
Group Living, as listed below									AMC 19.43.020(A)
Adult family home	P	P	P	P	P	P	P	P	AMC 19.43.020(B)
Assisted living facility				C	C	P	C		AMC 19.43.020(C)
Nursing homes						C			AMC 19.43.020(D)
Rooming houses				C	C	P	P	C	AMC 19.43.020(E)
COMMERCIAL									
Day Care, as listed below									AMC 19.44.010(A)
Day care I facilities	P	P	P	P	P	P	P	P	AMC 19.44.010(B)
Day care II facilities			C	C	C	C	C	C	AMC 19.44.010(B)
General Service, except as listed below									AMC 19.44.020(A)
Public safety facility	C	C	C	C	C	C	C	C	AMC 19.44.020(E)
Medical, except as listed below				C (X)	C (X)				AMC 19.44.030(A) (X) AMC 19.44.030(B)
Hospital									AMC 19.44.030(C)
Office									AMC 19.44.040(A)
Overnight Lodging, except as listed below									AMC 19.44.050(A)
Bed & breakfast	C	C	C	C	C	P	P	C	AMC 19.44.050(B)

Table 19.41.040 Principal uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Parking	C(×)	C(×)	C(×)	C(×)	C(×)	C(×)	C(×)	C(×)	AMC 19.44.060(A) (×) AMC 19.44.060(B)
Passenger Terminal									AMC 19.44.070(A)
Personal Service, except as listed below									AMC 19.44.080(A)
Beauty salons						C	C		AMC 19.44.080(D)
Recreation, Indoor									AMC 19.44.090(A)
Recreation, Outdoor									AMC 19.44.100
Restaurant/Bar									AMC 19.44.110(A)
Retail Sales, except as listed below									AMC 19.44.120(A)
Neighborhood grocery store		C	C	C	C	C	C	C	AMC 19.44.120(D)
Vehicle Sales/Rental									AMC 19.44.130(A)
INDUSTRIAL									
All industrial uses									AMC Chapter 19.45
PUBLIC, INSTITUTIONAL & OPEN SPACE USES									
Agriculture, except as listed below	P(×)								AMC 19.46.010(A) (×) AMC 19.46.010(B)
Nurseries	C	C	C	C	C	C	C		AMC 19.46.010(C)
Restricted agriculture	P	P	P	P	P	P	P	P	AMC 19.46.010(D)
Civic, Except as listed below and based on gross floor area (GFA):									AMC 19.46.020(A-B)
<10,000sf GFA		P	P	P	P	P	P	P	
10,000-20,000sf GFA		C	C	C	C	C	C		
>20,000sf GFA									
Special civic uses:									AMC 19.46.020(C)
Cemetery/columbarium									AMC 19.46.020(C)(1)
College, community college, or university									AMC 19.46.020(C)(2)
Community center				C	C	C	C		AMC 19.46.020(C)(3)
Private recreational, social and/or cultural clubs				C	C	C	C		AMC 19.46.020(C)(4)
Schools, public or private (K-12)	C	C	C	C	C	C	C	C	AMC 19.46.020(C)(5)
Parks, Plazas, Open Spaces, & Natural Areas	P	P	P	P	P	P	P	P	AMC 19.46.030

Comment [CR15]: Delete the R4A zone. It no longer applies, according to the proposed land use map.

Table 19.41.040 Principal uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Utilities, as listed below									AMC 19.46.040
Utilities, local	P	P	P	P	P	P	P	P	AMC 19.46.040(A)
Utilities, regional	C	C	C	C	C	C	C	C	AMC 19.46.040(C)
Sustainable energy generation system									AMC 19.46.040(B)
Wireless Telecommunications Towers & Antennas	See AMC Chapter 17.63								

19.41.050 - Principal uses permitted in mixed-use and industrial zones.

Table 19.41.050 below provides the list of permitted principal uses in mixed-use and industrial zones.

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
RESIDENTIAL											
<i>Note: Residential uses are not allowed on the ground floor facing a designated Storefront Street (see AMC Chapter 19.61). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in AMC 19.61.060.</i>											
Household Living, as listed below											AMC 19.43.010(A)
Single-family	C(x)	C(x)				C	P(x)				AMC 19.43.010(B) (x) AMC 19.43.010(B)(2)
Single-family, small lot											AMC 19.43.010(C)
Cottage housing											AMC 19.43.010(D)
Duplex											AMC 19.43.010(E)
Triplex											AMC 19.43.010(F)
Townhouse	P	P(x)	P(x)								AMC 19.43.010(G) (x) AMC 19.43.010(G)(3)
Multifamily dwellings, 4 or more units	P	P(x)	P(x)	C(x)		C		C(x)			AMC 19.43.010(H) (x) AMC 19.43.010(H)(3-6)
Live-work	P	P(x)	P					C			AMC 19.43.010(J) (x) AMC 19.43.010(J)(3)
Group Living, as listed below											AMC 19.43.020(A)
Adult family home											AMC 19.43.020(B)
Assisted living facility	P	P	P								AMC 19.43.020(C)
Nursing homes	C	C	C								AMC 19.43.020(D)
Rooming houses											AMC 19.43.020(E)
COMMERCIAL											
Day Care, as listed below											AMC 19.44.010(A)
Day care I facilities	P	P	P	P	P	P	P				AMC 19.44.010(B)
Day care II facilities	P	P	P	P			P				AMC 19.44.010(B)
General Service, except as listed below	P	P	P	P	P		P				AMC 19.44.020(A)
Heavy service		P					P			P	AMC 19.44.020(C)
Public safety facility	C	P	C	P	C	P	P	C	P	P	AMC 19.44.020(E)

Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
Medical, Except as listed below and based on gross floor area (GFA):											AMC 19.44.030(A)
<10,000 GFA	P	P	P								
10,000-20,000 GFA	C	C	C								
>20,000 GFA											
Hospital		C									AMC 19.44.030(C)
Office	P	P	P	P	P(x)		P(x)	P	P(x)	P	AMC 19.44.040(A) (x) AMC 19.44.040(B)
Overnight Lodging	P	P	P	P		C					AMC 19.44.050(A)
Parking	C	P	P	P	P	P	P	P	P	P	AMC 19.44.060(A)
Passenger terminal except as listed below	P	P	P	P	C						AMC 19.44.070(A)
Aeronautical use											AMC 19.41.080(A)(2)
Personal Service, except as listed below	P	P	P								AMC 19.44.080(A)
Animal care - indoor	C	P					P				AMC 19.44.080(C)
Animal care - outdoor		C					P				AMC 19.44.080(D)
Recreation, Indoor Except as listed below and based on net floor area (NFA):											AMC 19.44.090(A)
<10,000 NFA	P	P	P	P							
10,000 to 20,000 NFA	C	C	P	C							
>20,000 NFA	C	C	C	C							
Special indoor recreation uses:											AMC 19.44.090(B)
Adult concessions		P(x)					P(x)		P	P(x)	AMC 19.44.090(B)(1)
Shooting range							P				AMC 19.44.090(B)(2)
Recreation, Outdoor, except as listed below							P(x)				AMC 19.44.100(A-B)
Campground				C			C				AMC 19.44.100(C)
Golf course							P				AMC 19.44.100(D)
Marinas & boat moorage			P	P	P	P	C	C	C		AMC 19.44.100(E)
Recreational vehicle park				C							AMC 19.44.100(F)
Shooting range											AMC 19.44.100(G)
Restaurant/Bar	P	P	P	P	C	P		C			AMC 19.44.110(A)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
Food truck	P	P	P	P	P	P	P	P	P	P	AMC 19.44.110(C)
Retail Sales, Except as listed below and based on net floor area (NFA)/individual use:											AMC 19.44.120(A)
<5,000 NFA	P	P	P	P	P		P(×)	P		P(×)	(×) AMC 19.44.120(B-C)
5,000-25,000 NFA	P	P	P	P				C			
25,001-50,000 NFA	P	P	C								
>50,000 NFA	C	C	C								
Special retail sales uses:											AMC 19.44.120(E)
Heavy retail		C					P			P	AMC 19.44.120(E)(1)
Marijuana, retail		P(×)					P				AMC 19.44.120(E)(2)
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130(A-B)
Marine sales/rental		P	P	P	P		P	P	P		AMC 19.44.130(C)
INDUSTRIAL											
Heavy Industrial					C			P	P	P	AMC 19.45.010(A) AMC 19.69.060
Light Industrial, except as listed below		C			C	P	P	P	P	P	AMC 19.45.020(A) AMC 19.69.060
Marijuana, processing		P(×)					P				AMC 19.45.020(B)
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030(A)
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030(B)
Research & Development	P(×)	P(×)	P(×)	P	P	P	P	P	P	P	AMC 19.45.040(A) (×) AMC 19.45.040(B)
Self-Service Storage		P(×)		P			P				AMC 19.45.050(A) (×) AMC 19.45.050(B)
Warehouse & Distribution					C	P	P	P	P	P	AMC 19.45.060(A)
Waste Related Services, except as listed below											AMC 19.45.070(A)
Recycling facility							P		P	P	AMC 19.45.070(B)
Water-oriented industrial uses except as listed below			C	P	P	P		P	P	P	AMC 19.45.080(A)
Dry stack boat storage			C	P	P				P	P	AMC 19.45.080(B)
Boat launch facility			P	P	P	P		P	P	P	AMC 19.45.080(C)
Wholesale Trade							P				AMC 19.45.090(A)

Table 19.41.050 Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
PUBLIC, INSTITUTIONAL & OPEN SPACE USES											
Agriculture, except as listed below											AMC 19.46.010(A)
Aquaculture						C	P				AMC 19.46.010(C)
Marijuana, production		P(X)					P				AMC 19.46.010(D)
Nurseries		C					P				AMC 19.46.010(E)
Restricted agriculture	P	P	P	P	P	P	P	P	P	P	AMC 19.46.010(G)
Civic, Except as listed below and based on gross floor area (GFA):											AMC 19.46.020(A-B)
<10,000sf GFA	P	P	P	P							
10,000-20,000sf GFA	P	P	P	P							
>20,000sf GFA	P	P	P	P							
Special civic uses:											AMC 19.46.020(C)
Cemetery/columbarium											AMC 19.46.020(C)(1)
College, community college, or university											AMC 19.46.020(C)(2)
Community center	P	P	P	P					C		AMC 19.46.020(C)(3)
Private recreational, social and/or cultural clubs	P	P	P	P	P		P				AMC 19.46.020(C)(4)
Schools, public or private (K-12)	C	C	C								AMC 19.46.020(C)(5)
Parks, Plazas, Open Spaces, and Natural Areas	P	P	P	P	P	P	P	P	P	P	AMC 19.46.030(A-B)
Utilities											AMC 19.46.040
Utilities, local	P	P	P	P	P	P	P	P	P	P	AMC 19.46.040(A)
Sustainable energy generation system		C	C	C	C	C	P	P	P	P	AMC 19.46.040(B)
Utilities, regional	C	C	C	C	C	C	C	C	C	C	AMC 19.46.040(C)
Wireless Telecommunications Towers & Antennas	See AMC Chapter 17.63										

19.41.060 - Landmark buildings.

A conditional use permit is required for landmark buildings to contain a use not otherwise allowed within the underlying zone.

19.41.070 - Public Use zone uses.

A. Permitted uses.

1. Public parks, open space, and natural areas per AMC 19.46.030.
2. Single-family residences are permitted with the following conditions:
 - a. Single-family dwellings provided such use complies with the form and intensity standards of the R2A zone.
 - b. Single-family dwellings will be permitted only on property contained in the public use zone that has been continuously in private ownership since November 18, 1991.

B. Accessory uses. See AMC Chapter 19.47 for accessory use and structure standards.

C. Conditional uses.

1. Civic uses as established in AMC 19.46.020.
2. Uses common to activities of public nonprofit organizations such as meeting halls and sports fields.
3. Local and regional utilities and sustainable energy generation systems as established in AMC 19.46.040. Note: Fossil fuel power generation plants are not a permitted use.
4. Single-family residences which are related to a principal use, such as a church rectory or a park manager's residence.
5. Parking as a principal use per AMC 19.44.060.
6. Funeral homes associated with a cemetery.
7. Campgrounds per AMC 19.44.100(C). Campgrounds are not permitted in public use zones north of 41st Street and east of A Avenue.

19.41.080 - Aeronautical zone uses.

A. Permitted uses.

1. Airport operational facilities, fueling facilities, hangars, airport terminal facilities, fencing structures up to eight feet, and buffers. In addition, any light manufacturing use or uses involving processing or storage of goods provided the processes or equipment employed, or goods stored, processed, or sold must be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, glare, refuse matter, or water carried waste.
2. "Aeronautical use," which is defined and must mean those uses such as (i) aircraft hangars, (ii) aircraft tie-downs, (iii) aircraft parking areas, taxi areas, and maneuver areas, (iv) aircraft storage, (v) light manufacturing, as defined in the Anacortes zoning code, provided such individual facilities do not exceed 12,500 square feet of gross floor area, (vi) aircraft related businesses, (vii) offices use, bathrooms, parking, and other such uses in support of the aeronautical uses; provided that any of the structures that may house any of the foregoing uses must not exceed

35 feet in height, and, in addition, (viii) maintenance of any of the foregoing uses and related facilities and improvements, including paved areas, drainage ways, etc. This term must not include any living or sleeping quarters except as allowed per (C)(2) below. All aeronautical uses must be a permitted use within the aeronautical area (as the term is defined in the development agreement) without further mitigation or approval, except as may be specified in the development agreement.

3. Removal of any obstruction for compliance with FAR Part 77 requirements
4. Aircraft operations on the ground and in the air, including takeoff, landing, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes and purposes of aircraft and related issues. Such uses must not be subject to any city mitigation requirements, notwithstanding any other provisions of this Code.
5. Other than the port's perimeter fence and operational safety fence, to be located as shown on Exhibit "A" of the development agreement, and the removal of FAR Part 77 obstructions, as shown on Exhibit "C" of the development agreement, there must be no permitted uses allowed within the Anacopper Future Process Area, except through the conditional use process until after completion of the planning process for that area. The construction of the fences and the FAR Part 77 obstruction removals in the Anacopper Future Process Area, must be subject to the landscaping and wetland mitigation contained in the development agreement, or plans approved by the city.

B. Accessory uses. Any use customarily incidental to the permitted principal use. No residential use is permitted, except for caretaker quarters through the conditional use process.

C. Conditional uses.

1. Buildings and structures between 35-50 feet in height; caretaker units.
2. Overnight facilities for use by pilots.
3. Restaurants.
4. Light manufacturing exceeding 12,500 square feet of gross floor area per use.
5. Any building or structure excluded from being located within the Rockwell Reserve and Panhandle Reserve Areas, provided that the city may deny such permit if the criteria for a conditional use permit are not met.
6. Within the Anacopper Future Process Area, as defined in the development agreement, any use that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the Anacopper Future Process Area, subject to the imposition of reasonable mitigation and compliance with wetland regulations.
7. Within the North Aviation Area, as defined in the development agreement, any use (other than ongoing airport operations) that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the North Aviation Area.

D. Special requirements.

1. For uses other than aeronautical uses (aircraft operations, repair and related activities), odor, dust, smoke, cinders, fumes, noise, vibration or light must be investigated by the city based on a complaint or when detected by appropriate and certified test equipment approved by the city and the port when operated by a technician certified to use such equipment located in an adjacent residential zone.

2. Any uses that are legally permitted by the city and specifically allowed by the airport sponsor on the date of the adoption of this zoning, which become nonconforming uses upon adoption of this chapter, must be "grandfathered" until such time as the use is abandoned by the operator. Any nonconforming structure must be "grandfathered" until such time as the structure is abandoned by the owner of the structure or that such structure is destroyed by fire, storm, or "act of God" (more than seventy-five percent of the occupied space of the structure is no longer capable of re-occupancy for the use and purpose prior to the act causing the destruction) and is not repaired within one year of destruction. Any destruction of a structure that is proximately caused as a result of any act that would be considered a crime, such as arson, malicious mischief, or other crimes, must not be considered destroyed for these purposes, unless such structure is not repaired or replaced within two years of destruction. Upon any of those such occurrences that cause the use and/or structure to no longer be of legal nonconforming use, the use must no longer be allowed and any such structure must be brought into conformity with this chapter, including compliance with the requirements of any applicable development agreement; or if no such agreement is applicable, then the then published setbacks and all other limitations, except that runways, taxiways, navigational aids and lighting must not become nonconforming under any circumstance other than through changes to FAR regulations.
3. All development at the Anacortes Airport is subject to all applicable impact fees and general facility charges at the time of building permit issuance.
4. Fences. Because of the special security needs to prevent accidents to children, pedestrians, pilots, passengers, and animals, fencing of types and at locations as required by FAA regulations, or as determined necessary by the port, are authorized subject to mitigation as required in the development agreement.
5. Landscaping. Due to establishment of the Rockwell Reserve and Panhandle Reserve Areas as defined in the development agreement, landscaping must not be mandatory or required within the aeronautical area of the development agreement. The city planning director must allow for the removal of loose debris, including trash, leaves, twigs, and other foreign objects which are prone to being spread by the wind, without mitigation. All landscaping within the sub-area must be required to be designed to minimize hazards. It is the intent of this section to allow the port significant flexibility in complying with city landscaping requirements.

E. Cumulative impact.

The cumulative impact of development of the property within the sub-area must be reviewed through the SEPA processes related to such development. This SEPA review process may be phased, focusing only on one developable area at a time, deferring areas identified as future process areas to later SEPA review.

19.41.090 - Overlay designation uses.

A. Medical Overlay.

1. Supplemental permitted uses include:
 - a. Medical uses per AMC 19.44.030.
 - b. Group living uses per AMC 19.43.020.

B. Live/work Overlay. Supplemental permitted uses include live-work dwellings as defined in AMC 19.43.010(I). The following additional uses may occur within such live-work dwellings provided they do not feature outdoor service and storage uses that go beyond the typical needs of a single-family use:

1. General service use category [19.44.020(A)], except for automobile-oriented uses such as but not limited to fuel stations, vehicle repair and detailing, and vehicle cleaning.
2. Office use category [19.44.040(A)].
2. Personal service use category [19.44.080(A)].
3. Retail sales category [19.44.120(A)].
4. Light manufacturing use category [19.45.030(A)].

C. Mixed-Use Business Overlay. Supplemental permitted uses include:

1. Artisan manufacturing per AMC 19.45.030(B).
2. Day care II facilities per AMC 19.44.010(B).
3. Restaurant/bar establishments per AMC 19.44.110(A) with less than 1,000 square feet of enclosed dining area.
4. General service establishments per AMC 19.44.020, except:
 - a. Heavy service uses per AMC 19.44.010(B).
 - b. Establishments with less than 2,500 square feet of net floor area.
5. Nurseries per AMC 19.46.010(E).
6. Office uses per AMC 19.44.040.
7. Personal service establishments per AMC 19.44.080 with less than 2,500 square feet of net floor area.
8. Retail with less than 5,000 square feet of net floor area.

Chapter 19.42 - FORM & INTENSITY STANDARDS

19.42.010 - Generally.

A. Purpose.

1. To promote forms of development that reinforce and/or enhance the desired character of Anacortes residential neighborhoods, business districts, and industrial zones.
2. To promote compatibility between developments.
3. To minimize environmental impacts of development.

B. Key to the form and intensity standards tables.

1. The form and intensity standards tables address the form and intensity of development specific to individual zones. The zone is located on the vertical columns and the form/intensity topic being addressed is located on the horizontal rows.
2. Where an AMC reference appears after the form and intensity measure, then the use or development is subject to standards in that section or chapter.
3. If a cell is blank, then there are no standards for the particular measure or it is not applicable to the zone.
4. AMC 19.42.040-160 (Bonus incentives, generally though Setback modifications) provides clarification and exceptions to the form and intensity standards tables below.

19.42.020 - Form and intensity standards for residential zones.

The following table describes the form and intensity standards in residential zones. Supplemental form and intensity standards apply to the Old Town zone per AMC 19.42.180.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
LOT SIZE & DEVELOPMENT INTENSITY									
Lot size for single-family dwelling, minimum (AMC 19.42.100)	15,000 ×	7,500	6,000	4,500	3,000	3,000	3,000	6,000	See AMC 19.43.010.C for standards for lots <5,000sf. × See AMC 19.42.050 for reduced lot size options in the R1 zone.
Lot size for duplex, minimum (AMC 19.42.100)		9,000	9,000	7,500	5,000	4,200	4,200	7,500	See AMC 19.43.010(E) for duplex standards.
Additional lot size needed for additional dwelling unit beyond duplex, minimum (AMC 19.42.100)				2,500	2,000		1,200		See AMC 19.43.010(F) and (G) for applicable housing type standards
Minimum lot width circle									
Lot with alley access (feet)	100 ×	60	50	35	25	30	30	45	Applies to each newly created lot in residential zones. See AMC 19.42.110 for minimum lot width circle calculation and exceptions. × See AMC 19.42.050(C)(1)(b)
Lot without alley access (feet)	100 ×	60	50	40	35	30	30	50	
Density maximum (dwelling units/gross acre)	2	4	6	See lot size min. above		None	18	9	See AMC 19.42.120 for calculating density
Density maximum with bonus (dwelling units/gross acre)	4								See AMC 19.42.050 for R1 bonus incentives
Lot coverage, maximum percentage	35%	35%	35%	50%	50%	50%	50%	50%	See AMC 19.42.130 for clarification of lot coverage standards
Landscaped area, minimum percentage	20%	20%	20%	20%	20%	20%	20%	20%	See AMC 19.65 for landscaping standards
HEIGHT – PRINCIPAL STRUCTURES									
Height, maximum (feet)	35	35	35	35	35	40	35	25	See AMC 19.42.140 for building height exceptions and modifications See AMC 19.42.180 for height exceptions in the OT zone.
Height, maximum with bonus						50			See AMC 19.42.060 for building height bonuses in the R4 zone.

Comment [CR16]: why different circle sizes for R3A, R4 and R4A? If 3000 sf lot is minimum size, shouldn't the same size minimum circle apply?

Comment [CR17]: These percentages result in some odd inequities. Why should a person with a 6,000 sf lot in the R3 zone be able to build a house with a 900 sf larger footprint than THE SAME SIZE LOT in the R2 zone? Where in the Comp Plan does it say people should build smaller houses in the lower density zones? Or if you happen to have a 9,000 sf lot (3 of the 30-foot lots) in R3 you could cover 4,500 sf, but 1,350 sf less on the same size lot in R2. That just seems backwards.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
SETBACKS (feet)									
NOTE: The setbacks below apply to principal and accessory structures, except where accessory structure setbacks are modified by 19.47.020.B.									
Street setback, minimum	20	20	20	20	20	10	10	+0 20	AMC 19.42.150.B
Street setback - garage, minimum	25	25	25	25	25	20	20	20 50	AMC 19.42.150.B
Side street setback, minimum	20	10	10	10	10	10	10	10	AMC 19.42.150.B
Interior side setback, minimum	10	5	5	5	5	5	5	5	AMC 19.42.150.C
Interior side setback -- second floor above the first floor, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5	AMC 19.42.150.D
Rear setback, minimum	20	20	20	20	20	10	10	10	AMC 19.42.150.E

Comment [CR18]: This should be consistent with 19.42.180.

Comment [CR19]: What does the 2 refer to? Should that be an x?

Comment [CR20]: In some cases, a house may have three floors.

19.42.030 - Form and intensity standards for mixed-use and industrial zones.

The following table describes the form and intensity standards in mixed-use and industrial zones. Form and intensity standards for the Aeronautical zone are located in AMC 19.42.190 and for the Public Use zone in 19.42.200.

Table 19.42.030											
Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/ Reference
LOT SIZE & DEVELOPMENT INTENSITY											
Density minimum (dwelling units/gross acre)	15	15	15×								See AMC 19.42.120 × East of Anacopper Mine Road only
Maximum building size without a conditional use permit (gross floor area)				200,000			300,000		200,000		
Landscaped area, minimum percentage, except buildings fronting on Commercial Ave. in CBD	10%	10%	10%	15%	15%	10%	10%		10%	10%	See AMC 19.65.030 for landscaped area provisions
HEIGHT (feet) – PRINCIPAL STRUCTURES											
Height, base maximum	65	50	35-45	35	50	35	50	50	50	50	See AMC 19.42.140 for building height exceptions and modifications
Height, maximum with bonus			50-65×	50		50					See AMC 19.42.070-.090 × AMC 19.42.140(C)(4-5)
SETBACKS (feet)											
NOTE: The setbacks below apply to principal structures, unless otherwise noted, except where accessory structure setbacks are modified by 19.47.020.B.											
Street setback, minimum	0	0	0	10	10	10	10	10	15	15	AMC 19.42.150.B Also see AMC Chapter 19.61 Block Frontage Standards
NOTE: Most non-residential and multifamily development must conform to block frontage standards of Chapter 19.61, which affect the street setbacks.											
Interior side setback, minimum	0	0	0	0	0	10	10	10	10	10	AMC 19.42.150.C, Also see AMC 19.62.020 Relationship to adjacent properties

Comment [CR21]: THIS DOES NOT MAKE SENSE FOR COMMERCIAL AVE IN CBD. Storefront designation requires 0 setback, and other sides allow 0 setback. A landscaped area between or behind these buildings would not be seen or used.

Comment [CR22]: It's interesting that we require a 10' fence setback but not a building setback.

Table 19.42.030 Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Conditions/ Reference
Rear setback, minimum	0	0	0	0	0	10	10	10	10	10	AMC 19.42.150.E, Also see AMC 19.62.020 Relationship to adjacent properties
Accessory building setbacks (where they differ from setbacks above)											
Interior side setback, minimum	0	0	0	0	0	3-5 (see AMC 19.47.020.B for details & exceptions)					
Rear setback, minimum	0	0	0	0	0	0-10 (see AMC 19.47.020.B for details & exceptions)					

19.42.040 - Bonus incentives, generally.

A. Purpose.

To offer flexibility to allowable density or height in strategic zones in exchange for the integration of permanent open space or affordable housing units.

B. Applicability.

1. The bonus incentive provisions of this chapter apply to the following situations:
 - a. Density bonuses in the R1 zone (see AMC 19.42.050).
 - b. Height bonuses in the R4 zone as established in table 19.41.030 (see AMC 19.42.060).
 - c. Height bonuses in several industrial zones (see AMC 19.42.070-080).
2. The provisions of this section are optional.

19.42.050 - Bonus incentives in the R1 zone.

A. Purpose. To offer flexibility in the density of developments within the R1 zone that reserve permanent open space and/or agricultural land as a part of the subdivision.

B. Applicability. The density bonus opportunities apply to all R1 subdivisions.

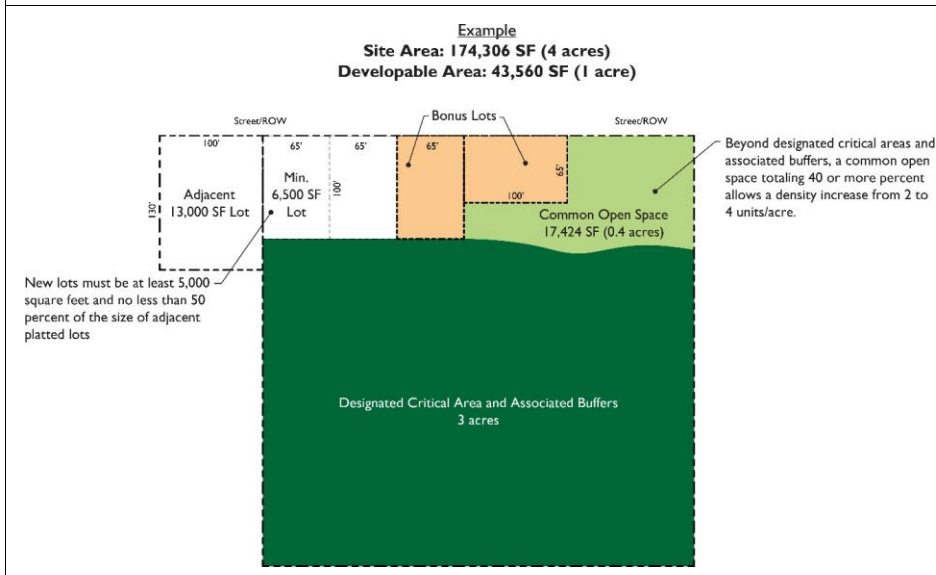
C. Standards.

1. Lots within R1 subdivisions applying for bonuses are subject to standards in Table 19.41.020, except:
 - a. New lots must be at least 5,000 square feet and no less than 50 percent of the size of adjacent platted lots to minimize compatibility impacts between developments.
 - b. New lots are subject to a minimum lot width circle of 50 feet with or without alley access (see AMC 19.42.110 for minimum lot width circle calculations).

- c. Designated critical areas and associated buffers do not count for the purpose of calculating allowable density on a site. For example, if a development site is four acres, but three of those acres are designated critical areas and associated buffers, then the usable site area for density purposes is only one acre. The applicant for a subdivision on this site may still apply for a density bonus (to achieve an increase in the possible number of lots from two to four), provided applicable bonus and common open space criteria below are met.
2. Density bonus for common open space:
 - a. Common open space: 25-39.9 percent = Maximum density increase from 2 to 3 units/acre.
 - b. Common open space: 40 or more percent = Maximum density increase from 2 to 4 units/acre.
 3. Common open space requirements. For the purpose of obtaining a density bonus, common open space area must be site areas above and beyond any designated critical areas and associated buffers. For example, if a development site is four acres, but three of those acres are designated critical areas and associated buffers, then the common open space applicable to the density bonus must be carved out of the remaining one usable acre. The designated critical areas and associated buffers may still be part of a designated common area, but only the non-critical areas/associated buffers may be used as common area for the purpose of achieving a density bonus. See Figure 19.42.050(C)(3).
 - a. To qualify as a common open space, the proposed area must be designated “permanent open space” on the face of the plat:

This tract is held in reserve as permanent open space (or other identified area) and must not be used as a residential building lot or encroached upon in any manner not approved in the plat application approval.
 - b. Characteristics. Common open space must be unencumbered by existing conservation or utility easements (these areas will be subtracted from the total common open space), must be in good physical condition (i.e., stable, in conformance with best management practices), and must fall into one or more of the following categories:
 - i. Areas with native vegetation.
 - ii. Recreational areas, including trails, sports courts, and/or wildlife viewing areas, but excluding uses that are deemed incompatible with the area.
 - iii. Actively managed pasture, farm, or timbered land. Accessory agricultural structures are allowed within the common open space. If the agricultural use requires irrigation and/or water rights sufficient to support the use, they must be retained within the land.
 - c. **Minimum size. Common open space must have no dimension less than 30 feet.**
 - d. Maintenance. Adequate provisions for the maintenance of identified common open space must be provided prior to final subdivision approval.
 - e. Accessibility. All common open space except for actively managed pasture, farm, or timbered land must be accessible for the intended use without trespassing on private property.

Figure 19.42.050(C)(3)
RI density bonus case study example.



19.42.060 - Bonus incentives in the **R4 zone**.

A. Purpose. To allow flexibility in building height in exchange for the integration of affordable dwelling units into the development.

B. Applicability.

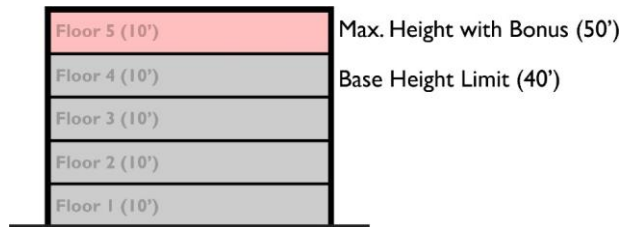
1. Height bonuses are available to development in the **R4 zone** as established in Chapter 19.42 Form and Intensity Standards provided it complies with the affordable housing standards of in this section.
2. Applicable floor area described below over base height limit refers to any floor to ceiling space of applicable dwelling units or shared recreational or amenity space that exceeds the base height limit established in Tables 19.42.020-030. See Figure 19.42.060 for an example.

C. Bonus amount.

1. For every three dwelling units occupying floor area above the base height limit, at least one affordable dwelling unit must be integrated into the development. Dwelling units larger than 1,400 square feet (leasable/living area, excluding common hallways) qualify as two standard dwelling units.
2. For every 2,000 square feet of shared recreational or amenity space that is integrated into floor area that occupies space above the base height limit, at least one affordable dwelling must be integrated into the development.

Figure 19.42.060

Height bonus example – how affordable housing requirements are measured.



The example building in the R4 zone contains one floor that exceeds the base height limit. The table below illustrates what is included on each floor and the number of required affordable units that are required to be integrated.

Floor	Floor statistics	Number of required affordable units (to be integrated on any floor in the building)
5	2 dwelling units (average 2,250sf) + 3,000sf shared recreation/amenity space	= 2 affordable units min.
4	8 dwelling units (average 938sf)	None required
3	10 dwelling units (average 750sf)	
2	10 dwelling units (average 750sf)	
1	10 dwelling units (average 750sf)	
Total		= 2 affordable units min.

D. Income limit and affordability.

1. Dwelling units that qualify as affordable housing must be affordable to households whose annual income does not exceed 50 percent of median income (see subsection (D)(3) below) for rental units or 80 percent of median income for owner-occupied housing, adjusted for household size, and no more than 30 percent of monthly household income is paid for monthly housing expenses (see subsection (2) below).
2. Housing expenses for ownership include mortgage and mortgage insurance, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowances.
3. The median income for the Mount Vernon-Anacortes Metropolitan Statistical Area (MSA) is determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. If programs under said Section 8(f)(3) are terminated, median income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the Mount Vernon-Anacortes MSA, the city may use any other method for determining the Skagit County median income, adjusted for household size.

E. Duration. Rental and ownership units must serve only income-eligible households for a minimum period of 50 years from the date of the certificate of occupancy.

F. Tenure. The tenure of the affordable housing units (ownership or rental) must be the same as the tenure for the rest of the housing units in the development.

Comment [CR23]: What if I have a low income and buy or rent a unit, then next year I get a better job? Will I have to move? How does that work?

G. Affordability agreement.

1. Prior to building permit issuance, an affordable housing agreement in a form approved by the director and City Attorney must be recorded with the Skagit County Auditor's office as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.
2. The agreement must address the level and duration of affordability, tenant qualifications, reporting, monitoring, and any other topics related to the provision of the affordable housing units.
3. The City may, at its sole discretion, establish a monitoring fee for the affordable units to cover the costs to the City to review and process documents to maintain compliance with income and affordable restrictions of the agreement.

H. Location. The affordable unit(s) must be located within the development and above grade (no basement units).

I. Size (bedroom). The affordable housing units must consist of a range of number of bedrooms that is comparable to units in the overall development.

J. Size (net floor area). The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the director. If there is a proposal that the affordable units be smaller than the market rate units, in no case may the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one-bedroom unit, 800 square feet for a two-bedroom unit, or 1,000 square feet for a three-bedroom unit.

K. Design. The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the building/development and must comply with design standards specified in Chapter 19.63. The interior finish and quality of construction of the affordable housing units must at a minimum be comparable to entry level rental or ownership housing in the city.

L. Timing/Phasing. The affordable housing units must be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

19.42.070 - Bonus incentives in the CM zone.

A. Purpose. To allow flexibility in building height via:

1. Integration of affordable dwelling units into the development.
2. Providing a review process to ensure that the additional building height would not have adverse impacts on the general vicinity.

B. Developments seeking additional building height that integrate residential units must comply with height bonus provisions of AMC 19.42.060.

C. Developments seeking additional building height that do not integrate residential units are subject to a conditional use permit per AMC Chapter 19.36 Conditional Uses. Special application requirements, criteria, and conditions:

1. Applicants must conduct a three-dimensional visual analysis to examine views of the development from surrounding streets, adjacent properties, and up to three other sites selected by the director to help ensure that the proposed building(s) do not adversely impact the general vicinity.
2. The applicant must demonstrate how the building has been sited and designed to minimize visual impacts on sites specified in subsection (C)(1) above.
3. Conditions may be imposed to ensure compatibility with the conditional use criteria, including those in AMC 19.36.050 and the following:
 - a. Changes in building depth, width.
 - b. Additional building massing techniques (beyond minimum requirements in AMC 19.63.030), such as upper level building setbacks and/or additional building modulation or articulation treatments.

Comment [CR24]: What are the criteria to determine whether there is a ADVERSE impact? Every new building will have some impacts to traffic, views, etc. How are 3 sites selected? Can it block your view but not mine?

19.42.080 - Bonus incentives and mixed-use requirements in the MMU zone.

A. Bonus incentives in the portion of the MMU zone west of Q Avenue. Such bonus height increases are subject to a conditional use permit per AMC Chapter 19.36 Conditional Uses. Special application requirements, criteria, and conditions:

1. Applicants must conduct a three-dimensional visual analysis to examine views of the development from surrounding streets, adjacent properties, and up to three other sites selected by the director to help ensure that the proposed building(s) do not adversely impact the general vicinity.
2. The applicant must demonstrate how the building has been sited and designed to minimize visual impacts on sites specified in subsection (C)(1) above.
3. Conditions may be imposed to ensure compatibility with the conditional use criteria, including those in AMC 19.36.050 and the following:
 - a. Changes in building depth, width.
 - b. Additional building massing techniques (beyond minimum requirements in AMC 19.63.030), such as upper level building setbacks and/or additional building modulation or articulation treatments.

B. Bonus incentives in the portion of the MMU zone east of Q Avenue. Buildings integrating one feature from the list below are permitted a bonus maximum height limit increase of ten feet (from

the base maximum height limit in Table 19.42.030), whereas buildings integrating two features from the list below are permitted a height limit increase of 20 feet. The bonus feature(s) must be proportional to the amount of space gained with the additional floor(s). For larger buildings, the bonus feature(s) must be more substantial than for smaller buildings to qualify for the additional floor area gained with the added height. The director may limit the added floor(s) to only a portion of a larger building, to be proportional to a more modest bonus feature.

Table 19.42.080

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

- 1 **Vertical mixed-use building design** - with ground level spaces with 13' minimum floor to ceiling height at least 20'-50' deep along at least 50% of the building's primary façade.



- 2 **Provide additional ground level pedestrian-oriented space** (meeting design requirements in AMC 19.62.040.C) equal to at least 2% of the development site. Such space must be above and beyond minimum sidewalk, esplanade, and applicable pedestrian-oriented space requirements.



Examples

This could include a small entry plaza like the left image above, or it could include a widened sidewalk (middle image)

- 3 **Provide space for a public park** at least 10,000sf in area on a site agreed upon by the City. The space should be configured and located so it is able to incorporate common municipal park features such as playgrounds, fitness areas, picnic areas, pavilions, etc.

- 4 **Integrate ornamental stormwater management features.** Include creative and expressive techniques to celebrate stormwater management. The feature must be a significant visible design feature of the site, as determined by the City. See examples below

Comment [CR25]: Small buildings should be able to utilize the additional height bonus by providing more modest bonus features.

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Comment [CR26]: Good idea but bad formula for size of the space. It has been clearly shown that a 20' depth is NOT sufficient for normal modest retail or restaurant or office uses. If the "primary" façade of a 50'x150' building is on the 50' side, at 20' depth that would be 500 sf of ground level space earns 7,500 sf of an additional floor. By designating a narrow strip for commercial use, a developer could build 15 times as much space on the bonus floor. That's not a fair trade-off.

Instead of a percentage of building façade, which varies depending on size and orientation of the building, why not have a formula that relates to the actual bonus area earned?

For example, say that this ground floor area must be suitable for commercial uses, on or within 40 ft. of a primary building façade, minimum dimension of 50 ft., and total area equal to 20 percent of the area of the bonus floor.

In other words, the developer would get a bonus area of 5x the area set aside on the ground floor.

Keep in mind that this space is not lost - it is a community asset in trade for extra developable area, and the developer still gets to use that space for many revenue-producing business types.

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Comment [CR27]: This is a good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

Comment [CR28]: This is a good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

Comment [CR29]: Bad idea. Stormwater management science and related code requirements have changed significantly in the past decade, and will continue to change as state-of-the-art evolves, so the "bonus" feature will be out of date or even illegal then. If not maintained these can get overgrown with weeds. This is not a permanent amenity. Bad examples: An "artistic" downspout or gutter should not earn the right to build thousands of square feet of added space.



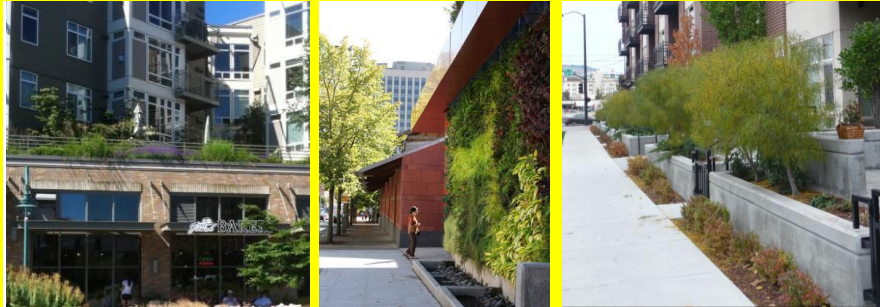
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Table 19.42.080

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

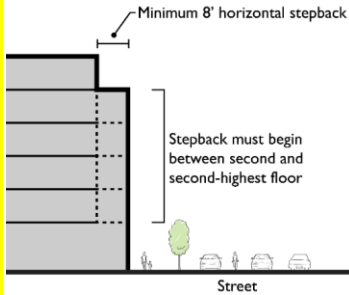
- 5 **Integrate visible landscaping elements on buildings.** This could include a combination of green walls and green roof elements integrated as a prominent visual feature of the building. To qualify, at least 50% of applicable roof areas or 5% of street facing façades must be vegetated. Reduced and/or a combination of green roof/walls may be acceptable provided the visible placement and high quality of the installations achieves the intent of the amenity feature. The design and management plan for the landscaping features must demonstrate long term success of the landscaping element. See examples below.

Examples



- 6 **Integrate upper level building step backs.** Stepbacks must be at least 8' deep, along >75% of building frontage, and located on the building's street facing façade(s). In addition, for any building facade over 50 ft. in width, at least 40% of the facade width must incorporate a stepback. See example below.

Example



Comment [CR30]: Bad idea. Plants are meant to grow in the ground. Artificially created planting areas on walls or roofs require extensive maintenance, can die off in winter and turn brown, will require significant quantities in summer to stay green (which goes against water conservation goals), and are not a permanent amenity of benefit to the community. The rooftop gardens, in particular, would probably not even be visible to the public.

Comment [CR31]: Good idea, needs refinement. This reduces the perception of height and bulk and is a permanent feature. However, if a short side faces an internal street and a long side is visible from other viewpoints, it won't have the desired effect. Requiring at least a portion of ALL facades over 50' long to be set back would incorporate this bulk-reducing feature regardless of which direction one is viewing from.

Table 19.42.080

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

- 7 **Integration of public art in visible location.** Could include a mural, mosaic, sculptural element, or gateway feature that's clearly recognizable as public art as determined by the Administrator. Feature may be located in a plaza, within the streetscape adjacent to the building, and/or on the building. Off-site features may be considered by the City provided they are placed within the Central Waterfront MMU zone. To qualify as an amenity, the estimated cost of the feature must be at least 1% of the construction cost of the development.

Example



- 8 **Exceptional landscaping display in visible location.** The display must cover an area = to at least 2% of the development site and function as a prominent visual feature of the development. See examples below.

Example



Comment [CR32]: Bad idea. Art is too subjective, and tastes change over the years. Spending 1% of the development cost on something that is not permanent and could be moved or sold negates the public benefit.

Developer could choose one big ugly thing (as worded, administrator only has to agree that it's clearly recognizable as public art, but has no say over what is chosen).

If this option is allowed, it should specify that the Anacortes Arts Commission would conduct a public process to invite submittals and select the art. Distributing several smaller art pieces throughout the area should be encouraged, rather than giving a windfall to one artist (\$500,000 on a \$50 million project).

Public art should be encouraged, but perhaps as trade-offs for other departures, not as allowing an entire extra floor.

Comment [CR33]: Good idea. This creates permanent open space that can be enjoyed by all as a public benefit.

Table 19.42.080

Height bonus incentive features for the portion of the MMU zone east of Q Avenue.

- 9— **Integrating brick as the primary cladding material on the building.** In order to qualify, brick must occupy at least 50% of the cladding on the street-facing façades of the applicable building.



Example

- 10 **Provide freely accessible public restrooms.** Must be available to the general public (not just retail/restaurant customers) and available daily.

- 11 **Provide indoor meeting space and/or performance space,** available for free to the general public (3,000 square feet min). **Public restrooms must be provided.** See example.



Example

- 12 **Other similar features that function as a public amenity.** Such features must be comparable in cost and public benefit to the features above. **Larger buildings which would gain more square footage for an additional floor should provide a more significant permanent public benefit than would be required for an additional floor on a smaller building.** The public amenity must be reasonably proportional to the value of the added development square footage.

C. Mixed-use requirements: To comply with the Comprehensive Plan requirement for the primary uses to be commercial, hospitality, cultural, and recreational uses, residential uses must be limited to a maximum of 49% of the MMU zone by one of the following methods:

1. **Site area method:** Up to 49% of the site area is developed with single-purpose residential uses, and an equal amount of the site area (or more) is developed with non-residential uses, and the remaining site area is developed with mixed-use buildings in which not more than 49% of the total floor area of those buildings (added together) is residential uses.
2. **Floor area method:** The entire site area is developed with residential and non-residential uses in both single-purpose and mixed-use buildings, and the total floor area of residential uses throughout the site does not exceed 49% of the total floor area of all uses.

Comment [CR34]: Bad idea. Brick is attractive and gives a sense of permanence, but does not necessarily create an attractive building. Allowing an ugly building to be taller just because of the cladding material on half of the street façades just means it will be a taller ugly building.

Brick cladding should be encouraged, but perhaps as trade-offs for other departures, not as allowing an entire extra floor.

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Comment [CR35]: Good idea but too small. Public restrooms are important in any area intended to attract the general public, but are relatively inexpensive to provide and shouldn't qualify for adding another whole story.

Public restrooms should be encouraged, but perhaps as trade-offs for other departures, not as allowing an entire extra floor.

Comment [CR36]: Good idea. Must include public restrooms.

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Comment [CR37]: Good idea. Flexibility is good for both the developer and the community to meet changing needs. Amenities to qualify for the added height must be permanent, provide a public benefit, and be proportional to the magnitude of the increased square footage gained on the added floor(s).

Comment [CR38]: This gives the developer the option of calculating the allowable percentage of residential uses either by percentage of the site area or by percentage of the floor area of the uses in the buildings.

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~~19.42.090 — Bonus incentives in the LM zone.~~

NOTE TO REVIEWERS: THIS SECTION WAS AN OVERSIGHT, PROVISION FOR HEIGHT INCREASE IN THE LM ZONE IS ALREADY PROVIDED IN 19.42.140(C)(1)

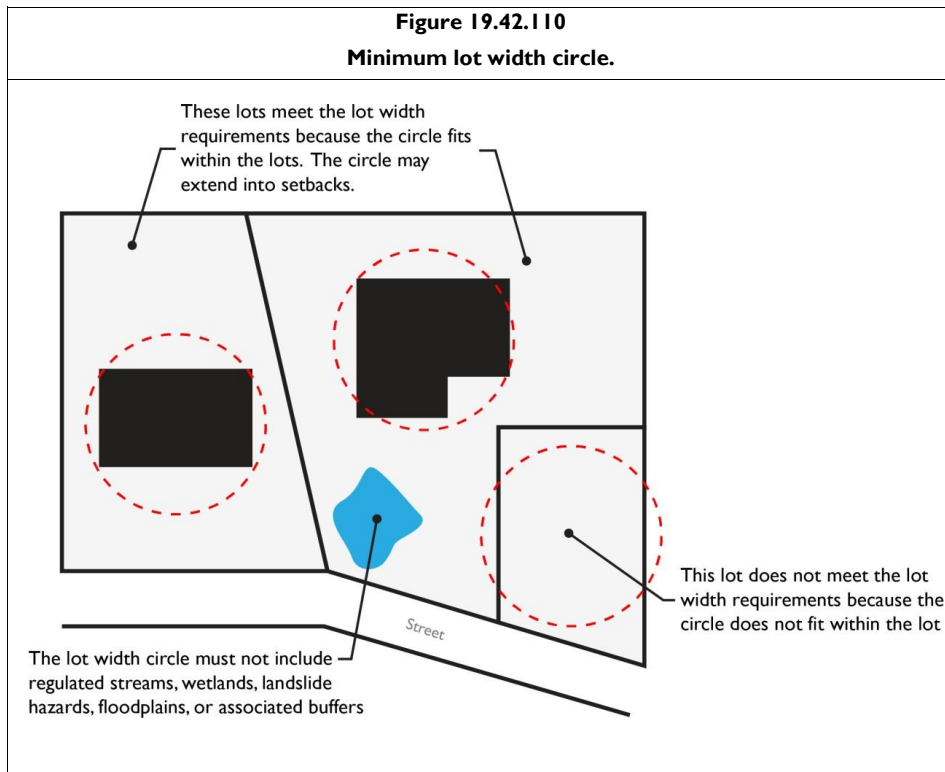
19.42.100 - Minimum lot size calculations.

Minimum lot size calculations are based on net lot area, rather than gross lot area. The following areas are excluded from the minimum lot area calculations:

- A. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities).
- B Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

19.42.110 - Minimum lot width circle calculation and exceptions.

- A. Purpose. The purpose of the minimum lot width circle requirement is to:
 - 1. Ensure that each lot is wide enough to maintain a consistent and compatible land use pattern in residential neighborhoods; and
 - 2. Ensure that a minimum buildable area is included in each lot created.
- B. Requirement. Table 19.42.020 identifies the minimum lot width circle diameter that must fit within each newly created lot in residential zones. This circle establishes that at least some portion of a lot must be at least as wide as the minimum lot width. The lot width circle must not include submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Category 1, 2, 3 and 4 streams and buffers.
- C. The following lots are exempt from minimum lot width circle standards: Duplexes, triplexes, cottage and townhouse developments, where individual units are subdivided into separate lots via unit lot subdivision.



19.42.120 - Density calculations.

- A. Calculations for determining minimum density.** The density minimum standard applies to single purpose residential developments (mixed-use developments are exempt). All site areas applicable to the residential development must be used in the calculation of minimum allowed residential density except the following:
1. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention or detention facilities).
 2. Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type 1, 2, 3, and 4 streams and buffers.
- B. Calculations for determining maximum density.**
1. Maximum density for residential zones applies to all development with new residential dwelling units, unless otherwise noted herein.
 2. Gross acreage of the site may be used in the calculation of the maximum allowed residential density (including half of existing street right-of-way around the perimeter of the site and any new street right-of-way internal to the site).

3. For the purpose of meeting maximum density requirements for subdivisions in applicable zones, final plats must specify the maximum number of dwelling units per lot.

C. How to calculate density. Minimum and maximum density for an individual site must be calculated by multiplying the total acreage based on subsections (A) and/or (B) above by the applicable number of dwelling units. When calculation results in a fraction, the fraction must be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above must be rounded up.
2. Fractions below 0.50 must be rounded down.

D. Prohibited reduction. Any portion of a lot that was used to calculate minimum compliance with the standards and regulations of this title must not be subsequently subdivided or segregated from such lot unless all portions of the resulting lots continue to meet the code requirements after the subdivision.

19.42.130 - Lot coverage calculations, exceptions, and modifications.

Lot coverage refers to the area of a lot which is covered by buildings and structures. Lot coverage calculation details and clarification:

- A. The area covered must be measured from the outside of external walls of enclosed spaces, from the outer edge of the floor of open decks and porches and from the supporting members of structures such as a carport which are not enclosed by walls.
- B. The roof overhang must not be included in the lot coverage unless it exceeds three feet, in which case the portion of the roof overhang extending beyond three feet must count as part of the lot coverage.
- C. Open beams and lattice work without a roof are not considered part of the lot coverage.
- D. Minor appurtenances such as bay windows, chimneys and trim not extending more than two feet from the primary wall, and not extending the enclosed floor area must not count in lot coverage.
- E. Decks or patios on grade within an average height of 18 inches above the underlying grade must not count in lot coverage.
- F. For unusual structures, for example, communication towers, the director must determine the extent of lot coverage.
- H. Modification for all residential zones, except for R-1: One detached accessory structure not exceeding 144 square feet is permitted without counting as part of the lot coverage. The lot coverage of any additional accessory structures, or of any accessory structure exceeding 144 square feet shall count as part of the percentage of lot coverage permitted in these zones.
- I. Modifications for townhouse and multifamily development in the R4 zone.
 1. Townhouses: Maximum lot coverage is 60 percent.
 2. Multifamily: Maximum lot coverage is 75 percent when at least 50 percent of the required parking is accommodated within and/or below the structure.

19.42.140 - Building height calculations, exceptions, and modifications.

A. **Height measurement:** Building height is measured to the highest point of the structure from the average of the natural topography at the foundation at the front of the building. Exceptions and clarifications:

1. In cases where the lot slopes downhill from the property line at the front of the building, the height is measured from the highest point of the house to the average of the natural grade directly under the building.
2. If the building site has frontage on two or more streets, the height is measured from the highest point of the building to the average of the natural grade directly under the building if the lot slopes downhill from the property line on either street frontage.
3. The allowable height is measured from the average of the natural or existing topography of the portion of the lot, parcel or tract of real property which will be directly under the proposed building.
4. Height requirements for buildings in shoreline jurisdictions are provided for in the Shoreline Master Program.
5. Calculation of the average grade level is made by averaging the elevations of existing grade at the center of all exterior walls of the proposed building. Additionally, "natural or existing topography" is the topography of the lot, parcel or tract of real property immediately as it exists prior to any site preparation, grading, excavation, or filling. If any site alterations have taken place within the previous 10 years, the natural grade prior to those alterations shall be used considered the "natural or existing topography". Where a tract of land is regraded for the purpose of a land division, the "natural or existing topography" is the grades as they exist at the time of recording of the final plat.

B. **Exceptions.** The following structures may be erected above the height limits established in Tables 19.42.020 and 19.42.030:

1. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to ten feet in the R3, R3A, R4, R4A, mixed-use, and industrial zones, provided the area with the added height is limited to what is necessary to screen or enclose the use. Such structures constructed for non-residential or multifamily uses are subject to screening standards in AMC 19.62.070(E).
2. Fire or parapet walls may exceed the height limit by up to five feet in the R3, R3A, R4, and R4A zone and ten feet in mixed-use and industrial zones.
3. Except as may otherwise be prohibited by the FAA Regulations, the height limitations of Tables 19.42.020 and 19.42.030 above do not apply to church spires, belfries, cupolas and domes not intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, masts, aerials and similar structures.
4. In the HM zone, unoccupied structures may exceed 50 feet in height provided the minimum setbacks for the zone are increased by one foot for each foot of building height in excess of 50 feet.

Comment [CR39]: There are places where someone has done a substantial cut or fill on a lot, then the grass grows up and people assume that it's the "natural" grade when it really isn't. It wouldn't be fair to go all the way back to when the tidelands were filled to build Safeway, but it's also not fair to bring in a lot of fill, then a few months or years later claim that it's the natural grade.

C. Modifications.

1. In the LM zone abutting the Guemes Channel, nonresidential structures over 35 feet in height may only be approved through the conditional use process. A conditional use permit for heights between 35 and 50 feet must only be granted for uses which are permitted uses in the zone, and where the specialized nature of the use is such that the operations, processes, and equipment cannot be accommodated in a building 35 feet or less in height. The applicant must show specifically why the additional height is needed. The conditional use permit must limit the height and area consistent with RCW 90.58.320 and to that which is reasonably necessary to accommodate the specific operations, processes, and equipment. All portions of the facility which do not have a specialized function requiring additional height must comply with the 35 foot height limit.
2. In the LMI zone, the maximum height is 35 feet for residential structures.
3. In the MS zone, temporary equipment used in the primary permitted use and not constituting a building or permanent enclosure, such as cranes or scaffolding, may exceed the maximum height. The director may authorize construction of fabric enclosures or temporary structures to contain particulates or shelter a vessel under construction which exceed 50 feet in height, provided that the permit is for a specified length of time for a specific project, and they are taken down at the conclusion of the specific work for which they were erected.
4. MMU zone west of Q Avenue: Base maximum height is 35 feet. The maximum height with bonus is 50 feet [see AMC 19.42.080 for applicable bonus provisions].
5. MMU zone east of Q Avenue: Base maximum height is 45 feet. The maximum height with bonus is 65 feet [see AMC 19.42.080 for applicable bonus provisions]. Buildings are also subject to special height, width, and orientation standards:
 - a. All buildings are subject to building massing and articulation standards in AMC 19.63.030.
 - b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width ~~when oriented~~ in the north-south direction.
 - c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width ~~when oriented~~ in the north-south direction.

DEPARTURES to standards (b) and (c) above will be considered per AMC 19.20.220 provided site and building design features are included to reduce the perceived scale of such buildings, add visual interest, and enhance east-west pedestrian access and marine views.

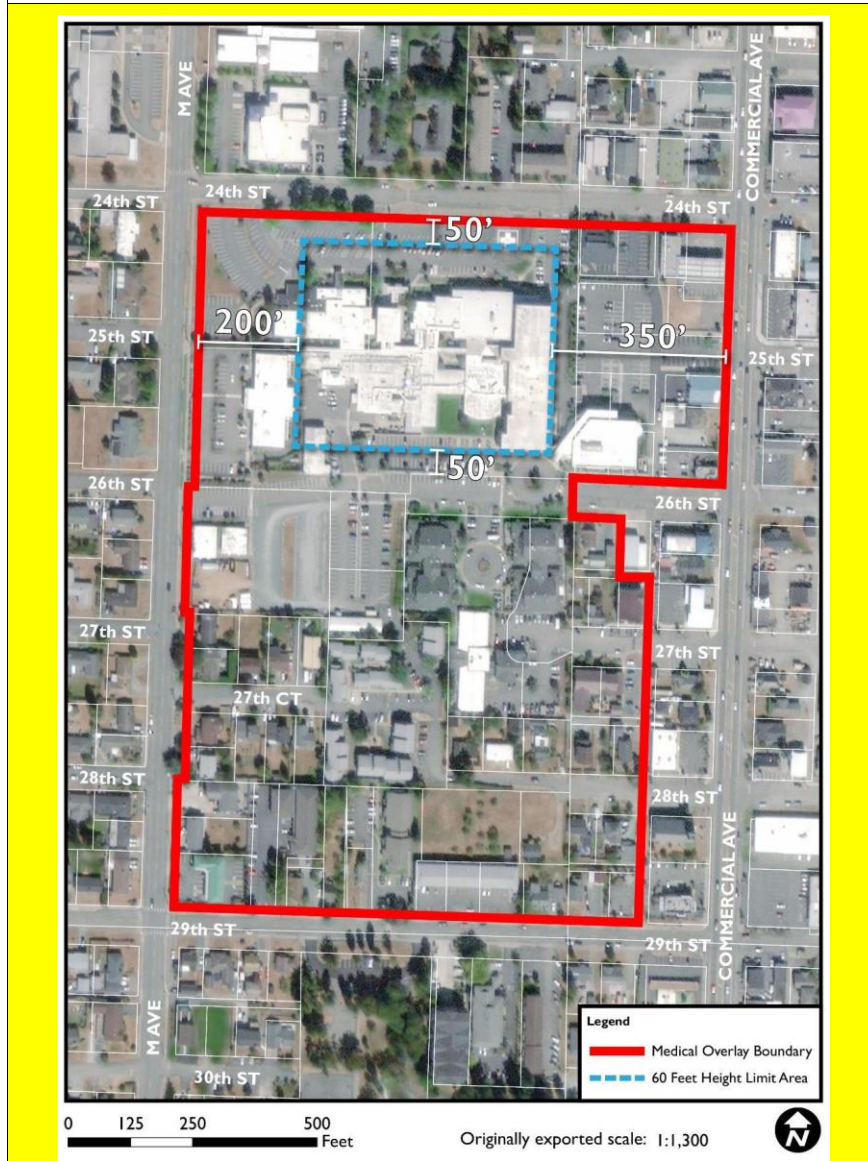
5. In the MED-O overlay, the maximum height limit is 60 feet in the area bounded by the following lines [illustrated in Figure 19.42.140(C)(5)].
 - a. A line parallel to and 350 feet west of the Commercial Avenue west right-of-way edge.
 - b. A line parallel to and 50 feet north of the 26th Street north right-of-way edge.
 - c. A line parallel to and 200 feet east of the M Avenue east right-of-way edge.
 - d. A line parallel to and 50 feet south of the 24th Street south right-of-way edge.

Comment [CR40]: Do you think the folks in Skyline realize that there could be 50' tall buildings all along the waterfront? No problem, a tsunami will take care of that.

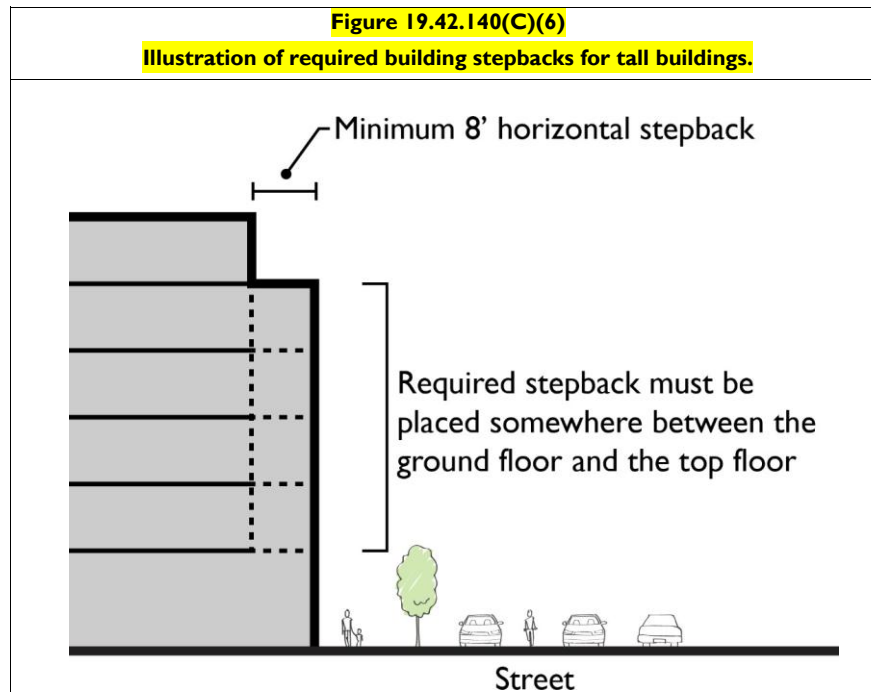
Comment [CR41]: Even if the building is oriented in a different direction, the maximum north-south facade should be limited.

Figure 19.42.140(C)(5)

MED-O boundary and 60 feet height limit area.



6. Building stepback requirements. For buildings 60 feet high or taller in the CBD zone, buildings must incorporate a minimum horizontal stepback of eight feet along at least 75 percent of the street-facing façade. The required stepback must be placed somewhere between the ground floor and the top floor. See Figure 19.42.140(C)(6) for an example.



7. In the CM2 zone, the City may consider and approve building heights in excess of 50 feet through a conditional use permit process.

19.42.150 - Setback types and measurements.

The form and intensity standards tables in this chapter provide minimum standards for street, interior side, and rear setbacks. Clarification on how these setbacks are measured are provided below.

A. Measurement. All setbacks must be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground. Setback directions must be determined as provided in subsections (B) through (E) below.

B. Street setbacks.

1. The street setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way at the depth prescribed for each zone.
2. For corner lots in residential zones, the street setback is measured from the street right-of-way that is the property's street address and primary access. The other lot frontage is referred to as the side street setback.
3. Street setbacks for garages apply to the front doors of individual private garages and do not apply to underground or aboveground parking structures shared by multiple residents or tenants.

C. Interior side setback. The interior side setback is measured from the side lot line adjacent to another property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.

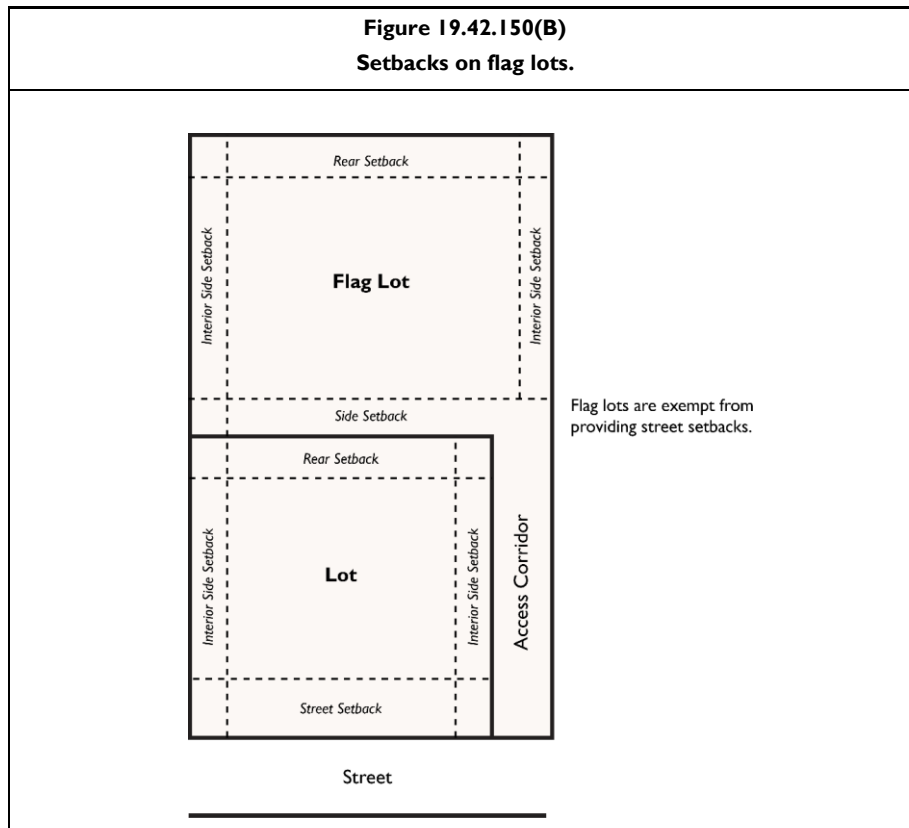
Exception: No interior side setback is required between individual units within a townhouse building, where allowed.

D. Interior side setback - second floor. In residential zones, the interior side setback for the portion of the building above the floor level of the second floor is measured as provided in subsection (C) above, except the measurement is to the portion of the structure above the first floor floor level of the second floor.

Comment [CR42]: Some houses have more than 2 floors.

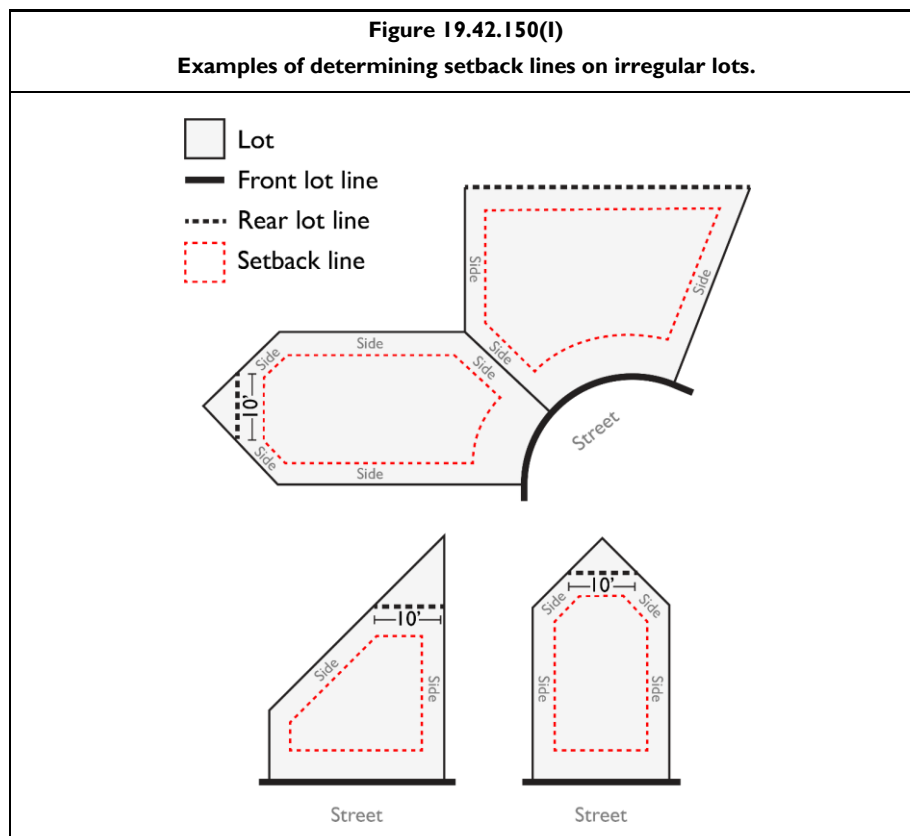
E. Rear setback. The rear setback is measured from the rear lot line to a line parallel to and measured perpendicularly from the rear lot lines at the depth prescribed for each zone.

F. Setbacks for flag lots. Flag lots are exempt from street setback requirements. Flag lots must have a rear lot line designated, typically opposite from the access corridor (the pole of the flag), and all other lot lines are considered side lot lines [see Figure 19.42.150(B)].



- G. Setbacks for lots served by shared driveways.** See 19.54.040(D) for applicable standards.
- H. Through lots.** For lots featuring streets on opposite ends, the street setback is measured from the street right-of-way that is the property's street address and primary access. The opposite lot frontage is considered the rear setback.
- I. Setback measurements for irregular lots.** Setback distances established for residential zones are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, curved property lines, and other nonstandard lots require special measurement techniques in order to achieve the purpose of setback requirements:
1. Rear setbacks. In the case of an irregularly shaped lot, a ten-foot line which is within the lot and parallel to and most distant from the front lot line must be considered the rear lot line for purposes of determining required setbacks and for interpretation of other provisions of this code (see illustration).
 2. Interior side setbacks. All lot lines which are not front or rear lot lines must be considered interior side lot lines for the purpose of measuring setbacks.

3. Determination by director. Where a building site is situated in such that it is unclear which should be considered the front, rear, and sides, required setbacks must be as determined by the director in compliance with the following criterion: required setbacks must not permit the placement of buildings on the site in a manner that will constitute a grant of special privileges inconsistent with the limitations placed on other properties in the vicinity and incompatible with surrounding uses.



19.42.160 - Permitted projections into required setbacks.

The following structures may extend into or be located in required setbacks:

- A. Fireplace structures, bay or garden windows, or similar structures may project 30 inches into a street or rear setback, provided such projections are:
 - 1. Limited to two per building elevation.
 - 2. Not wider than ten feet.
 - 3. Do not extend the floor area or foundation into the setback.
- B. Eaves, cornices, awnings, and window shades may not project more than:
 - 1. Three feet into a street or rear setback.
 - 2. Two feet into the interior side setback.
- C. Covered porches and entries with a maximum of 15 ft. in width may project up to six feet into the street setback.
- D. Uncovered porches and decks may project up to six feet into the street or rear setbacks.
- E. The following features are permitted within the required street setback:
 - 1. Mailboxes, newspaper boxes, and free neighborhood book exchange boxes.
 - 2. Fire hydrants and associated appendages.
 - 3. Bus shelters.
 - 4. Monument signs complying with AMC Chapter 19.67 Signs.
- F. The following features are permitted within any required setback:
 - 1. Utility poles and lines.
 - 2. Underground utilities and sprinkler systems.
 - 3. Light and flagpoles.
 - 4. Trellises and open, un-roofed gazebos not exceeding eight feet in height.
 - 5. Electrical equipment cabinets and similar utility boxes and vaults.
 - 6. Stormwater facilities and elements of stormwater best management practices, unless a minimum setback is otherwise specified in this title or in the adopted stormwater management manual.
 - 7. Fences complying with AMC Chapter 19.66 Fences, Walls, and Hedges.
 - 8. Uncovered porches and decks not exceeding 18 inches average height above the finished grade.
 - 9. Rockeries and retaining walls in conformance with the standards in AMC 19.66.070.
 - 10. Enclosures for solid waste collection and storage when in compliance with the standards of AMC 19.62.070(B) and (C).
 - 11. Ramps added to an existing building for the specific purpose of accessibility for persons with disabilities when no other reasonable location is available
- G. No projections are allowed into a regional utility corridor, access easement, or utility easement.

19.42.170 - Setback modifications.

- A. A lot adjoining a planned street identified in the comprehensive plan, transportation plan, and/or capital improvement program must provide a street setback along the planned street meeting the same standards as though the street were already constructed.
- B. Along any mixed-use or industrial property line adjoining a residential zone with no intervening street or alley, the minimum setback must be the same as the applicable minimum setback for the adjacent zone.
- C. The setbacks for Skyline #6 PUD must be one-half of the minimum setback of the underlying zone for street and interior side setbacks, with a minimum of five feet. The rear setback must be one-half of the minimum setback of the underlying zone except that for measurement purposes the width of community-owned property directly to the rear of each lot may be used for distance to property line measurement. This use of community owned property must not reduce the rear yard setback from property line to less than five feet.

Comment [CR43]: The setback is not half of the zone, it is half of the zone's required setback.

19.42.180 - Old Town supplemental form and intensity standards.

The provisions herein apply in addition to the form and intensity standards in Table 19.42.020. These standards seek to encourage sensitively designed infill in keeping with the existing character of Old Town. To maintain the scale of buildings currently existing in Old Town, it is important that the scale of surrounding buildings be taken into consideration when designing additions and new buildings.

- A. The principal building may cover up to 35 percent of the lot. Where there are multiple buildings on one lot, they are limited to 50 percent lot coverage.
- B. Exceptions to the height limit in Table 19.42.020: Maximum building height may be increased to a maximum of 30 feet if two conditions are met:
 - 1. The upper floor may not contain a floor area greater than eighty percent of the floor below.
 - 2. No exterior wall higher than 25 feet may be closer to an adjacent property line than 15 feet.
- C. If a structure covers more than 3,000 square feet of land, or if two or more structures on a lot cover more than 4,000 square feet of land, the following additional requirements apply:
 - 1. The minimum side yard setback is ten feet.
 - 2. For each 200 square feet of land coverage beyond the above limits, the minimum side yard setback must be increased by one foot.
- D. Detached garages must be set back a minimum of 50 feet from the street property line on a numbered street.
- E. No new driveway is permitted on a numbered street serviced by an alley. See AMC 19.53.030(B)(3) for driveway alley access standards.
- F. Any roof above 14 feet must have a minimum roof pitch of 4:12, except for roofs on porches, dormers, bay windows, and similar appurtenances.
- G. The maximum continuous wall length must be 40 feet. Buildings may be longer but must incorporate setbacks, recesses, porches, balconies, bay windows or offsets of at least 18 inches in depth and at least eight feet in length and height so that no increment of wall exceeds 40 feet.

19.42.190 - Aeronautical zone form and intensity standards.

A. Minimum lot size.

No minimum.

B. Minimum setback requirements.

Within the AZ zone, all structures must be setback as follows:

1. Aeronautical area, as defined in the development agreement. No setback from the buffer areas. Due to the proximity of the aircraft operations areas to the existing property line of the Anacortes Airport, a ten-foot setback on all other parts of the aeronautical area. If additional property is added to the aeronautical area, then the setback will be subject to change.
2. Anacopper Future Process Area and North Aviation Area, as defined in the development agreement; the setback will be determined as part of the conditional use process.

Notwithstanding the foregoing, within the Rockwell Reserve and Panhandle Reserve Areas, airport and aeronautical/aviation safety features, walking trails, and landscaping are permitted; within the ten foot setback area, airport and aeronautical/aviation safety features, fencing structures up to eight feet, and landscaping uses are permitted. Provided further, within the Anacopper Future Process Area and the North Aeronautical Area airport and aeronautical/aviation safety features, fencing structures up to eight feet and landscaping, uses are permitted subject to the mitigation contained in the development agreement.

The exception set forth above for fences should be interpreted to mean that fences (along with landscaping) are permitted within the setback. Even if a fence is considered a "structure" under the building code due to a height over six feet, it is still a "fence" under the exception and could be placed within the setback without a variance, conditional use permit, or any other discretionary permit required; provided, however, that compliance with an approved mitigation plan, required under subsection AMC 19.41.080(D)(5) is required. For example, airport property and/or facility security fencing over six feet in height may be located along the perimeter of the property, or where deemed necessary by the entity operating an airport, to ensure adequate security of airport premises, but is subject to mitigation as provided herein.

This setback or buffer area is mitigation for development outside of the setback/buffer area, in addition to wetland and land clearing mitigation requirements.

C. Maximum density.

No maximum.

D. Maximum land coverage.

The maximum land coverage by buildings is sixty percent of the parcel size, as identified by the port, with such parcel size including any buffer or setback area not already allocated to another parcel. For the purposes of calculating the buildable area as required (open space requirement), the port may allocate any portion of the seventy-five-foot buffer area within the Rockwell Reserve and Panhandle Reserve Areas that has not already been allocated to any portion of the aeronautical area being developed.

E. Maximum building height.

The maximum building height is thirty-five feet; provided, however, that buildings over thirty-five feet, but less than fifty feet or under, are subject to approval through the conditional use process and related criteria. Buildings above fifty feet are prohibited.

19.42.200 - Public Use zone form and intensity standards.

Single-family dwellings in the Public Use zone must comply with the form and intensity standards of the R2A zone. All other development is subject to the form and intensity standards of subsections (A) through (E) below.

A. Minimum lot size.

No minimum.

B. Minimum setback requirements.

No minimum, except development is subject to the block frontage standards (AMC Chapter 19.61 Block Frontage Standards) and the setback standard of 19.42.170(B).

C. Maximum density.

No maximum.

D. Maximum land coverage.

No maximum.

E. Maximum building height.

35 feet.

Chapter 19.43 - RESIDENTIAL USES

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, 4 or more units.
8. Live-work.

B. Single-family.

1. Definition. A detached dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any.

2. Standards.

- a. In the CBD and C zones single-family uses are conditionally permitted, if in an existing building that was a single-family residence at some time in its past (no new single-family residences may be constructed in these zones).
- b. In the LMI zone single-family uses are permitted only for existing platted lots. In no event will this allow a residential subdivision.
- c. Two or more single-family dwellings may be built on the same lot provided the applicable one dwelling unit/minimum lot area for single-family dwellings is met. For example, if the minimum lot area for single-family dwellings is 7,500 square feet, two single-family dwellings could be built on a 15,000 square-foot lot. Applicants must demonstrate how the lot could be subdivided in the future consistent with the density and dimensional standards of this title.

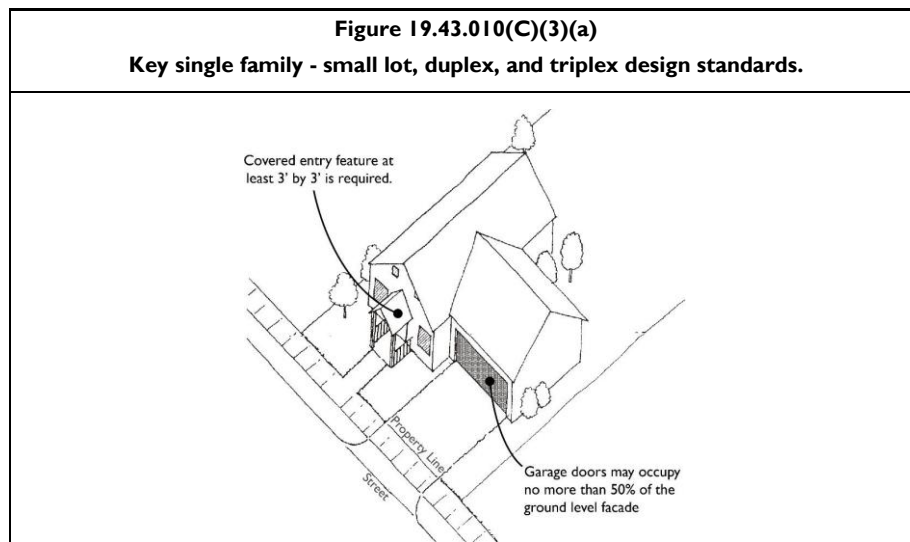
C. Single-family, small lot.

1. Definition. A detached single-family dwelling that is on a lot that has less than 5,000 square feet in net lot area.
2. Purpose.
 - a. To enhance the character of the street and neighborhood.
 - 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.

3. Standards.

a. Entry standards.

- i. 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. The driveway may be used for pedestrian access.
- ii. 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).



b. Driveway access and garage standards.

- i. See AMC 19.53.030 for driveway and access easement standards.
- ii. Where the garage vehicle door(s) face the street they may occupy no more than 50 percent of the ground-level façade facing the street. Garage doors may exceed this limit up to a maximum of 65 percent of the ground level façade facing the street provided at least two of the following design details are utilized:
 - (a) A decorative trellis over at least the entire width of the garage door(s).
 - (b) A window or windows are placed above the garage on a second story or attic wall.
 - (c) A balcony that extends out over the driveway, garage and includes columns.
 - (d) Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages.
 - (e) Windows on in the garage door.
 - (f) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

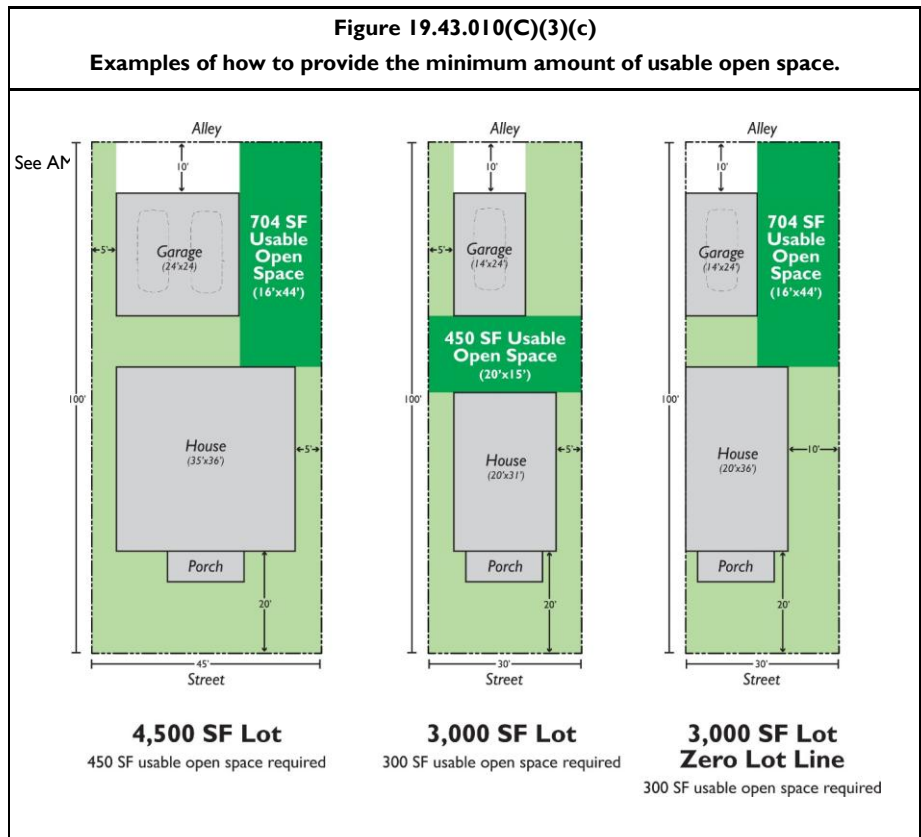
Comment [CR44]: The balcony extends over the driveway, not over the garage. Columns would be inappropriate - they would get in the way of the car.

Figure 19.43.010(C)(3)(b)
Garage design detail examples.



Comment [CR45]: Notice that this balcony extends over the driveway and does not have columns.

- c. Standards for minimum useable open space for small alley-loaded lots.
 - i. All new alley-loaded small lot dwelling units must provide a contiguous open space to the side or rear of the dwelling with a minimum dimension of 15 feet on all sides.
 - ii. The open space(s) must be equivalent to 10 percent (minimum) of the lot area. For example, a 4,000 square foot lot would require a contiguous open space of at least 400 square feet, or 20 feet by 20 feet in area.
 - iii. Drive aisles must not count in the calculations for usable open space.
 - iv. Additions must not create or increase any non-conformity with this standard.



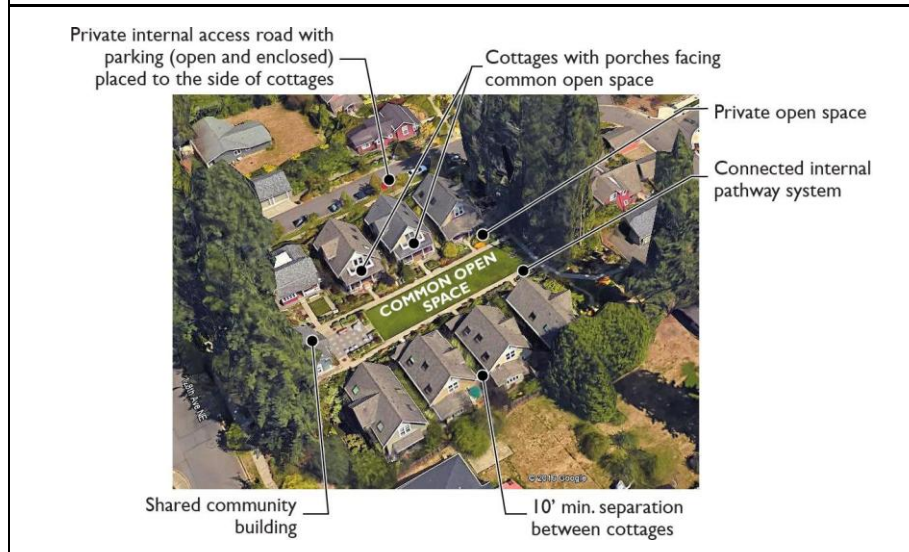
D. Cottage housing.

1. Definition. A small single-family dwelling that is clustered with other similar units sharing a common open space.
2. Purpose.
 - a. Provide opportunities for creative, diverse and high-quality infill development that is compatible with existing neighborhoods.
 - b. Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes in accordance with the Anacortes Comprehensive Plan.
 - c. Support compatibility with existing neighborhoods by promoting high-quality design.
 - d. Support more efficient use of urban residential land.
 - e. Enhance the character of the residential neighborhood.
 - f. Provide usable open space for residents.

Figure 19.43.010(D)(1)
Cottage housing development examples.



Figure 19.43.010(D)(2)
Cottage housing site plan example.



3. Standards.

- a. Lot size. Cottages are exempt from minimum lot area and lot width circle standards provided they comply with density and design standards herein.
- b. Density. Due to the smaller relative size of cottage units, each cottage may be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.
- c. Minimum and maximum number of cottages.
 - i. Cottage housing developments must contain a minimum of **three** cottages.
 - ii. **Three** to 12 cottage **structures** may make up a cluster. There is no limit on the number of clusters provided all other standards are met.
 - iii. **In the R3, R3A, R4, and R4A zones, attached duplex cottages are allowed.**
- d. Setbacks and separation.
 - i. The minimum setbacks set forth in Table 19.42.020 apply to development frontage and external side and rear property lines of the entire cottage development.
 - ii. **Individual cottages must be separated from other cottages** by at least ten feet (excluding permitted setback projections as set forth in AMC 19.42.150). **Permitted projections into required interior side setback in AMC 19.42.160 apply.**
 - iii. **Cottages must be setback at least five feet from any internal pedestrian path. Permitted projections into required street setback in AMC 19.42.160 apply.**

- iv. Cottages must be setback at least ten feet from any internal access lanes that provide access to four or more cottages. For access lanes serving less than four cottages, at least five feet of separation is required (between access lanes and cottages). Permitted projections into required street setback in AMC 19.42.160 apply for setbacks to internal access lanes.
- e. Building height.
 - i. Cottages have a maximum building height of 25 feet. All parts of the roof above 18 feet must be pitched with a minimum roof slope of 6:12.
 - ii. Accessory structures in cottage housing developments are subject to the standards in AMC 19.47.020.
- f. Cottage size. Cottages must contain no more than 1,200 square feet gross floor area in total, not including attached garages.
- g. Entries.
 - i. 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.
 - ii. 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).
- h. Façade transparency. Transparent windows and/or doors are required on at least eight percent of the ~~façades~~ facade area on all elevations featuring the primary entrance and facing streets and common open spaces. For corner lots, this standard is only applied to the elevation containing the dwelling entry.
- i. Common open space.
 - i. Minimum size. Common open space must be at least 400 square feet per cottage.
 - ii. Minimum dimensions. Common open space must have no dimension less than 15 feet. Areas used to meet private open space requirements below may not be double-counted as common open space.
 - iii. Elements. Common open space may include a lawn, courtyard, plaza, garden, or other shared central open space and may not include parking areas. Common open space must be useable and may not include critical areas or critical area buffers, including steep slopes.
 - iv. Orientation. Common open space must have cottages abutting on at least two sides. At least 50 percent of the cottages in each cottage housing cluster must abut common open space. Cottages abutting the common open space must be oriented around and have the main entry from the common open space.
 - v. Access. Cottages must be within 100 feet walking distance of the common open space and feature a direct pedestrian connection to the common open space.
- j. Shared community buildings
 - i. A shared community building may be integrated into the common open space area required in subsection (3)(i) above but must not be included in the minimum common open space area calculations.
 - ii. Non-residential use. A shared community building may include uses such as, but not limited to, a multi-purpose entertainment space, recreation center, kitchen, library,

Comment [CR46]: Does this mean all other walls can be blank walls?

storage space, [workshop](#), or similar amenities that promote shared use and a sense of community. Commercial uses other than Day Care I [see AMC 19.44.010(B)(2)(a)] are prohibited.

iii. Residential use. A shared community building may contain one attached accessory dwelling unit (AMC 19.47.030). Example uses include guest quarters or a caretaker residence.

iv. Height. Shared community buildings have a maximum building height of 25 feet. All parts of the roof above 18 feet must be pitched with a minimum roof slope of 6:12.

v. Size. Shared community buildings have a maximum ground floor footprint of 1,200 square feet.

vi. Other standards. Except for the exceptions identified in subsections (iv) and (v) above, shared community buildings are subject to the accessory structure standards in AMC 19.47.020.

k. Private open space.

i. Minimum size. The minimum private open space adjacent to each cottage must be at least 200 square feet.

ii. Minimum dimensions. The private open space must have no dimension less than ten feet.

iii. Access. The private open space must have direct access from the cottage via a door or porch.

iv. The required porch [see subsection (v) below] does not count as private open space for the size or dimension requirements of this section. The private open space is encouraged to be located between the cottage and the common open space.

v. Porches. Cottage façades facing the common open space or common pathway must feature a roofed porch at least 70 square feet in size with a minimum dimension of seven feet on any side. Cottages sited between a street and the common open space are also subject to the entry requirements in subsection (D)(3)(g) above.

vi. Private open space must be useable and may not include critical areas or critical area buffers, including steep slopes.

l. Access and parking.

i. Driveway and access requirements are in AMC Chapter 19.53.

ii. Off-street parking standards, including guest parking provisions, are set forth in AMC 19.64.030-040.

iii. Parking areas must be located to the side or rear of cottage clusters and not between the street and cottages [nor between cottages and common open space](#).

iv. Parking and access lanes must be screened from adjacent residential uses by landscaping or architectural screens. For parking areas and access abutting residential uses, at least five feet of Type A, B, or C Landscaping (see AMC 19.64.050) must be provided [between the parking area and the residential building](#).

v. Parking is encouraged to be consolidated under cover. Uncovered parking must be located in clusters of not more than five adjoining spaces (except where adjacent to an alley). Driveway space in front of private garages are exempt from this provision.

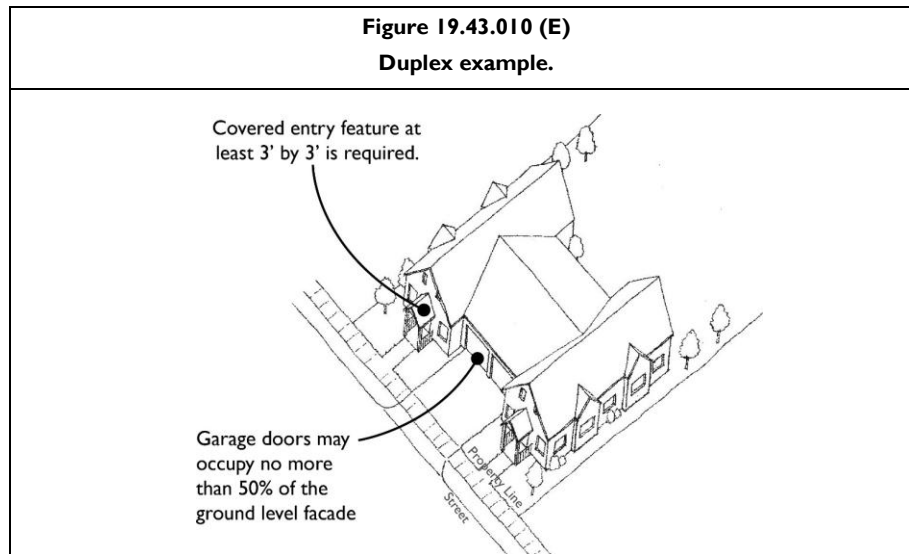
vi. Garages with a footprint of up to 300 square feet may be attached to individual cottages provided all other standards herein are met. Such garages do not count toward the size limit of cottages. Such garages must not be located adjacent to the common open spaces.

DEPARTURES to the garage/parking, and common open space provisions will be considered provided the combination of the common open space design, garage location and design, and landscaping/architectural design features help to create a common open space that meets the purposes of the standards and the design mitigates the impact of the garages and parking areas on the common open space.

- vii. No more than one driveway per cottage cluster may be permitted, except where clusters front onto more than one street.
- m. Landscaping. The minimum landscaped area requirements per Table 19.42.020 apply to the whole cottage development rather than for individual cottage dwellings.
- n. Accessory dwelling units are not permitted in cottage housing developments, except as provided in subsection (3)(j) above.

E. Duplex.

1. Definition. A building that is entirely surrounded by open space on the same lot and contains two dwelling units.
2. Standards.
 - a. Duplexes are subject to 19.43.010(C), standards for single-family small lot, except:
 - i. Separate driveways are permitted for each unit provided each driveway meets driveway separation standards in AMC 19.53.030(D).
 - b. Duplexes are subject to the standards for minimum useable open space (AMC 19.43.010(C)(3)(c)) regardless of whether the lot has alley access.
Exception: The minimum dimension of the required contiguous usable open space is ten feet.
3. Multiple duplexes may be built on the same lot provided the minimum lot size per dwelling unit is met (see AMC Table 19.42.020).



F. Triplex

1. Definition. A building that is entirely surrounded by open space on the same lot and contains three dwelling units.
2. Standards.
 - a. Triplexes are subject to 19.43.010(C), standards for single-family small lot, except:
 - i. Separate driveways are permitted for each unit provided each driveway meets driveway separation standards in AMC 19.53.030(D).
 - b. Triplexes are subject to the standards for minimum useable open space (AMC 19.43.010(C)(3)(c)) regardless of whether the lot has alley access.

Exception: The minimum dimension of the required contiguous usable open space is ten feet.

3. Multiple triplexes may be built on the same lot provided the minimum lot size per dwelling unit is met (see AMC Table 19.42.020).

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. R3 and R3A zone standards: Townhouse structures with up to four attached units are permitted by right in the R3A zone and conditionally permitted in the R3 zone. Townhouse structures with more than four attached units are prohibited in the R3 and R3A zones.
 - b. R4 and R4A zone standards: Townhouse developments have the following form and intensity adjustments from Table 19.42.020:
 - a. Maximum lot coverage: 60 percent.
 - b. Minimum landscaped area: 15 percent.
 - c. In the MMU zone east of Q Avenue, townhouses and other permitted residential uses within single purpose buildings may cover up to 49-60 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 must be included within the site area limitation. ~~The percentage may be increased through a framework development plan (AMC 19.61.180).~~
(NOTE – FINAL APPROVAL OF STANDARDS WILL NEED TO SPECIFY A SINGLE PERCENTAGE OR OTHER CLEAR STANDARD FOR THE MAXIMUM AMOUNT OF SINGLE PURPOSE RESIDENTIAL USES ON THE SUBJECT SITE)
 - d. C zone standards:
 - i. Townhouses that don't meet the standards for live-work dwellings that front on Commercial Avenue within the C zone are prohibited.
 - ii. Townhouses that don't meet the standards for live-work dwellings are prohibited within the C zone south of 41st Street.
5. 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 19.42.150(C) for exemptions involving interior side setbacks for townhouses.

Comment [CR47]: To exceed 49% would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

Comment [CR48]: To increase the percentage would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

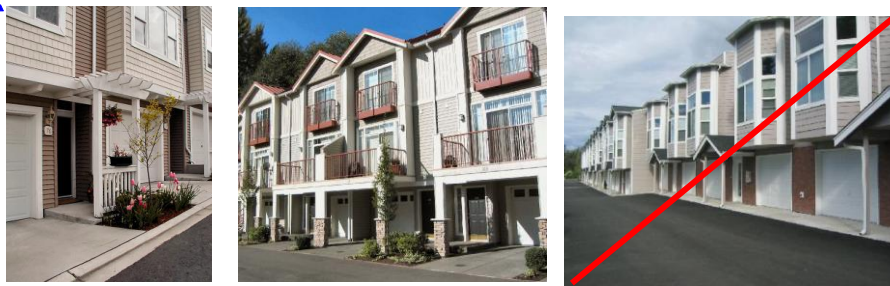
6. Entries.

- 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 provides 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)(6)

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 deemphasize 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).

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

- 8. Private garages facing the street - maximum garage widths:**

- i. Twelve feet where townhouse dwellings are at least less than 30 feet wide.
- ii. 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)(8).
- ii. Where a townhouse site adjoins an alley, garage and parking access must be from the alley.

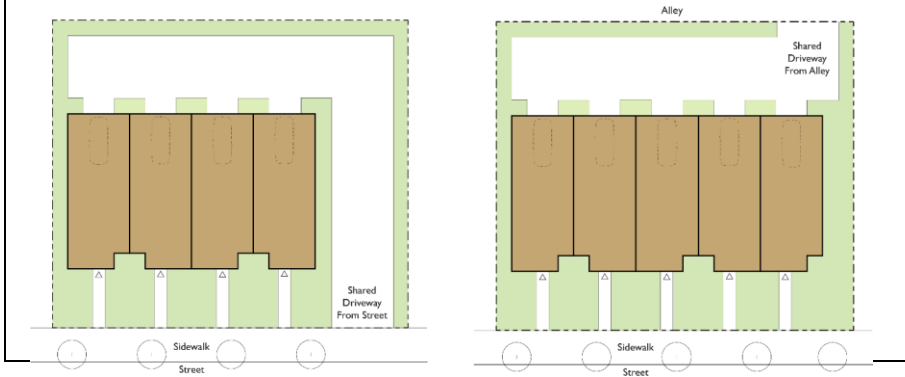
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Comment [CR49]: This preserves on-street parking and avoids garages dominating the street facade.

Figure 19.43.010(G)(8)

Townhouse development examples using side/rear vehicular access.

Both examples show a driveway with private garages placed to the rear of units. In the left image there is no alley and access is provided from the street. In the right image access from an alley is available and access is provided from the alley.



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9. 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).
- 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 19.42.160. The purpose is to provide adequate vehicular turning radius, allow for landscaping elements on at least one side, and to provide adequate light and air on both sides of the dwelling units and vehicle areas, which often function as usable open space for residents.

10. Usable open space. Townhouse dwellings must provide open space at least equal to ten percent of the 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 section AMC Chapter 19.66).
- b. Balconies, roof decks or porches.

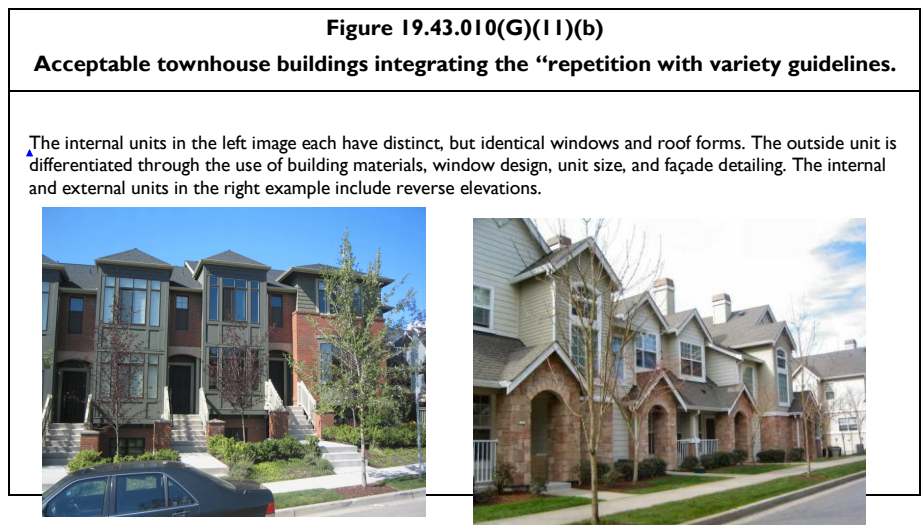
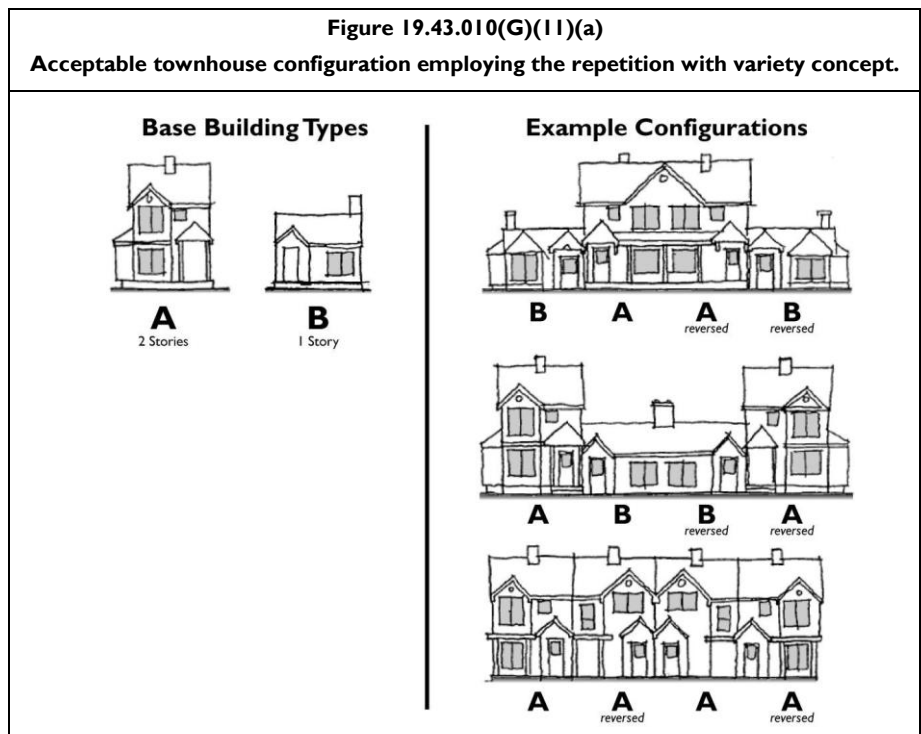
Figure 19.43.010(G)(10)

Examples of usable open space adjacent to townhouse units.



11. Building design.

- a. Townhouse articulation. Townhouse buildings must comply with residential building articulation standards in AMC 19.63.030(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 façades 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(H)(11)(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(H)(11)(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.



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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, including block frontage standards, site planning, building design, and landscaping.
3. MMU zone **east of Q Avenue** standards:
 - a. Multifamily dwellings are allowed on upper floors throughout the site.
 - b. Multifamily family dwellings and other permitted residential uses within single purpose buildings may cover up to **49.75** 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 must be** included within the site area limitation. **The percentage may be increased through a framework development plan (AMC 19.61.180).**
(NOTE – FINAL APPROVAL OF STANDARDS WILL NEED TO SPECIFY A SINGLE PERCENTAGE OR OTHER CLEAR STANDARD FOR THE MAXIMUM AMOUNT OF SINGLE PURPOSE RESIDENTIAL USES ON THE SUBJECT SITE)
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: Multifamily dwellings must be part of a mixed-use project and residential units must be no larger than 800 square feet each, **and are only permitted west of Commercial Avenue between 2nd and 3rd Streets.**
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.**

I. Multi-family, age restricted.

1. Definition. A dwelling unit restricted to ~~occupiation~~ **occupancy** by a person or persons who (a) meet the minimum age requirement for "housing for older persons" contained in Section 3607(b) of the Federal Fair Housing Act, as amended, or are at least age 55, whichever is the higher age, or (b) are disabled or handicapped regardless of age, and (c) their domestic partners and/or live-in caregivers are 55 years of age or older and/or disabled.

Comment [CR50]: To exceed 49% would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

Comment [CR51]: To increase the percentage would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

Comment [CR52]: Do not dilute the primary purpose of the Manufacturing and Shipping zone by allowing residential to creep in. That zone is surrounded by zones that allow residential, so there is no need for any there, except to preserve a historic residential use.

J. Live-work.

1. Definition. An attached 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 non-residential 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 AMC 19.43.010 for the applicable attached dwelling type the live-work use resides in.
 - c. The non-residential use may occupy up to 50 percent of the gross floor area of the live-work dwelling.
 - d. The ground level floor area must be designed to accommodate non-residential uses. This includes an area along the building frontage with:
 - i. Minimum floor to ceiling height: 13 feet.
 - b. Minimum interior depth: 20, 50 feet.
 - e. The residential use and the non-residential use are subject to the provisions of AMC Chapter 19.64 Parking.

Exception: Where non-residential 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

Comment [CR53]: If single family live-work units are allowed, then the word "attached" would not apply.

Comment [CR54]: It has been clearly shown that a 20' depth is NOT sufficient for normal commercial uses.

19.43.020 - Group living.

A. Group living use category.

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. Adult family home.
2. Assisted living facility.
3. Nursing home.
4. Rooming house.

B. Adult family home.

1. Definition. A residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. **An adult family home must be licensed under RCW 80.128.** RCW 70.128.140 provides that adult family homes are treated the same as single-family homes under applicable regulations.

C. Assisted living facility.

1. Definition. A state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home licensed under Chapter 18.20 RCW. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes, as defined in Chapter 70.128 RCW.

2. Standards.

- a. Density. For the purpose of calculating maximum density in residential zones, one assisted living facility dwelling unit is counted as one-half of a dwelling unit.

3. MMU zone east of Q Avenue standards:

- a. Assisted living facilities are allowed on upper floors of mixed-use buildings throughout the site.
- b. Assisted living facilities and other permitted residential uses within single purpose buildings may cover up to 49 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 must be included within the site area limitation. The percentage may be increased through a framework development plan (AMC 19.61.180).

(NOTE – FINAL APPROVAL OF STANDARDS WILL NEED TO SPECIFY A SINGLE PERCENTAGE OR OTHER CLEAR STANDARD FOR THE MAXIMUM AMOUNT OF SINGLE PURPOSE RESIDENTIAL USES ON THE SUBJECT SITE)

Comment [CR55]: To exceed 49% would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

Comment [CR56]: To increase the percentage would violate the Comprehensive Plan requirement that non-residential uses be the primary uses in the MMU zone.

D. Nursing home.

- I. Definition. An establishment providing care for persons recovering from an illness or operation or persons made weak or disabled by illness or injury. Such establishments must be duly licensed by the state as a "nursing home" in accordance with current state statutes.

E. Rooming house.

- I. Definition. A dwelling, ~~with a central kitchen and~~ with more than one but fewer than nine boarders or roomers, with no more than nine sleeping rooms. Residents may or may not share common facilities such as kitchen, laundry, living room. Meals may or may not be provided to residents and others.

Chapter 19.44 - COMMERCIAL USES

19.44.010 - Day care.

A. Day care use category.

A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care I facilities.
2. Day care II facilities.

B. Definition. An establishment for group care of nonresident adults or children. Specifically:

1. Day care includes child day care services, adult day care centers, and all of the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.
 - b. Nursery schools for children under minimum age for education in public schools.
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.
 - d. Programs covering before- and after-school care for school children.
2. Day care establishments are sub-classified as follows:
 - a. Day care I - a maximum of 12 adults or children in any 24-hour period, based within a residential dwelling, and as provided for in RCW 35a.63.215.
 - b. Day care II - over 12 adults or children in any 24-hour period or daycare as a principal use.

19.44.020 - General service.

A. General service use category.

Includes a category of uses whose primary activity is the provision of service, rental, and/or repair to boats, vehicles, appliances, tools, electronic equipment, machinery, and other similar products for personal, commercial, or civic use. Specific uses in this category include, but are not limited to:

1. Postal and courier services.
2. Automobile fueling.
3. Small boat sales, rental and repair (< 40-foot length, < eight feet, six inches in width, < 14 feet height).
4. Appliance repair.
5. Equipment rentals.
6. Electronic or equipment service.
7. Vehicle repair.
8. Commercial vehicle repair.
9. Municipal service facility.

10. Public safety facility.

11. Car wash.

12. Heavy service.

B. Standards for general service uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone.

2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Heavy service.

1. Definition. General service uses that have any exterior service activities or feature exterior storage areas that total greater than 15,000 gross square feet or occupy an area larger than the size of the use's principal building.

D. Municipal service facility.

1. Definition. An occupied facility supporting the external and internal operations provided by municipal government, including but not limited to maintenance of water, sewer, stormwater, roads, parks, vehicles, and facilities.

E. Public safety facility.

1. Definition. A facility for the provision of fire and rescue, medical, police, and emergency response services by a governmental entity.

19.44.030 - Medical.

A. Medical use category.

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. This category includes, but is not limited to:

1. Blood plasma donation center.

2. Medical or dental laboratory.

3. Hospital, urgent care, or emergency medical office.

4. Medical office for dentist, chiropractor, osteopath, physician, or other medical practitioner.

5. Medical clinic.

6. Medical day care.

B. Residential 3 zone standards.

No new medical uses are allowed in the R3, R3A, and R4A zones. Expansion of a neighborhood medical or dental office in the R3, R3A, and R4A zones may only occur if such office was in existence and in operation as of the effective date of these regulations.

C. Hospital.

1. Definition. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, and clinics are not included.

19.44.040 - Office.

A. Office use category.

Activities conducted in an office setting and generally focusing on business, professional, or financial services. Office includes, but is not limited to:

1. Business services including, but not limited to, advertising, business management consulting, data processing, or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, [counselor](#), sales office, or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent, or mortgage agent.
4. Charitable institution (not providing housing or shelter).

~~5. Counseling.~~

~~6.5.~~ City, county, state, or federal government office.

~~7.6.~~ Radio, TV or recording studio, or utility office.

~~8.7.~~ Trade, vocational, or business school.

B. CM2 zone standards.

In the CM2 zone office uses must be limited to no more than 50 percent of the ground level of the building.

Exception: This subsection does not apply for office uses which are accessory to another permitted use.

19.44.050 - Overnight lodging.

A. Overnight lodging category.

Accommodations arranged for short term stays (less than **30 days**). Overnight lodging includes, but is not limited to:

1. Bed and breakfast.
2. Hotel/motel.
3. Youth hostel.

B. Bed and breakfast.

1. Definition. A single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations.
2. Purpose. This section is intended to ensure parking, impact on surrounding neighbors, health and safety, and other considerations limit any adverse impacts of bed and breakfasts on the surrounding neighborhood.
3. Requirements.
 - a. The owner must be the operator of the facility and must reside on the premises.
 - b. The owner's quarters and guest rooms must all be in the main building.
 - c. If located in a residential zone, the facility must be operated in such a manner as not to give the outward appearance of a business in the ordinary meaning of the term.

- d. The use must provide off-street parking, including parking for the primary residence per AMC Chapter 19.64 in addition to one parking space per guest room.

C. Hotel/motel.

1. Definition. A building or portion thereof designed or used for short-term rental of units for sleeping purposes, with or without cooking facilities, and which may include related accessory uses such as shared dining facilities, recreation facilities, and meeting facilities.

D. Youth hostel.

1. Definition. A facility providing relatively affordable accommodations primarily intended for young people.

19.44.060 - Parking

A. Parking use category.

Facilities that provide parking as a principal use.

B. Principal use parking standards in residential zones.

1. In the R1, R2, R2A, R3, R3A, R4A, and OT zones parking as a principal use is restricted to public parking supporting a [public facility such as a museum, library, public park or trail](#).
2. In the R4 zone parking as a principal use is restricted to lots abutting the C zone and supporting a mixed-use development in the C zone.

19.44.070 - Passenger terminal.

A. Passenger terminal use category.

Facilities for the takeoff and landing of planes and helicopters, and facilities for trains, [boats](#), buses, taxis or limo services. Passenger terminal includes, but is not limited to:

1. Airport.
2. Airfield, landing strip.
3. Bus passenger terminal, multi-modal facility.
4. Heliport.
5. Railroad station.
6. Taxi dispatch center, or limousine service.
- ~~6-7.~~ [Ferry terminal, cruise boat terminal](#)

B. Aeronautical use.

1. Definition. See AMC 19.41.080.

19.44.080 - Personal service.

A. Personal service use category.

Facilities involved in providing personal services to the general public. Personal service includes the following uses.

1. Animal care.
2. Beauty/hair salon.

3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
7. Optometrist.
8. Palmist, psychic, medium, fortune telling.
9. Post office, [delivery and courier services](#).
10. Tailor, milliner, upholsterer.
11. Tattoo parlor, body piercing.
12. Wedding chapel.

B. Animal care - indoor.

1. Definition. Any building or land used, designed, or arranged for the care of animals without outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and [doggy-animal](#) day care.
2. Use standards. No outdoor activity associated with the care of animals is allowed. Also see AMC 6.06.090 Commercial kennels, catteries, pet shops and animal shelters—General conditions for applicable standards.

C. Animal care - outdoor.

1. Definition. Any building or land used, designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and [doggy-animal](#) day care.
2. Use standards:
 - a. Any structure which houses animals which is not fully enclosed and all animal runs must be located at least 100 feet from any lot line and 300 linear feet from any pre-existing principal residential structure located on another lot.
 - b. All pens and kennels used for housing animals (excluding horses, ponies, and cows) must be surrounded by a black, dark green, or dark brown vinyl coated chain link fence not less than six feet in height, and enclosed on top, or be located in an enclosed structure.

D. Beauty salons.

1. Definition. Any establishment where cosmetology services are provided, including hair care, nail care, and skin care.

E. Funeral home.

1. Definition. An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

19.44.090 - Recreation, indoor.

A. Recreation, indoor use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. The permissions for indoor recreation uses in Table 19.41.050 are based on size (net floor area), with a conditional use thresholds of 10,000 square feet and 20,000 square feet in some zones. The indoor recreation category includes, but is not limited to:

1. Adult concessions.
2. Amusement center, game arcade, children's amusement center.
3. Arena.
4. Billiard hall, pool hall.
5. Bingo parlor.
6. Bowling alley.
7. Convention center or conference center.
8. Dance, martial arts, music studio, classroom.
9. Health club.
10. Shooting range.
11. Sports academy.
12. Miniature golf facility.
13. Movie theater or other indoor theater.
14. Skating rink or roller rink.
15. Swimming pool.
16. Extreme sports facility.

B. Special indoor recreation uses. The following uses fall under the "recreation, indoor" use category, but due to their unique attributes come with their own use permissions and standards. These uses are not subject to the net floor area parameters under the civic use permissions in Tables 19.42.020-.030.

- I. Adult concessions.
 - a. Adult entertainment and retail taken together as "concession," and defined in Section 5.35.030, are recognized as being uses that may prove detrimental in certain circumstances to its surrounding neighborhoods and thereby requiring the following regulations.
 - b. Zone-specific requirements.
 - (1) In the C zone, adult retail is only permitted south of 22nd street.
 - (2) In the LMI zone, adult concessions are only permitted between Christiansen Road and Reservation Road.
 - (3) In the HM zone, adult entertainment are only permitted north of South March Point Road and east of Reservation Road.
 - c. No adult concession may be located within the specified distance of the following uses:

- (1) One hundred feet of any public or private school, or any trade or vocational school that on a regular basis has at least one student under the age of eighteen years.
 - (2) One hundred feet of any religious institution.
 - (3) One hundred feet of any park or any public facility or P zone.
 - (4) Three hundred feet of another adult concession.
 - (5) For adult entertainment, 100 feet of any residential zone.
 - (6) For adult retail, thirty feet of any residential zone.
- d. The distance provided herein must be measured by following a straight line, without regard to intervening buildings, from the nearest point on the property line or the zone boundary to the specified concession.
 - e. No person owning, operating or managing an adult concession or their employee or agent may invite, allow, or permit any person under the age of eighteen years to enter or remain on the premises of any concession.
 - f. On the exterior of any concession there must be no window, marquee, or other display of any manner describing, identifying, depicting or portraying "specified anatomical areas", or "specified sexual activities" (see AMC 5.35.030 Definitions).
 - g. Violation of the use provisions of this section is declared to be a public nuisance per se, which must be abated by a civil action only and not by criminal prosecution.
 - h. Concession establishments may be identified with signs on the exterior of the establishment in accordance with AMC Chapter 19.67 Signs. All signs must comply with subsection (B)(6) hereof. No advertising, text, pictures or depictions may be permitted anywhere in the windows, on the site, sidewalk or street (A-board signs), store-front, marquee, or anywhere else other than on the approved signage. Terms such as "sale," etc., and other such advertising, as associated with mainstream advertising, may be accepted, subject to the interpretation of the planning director or her/his designee.
 - i. There must be no more than one concession business operating in the same building, structure or portion thereof.
 - j. Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building or use which violates any ordinance or statute of the city of Anacortes, Skagit County, state of Washington, or the United States.
 - k. Parking requirements. For adult concession facilities constructed after the effective date of this ordinance all parking must be visible from the public right-of-way. For adult entertainment facilities located in buildings constructed prior to the effective date of this ordinance, all parking should be visible from the public right-of-way. In cases of adult concession facilities located in buildings constructed prior to the effective date of this ordinance where this is not feasible, access to the parking must be in as direct a route as possible from the public right-of-way and the parking area must remain free and clear of visual obstructions at all times. Access to the exterior rear of the building must be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of a fence, wall or other device approved by the city.
 - l. Lighting requirements. All on-site parking areas and premises entries of adult concession facilities must be illuminated from dusk until one hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or pathways. In addition, all on-site lighting,

including signs, must comply with the shading and directional requirements of subsection (B)(12)(a) below. An on-premises exterior lighting plan must be presented to the city for approval prior to the operation of any adult concession.

(1) Where lighted signs and illuminated areas are permitted, such illuminating devices must be shaded and directed so as not to be visible from any residentially zoned property.

13. Where lighted signs and illuminated areas are permitted, such illuminating devices must be shaded and directed so as not to be visible from any residentially zoned property.

2. Shooting range, indoor.

a. Definition. An indoor facility designed and improved to encompass shooting stations or firing lines, target areas, and/or other related components.

19.44.100 - Recreation, outdoor.

A. Outdoor recreation use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation category includes, but is not limited to:

1. Drive-in theater.
2. Camp, campground, travel trailer park, recreational vehicle park.
3. Extreme sports facility such as paintball, BMX or skateboarding.
4. Golf course.
5. Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Shooting range.
10. Racetrack.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

B. Outdoor recreation use standards.

A facility designed to accommodate 200 or more patrons at one time may only be allowed through securing a conditional use permit.

C. Campground.

1. Definition. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

D. Golf course.

1. Definition. A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf.

E. Marinas and boat moorage.

1. Definition. A use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, and chartering. Marinas may include accessory retail and equipment storage uses that directly support water-dependent activities per the Shoreline Master Program.

F. Recreational vehicle park (RV park).

1. Definition. Land containing two or more campsites which are located, established, or maintained for occupancy by people in recreation vehicles or travel trailers which are used for recreation or vacation purposes.
2. Minimum standards. Recreational vehicle parks must meet the minimum standards of the Washington Department of Social and Health Services and the county health department.
3. Streets and recreational vehicle spaces. The arrangement, type, extent, width, grade, and location of all streets and sidewalks must be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets. The RV park must make appropriate provisions for:
 - a. Open spaces and landscaping.
 - b. ~~Open spaces and landscaping.~~ Electrical service.
 - c. Drainage ways.
 - d. Streets, alleys, sidewalks and other public ways.
 - e. Water ~~supplies~~ service.
 - f. Sanitary ~~wastes~~ waste disposal.
 - g. Parks and playgrounds.
 - h. Other utilities.

All recreational vehicle spaces must be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads must be adapted to topography. Surfaces of roads must be smooth, hard, dense and well drained.

Exposed or disturbed ground surfaces in all parts of every recreational vehicle space must be covered with gravel or other material, or protected with a vegetative cover, to minimize erosion.

4. Internal design.
 - a. Recreational vehicle spaces must be arranged to facilitate placement and removal of vehicles from individual-spaces.
 - b. Accessory facilities must be designed and located for safe and convenient use by occupants of the park, but so as to inhibit their use by non-occupants.
 - c. Recreational vehicle spaces must be separated from each other and from other structures to allow at least ten feet separation between parked vehicles and structures.
 - d. The density must not exceed twenty recreational vehicle spaces per acre of gross site area.
 - e. All recreational vehicle spaces should be located at least twenty-five feet from a public street or highway right-of-way and must be set back ten feet from interior roadways.

- f. The director may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary lines separating the park from such uses.
 - g. At least one-twelfth of the area of the recreational vehicle park must be developed for a park, open space, or playground area for use of the RV park occupants. The area must be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and common facilities such as a laundry.
5. Water supply. The city engineer must require that any water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes. The water supply system must meet standards published by the Insurance Services Office: Guide for Determination of Required Fire-Flow.
 6. Sewage disposal. All sewage disposal systems must meet the minimum standards of the Washington State Department of Social and Health Services, the Washington State Department of Ecology, and the county health department. The means for sewage disposal must be subject to approval by the city engineer.
 7. Solid waste. The recreational vehicle park developer must assure that provisions for collection and disposal of solid waste are available. The means for solid waste collection and disposal must be subject to approval by the city engineer.
 8. Required facilities. All recreational vehicle parks having more than eight spaces must have approved facilities for laundry, showers, and restrooms for users of the park.
 9. Retail sales. No retail sales uses are allowed within the park unless a specific site for such use, intended to primarily serve park users, is approved by the City Council as part of the conditional use permit.
 10. Ownership. In all cases the entire area of an RV park must be maintained in single ownership.

G. Shooting range, outdoor.

1. Definition. An outdoor facility designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and/or other related components.

19.44.110 - Restaurant/bar.

A. Restaurant/bar use category.

A facility that prepares and sells food and drink for on- or off-premise consumption. The restaurant/bar category includes, but is not limited to:

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. Food truck.

B. Standards for restaurants with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone except when such facilities are completely enclosed within a building.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Food truck.

1. Definition. A large wheeled vehicle from which food is sold, that typically contains cooking facilities where the food is prepared
2. Standards.
 - a. During business operations food trucks must be located on private property (not in the [public](#) right-of-way).
 - b. Food trucks may not install any seating permanently attached to the ground.
 - c. Food trucks must provide adequately sized and located waste collection [containers](#) during business operations.

19.44.120 - Retail sales.

A. Retail sales use category.

Facilities involved in the sale, lease, or rental of new or used products. The permissions for retail sales uses in Table 19.41.050 are based on size (net floor area) per individual use, with thresholds of 5,000, 25,000, and 50,000 square feet. Retail sales includes, but is not limited to:

1. Facilities involving the sale, lease, or rental of new or used products including but not limited to appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.
2. Art gallery.
3. Check cashing, payday loan.
4. Pawnshop.

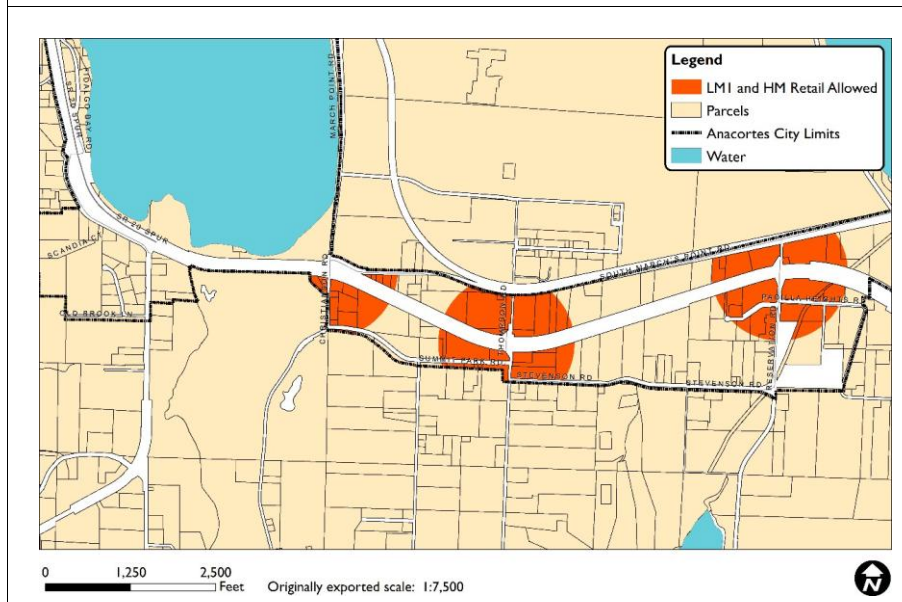
B. Standards for retail uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Standards for retail sales uses in the LMI and HM zones.

1. In the LMI and HM zones the primary building entries of retail uses must be located within the lots or portions of lots illustrated in Figure 19.44.120(C). These areas are generally within 1,000 feet of the State Route 20 intersections with March Point Road, Thompson Road, and Reservation Road as measured in a straight line from the right-of-way centerlines and exclude lots with waterfronts.

Figure 19.44.120(C)
Clarification on limits of retail sales uses in the LMI and HM zones.



D. Neighborhood grocery store.

1. **Definition.** A small retail establishment which primarily sells food, but also may sell other convenience and household goods and may include an area for dining such as a deli or coffee shop.
2. **Standards.**
 - a. Not to exceed 1,200 square feet of retail sales floor area and 3,200 square feet of gross floor area.
 - b. No such grocery uses must be allowed within one-quarter mile of an existing grocery store.

E. Special retail sales uses. The following uses fall under the “retail sales” use category, but due to their unique attributes, come with their own use permissions and standards. These uses are not subject to the net floor area parameters under the retail sales permissions in Table 19.41.050.

1. Heavy retail.

- a. Definition. Retail uses that have large exterior sales and/or storage areas, automobile fuel stations, truck stops, and warehousing in buildings no larger than 50,000 gross square feet in area. Large exterior sales and/or storage areas are those greater than 15,000 gross square feet or occupy an area larger than the size of the use's principal building. Example retail uses include agricultural supplies, plant and landscape design materials, building materials, manufactured homes, and heating fuels.

2. Marijuana retailers.

- a. Definition. “Marijuana retailer” means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

b. Standards.

- (1) Marijuana retailers are only allowed east of the interchange of State Route 20 and State Route 20 Spur.

19.44.130 - Vehicle sales/rental.

A. Vehicle sales/rental use category.

This category includes, but is not limited to direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

B. Vehicle sales/rental, enclosed.

1. Definition. Vehicle sales/rental use that is conducted entirely indoors.

C. Marine sales/rental.

1. Definition. An establishment where boats 16 feet or more in length are rented or sold. The sale or rental of smaller boats must be a retail sales use.

Chapter 19.45 - INDUSTRIAL USES

19.45.010 - Heavy industrial.

A. Heavy industrial use category:

Any facility that involves [production and/or storage of](#) dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, use of fire or explosives, emission of particulate matter, interference with radio, television reception, or radiation. Such uses include, but are not limited to:

1. Petroleum and oil refineries and storage.
2. Chemical manufacturing.
3. Wood products manufacturing.
4. Food and beverage manufacturing.
5. Primary metal manufacturing.
6. Fabricated metal products and machinery.
7. Machinery manufacturing.
8. Transportation equipment manufacturing.

19.45.020 - Light industrial.

A. Light industrial use category.

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. The light industrial category includes, but is not limited to, the following uses.

1. Bottling.
2. Brewery (produce 15,000 or more U.S. beer barrels annually).
3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Sheet metal, welding, machine, tool repair shop or studio.
9. Stone, clay, glass, and concrete products.
10. Woodworking, including cabinet makers and furniture manufacturing.

B. Marijuana processors.

1. Definition. "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.
2. Standards.
 - a. Marijuana processors are only allowed east of the interchange of State Route 20 and State Route 20 Spur.

19.45.030 - Light manufacturing.

A. Light manufacturing use category.

A facility conducting light manufacturing operations within a fully-enclosed building. The light manufacturing category includes, but is not limited to, the following uses:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Printing, publishing, and lithography.
4. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
5. Repair of scientific or professional instruments and electric motors.

B. Artisan manufacturing.

1. Definition. Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully-enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of net floor area. Typical uses have negligible negative impact on surrounding properties and include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts, production of alcohol, or food processing.

19.45.040 - Research and development.

A. Research and development use category.

A facility focused primarily on the research and development of new products. The research and development category includes, but is not limited to, the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual or organization whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

B. Research and development use standards.

Such uses in the C, CBD, and MMU zones must occur within a fully-enclosed building.

19.45.050 - Self-service storage.

A. Self-service storage category.

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. The self-service storage category includes, but is not limited to, the following uses.

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Self-service storage standards.

Uses in the C zone are limited to fully enclosed indoor facilities.

19.45.060 - Warehouse and distribution.

A. Warehouse and distribution category.

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. The warehouse and distribution category includes, but is not limited to, the following uses.

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Distribution facility, central postal facility.
3. Parcel services.
4. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
5. Trailer storage, drop-off lot.
6. Truck or motor freight terminal, service facility.

19.45.070 - Waste-related service.

A. Waste-related service category.

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. The waste-related service category includes, but is not limited to, the following uses.

1. Uses that receive solid or liquid wastes from others for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material.
2. Animal waste processing.

3. Landfill.
4. Manufacture and production of goods from composting organic material.
5. Outdoor storage of recyclable material.
6. Scrap materials (indoor storage).
7. Solid or liquid waste transfer station, waste incineration.

B. Recycling facility.

1. Definition. A building and/or site in which recoverable materials such as paper, plastic, glass, and metal are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site for shipment to market.

19.45.080 - Water-oriented industrial.

A. Water-oriented industrial use category.

Industrial type uses that are either water-dependent, water-related, or water-enjoyment use, or any combination thereof. The water-oriented industrial use category includes, but is not limited to:

1. Ship and boat building and repair.
2. Seafood processing.
3. Dry stack boat storage.
4. Maritime administration.
5. Piers and wharfs.
6. Water-based shipping terminals.
7. Boat launch facilities.

B. Dry stack boat storage.

1. Definition. A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Structures must comply with form and intensity standards in AMC Chapter 19.42 for the applicable zoning district.

C. Boat launch facilities.

1. Definition. Boat launches facilities are slabs, pads, planks, rails, cranes, or graded slopes used for launching boats by means of a trailer, hand, or mechanical device.

Comment [CR57]: Does the synchro-lift fit in this definition?

19.45.090 - Wholesale trade.

A. Wholesale trade category.

Facilities involved in the sale, lease, or rent of products to industrial, institutional, or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer. The wholesale trade category includes, but is not limited to, the following uses:

1. Mail-order house manufacturing.

Comment [CR58]: This wording implies that they are manufacturing mail order houses. Not sure what is intended. Is this a distribution center? A warehouse?

3. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment, and store fixtures.
4. Wholesale sales of food, clothing, auto parts, building hardware, and similar products.

Chapter 19.46 - PUBLIC, INSTITUTIONAL & OPEN SPACE USES

19.46.010 - Agriculture.

A. Uses in the agriculture category include:

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase. The agriculture category includes, but is not limited to:

1. Animal raising including, but not limited to, horses, hogs, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
3. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
4. Fish hatcheries, fish farm.
5. Forestry, timber tracts, forest nursery, gathering of forest products.
6. Grain, fruit, field crop and vegetable cultivation and storage.
7. Livestock, horse, dairy, poultry and egg products.
8. Plant nursery.
9. Restricted agriculture.

B. R-I zone standards.

Pasture space for livestock must be provided at a minimum of 18,000 square feet per animal.

C. Aquaculture.

1. Definition. The breeding, hatching, or raising, ~~and breeding~~ of fish or other aquatic plants or animals for sale.

D. Marijuana producers.

1. Definition. "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
2. Standards.
 - a. Nuisances.
 - i. No odor or smoke may be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to infringe upon the enjoyment of a neighboring use.
 - ii. The applicant must install an exhaust system that is designed and constructed to capture sources and contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State professional engineer.

Comment [CR59]: what about llamas, alpacas, dogs, bison, ostriches, etc.

B. Marijuana producers are only allowed east of the interchange of State Route 20 and State Route 20 Spur.

E. Nursery.

1. Definition. Land, building, structure, or combination thereof, for the storage, cultivation, or transplanting of live trees, shrubs, or plants, offered for sale on or off the premises including products used for gardening or landscaping.

F. Restricted agriculture.

1. Definition. The raising and harvesting of tree crops (excluding forestry), vine crops and horticultural specialties not requiring intense cultivation. The keeping or grazing of animals for animal products, animal propagation or value increase is not included in this definition.

19.46.020 - Civic.

A. Uses in the civic category include:

Places of public assembly that provide ongoing public, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses.

1. Cemetery.
2. College, community college, [trade school](#), and university.
3. Community/recreation center.
4. Civic club.
5. Library.
6. Museum.
7. Religious institution.
8. School, public or private (K-12).

NOTE: This category does not include:

- Government offices – which falls under Office use
- Public safety facilities – which falls under General service use
- Municipal service facilities - which falls under General service use

B. Civic use standards.

The permissions for civic uses in Tables 19.41.040 and 19.41.050 are based on size (gross floor area), with thresholds of 10,000 and 20,000 square feet provided they meet the following standards:

1. Site planning. Civic uses are subject to site planning standards in AMC Chapter 19.62.
2. Building design. Civic uses are subject to building design standards in AMC Chapter 19.63.

DEPARTURES to the building massing standards and other applicable standards in the chapter will be considered per AMC 19.20.220, provided alternatives design treatments meet the purpose of the standards. The director may exempt buildings not visible from the street.

3. Parking. The use must comply with civic parking regulations in AMC 19.64.040 and other applicable parking regulations in AMC Chapter 19.64 Parking, except that in no event may parking be in excess of one space per three seats in a residential zone.

4. A traffic mitigation plan must be submitted for approval by the City. The plan must address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject to City approval of a joint use agreement. Off-site parking in residential zones must be limited to lots shared with existing institutional uses, such as schools.
 5. The storage of buses or vans over 10,000 pounds gross weight is permitted on-site only if following conditions are met:
 - a. The location of the parking areas for these vehicles is indicated on the site plan at the time of application.
 - b. Vehicles must be leased or owned by the owner or tenant of the site, must be in operable condition, and must have a current vehicle registration.
 - c. Vehicles must not intrude into public right-of-way or obstruct sight visibility from any driveway.
 6. Landscaping. The use must comply with landscaping standards in AMC Chapter 19.65.
 7. Fences, walls, and hedges on-site must comply with AMC Chapter 19.66.
 8. Signs associated with the use must comply with AMC Chapter 19.67.
- C. Special civic uses.** The following uses fall under the “civic use” category, but due to their unique attributes, come with their own use permissions and standards. These uses are not subject to the gross floor area parameters under the civic use permissions in Tables 19.41.040 - .050.
1. Cemetery/columbarium.
 - a. Defined. A facility used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial, and pet cemetery.
 2. College, community college, or university.
 - a. Defined. A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university may not be considered a trade or vocational school (see office use category, AMC 19.44.040).
 - b. Use standards.
 - (1) Any school that has greater than 100 students must have access onto a collector or arterial street.
 - (2) Such uses are subject to civic use standards in subsection (B) above.
 3. Community center.
 - a. Definition. A building or other enclosed structure open to the general public that is owned and operated by a public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes. Not included in the category of community center are those businesses and occupations defined by this title as a medical use, personal service, general service, office, religious institution, school, private club or fraternal organization.
 4. Private recreational, civic, social and/or cultural clubs.

Comment [CR60]: Why is a trade school subject to different rules than a branch of a community college which offers trade education?

- a. Definition. A range of ~~membership~~ membership-only clubs, including, but not limited to tennis clubs, civic clubs, yacht clubs, swimming clubs, social, and/or cultural clubs. This definition excludes health clubs.
- b. Standards.
 - (1) Such uses are subject to civic use standards in subsection (B) above.
 - (2) In the CM2 zone, only yacht clubs are allowed.
- 5. Religious institution.
 - a. Definition. Any building used for non-profit purposes by an established religious organization holding either tax exempt status under Section 501(c)(3) of the Internal Revenue Code or under the state property tax law, where such building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to, church, temple, synagogue, and mosque.
- 6. School, public or private (K-12).
 - a. Definition. An institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school. If said school is located on the grounds of a church or house of worship, it must be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church may not be separately counted as a school.
 - b. Use standards.
 - (1) Any school that has greater than 100 students must have access onto a collector or arterial street.
 - (2) Pedestrian connectivity to the surrounding residential areas is required, where feasible. This includes pathways connecting to surrounding streets.
 - (3) Accessory daycares associated with any school must occupy no more than 50 percent of the school structure(s).
 - (4) Schools are subject to civic use standards in subsection (B) above.

19.46.030 - Parks, open space, and natural areas.

A. Parks, open space, and natural areas category.

Uses focusing on natural areas consisting mostly of passive or active outdoor recreation areas and having few structures. The parks, open space and natural area category includes, but is not limited to, the following uses.

- 1. Botanical garden, nature preserve, community forest lands, recreational trails.
- 2. Game preserve, wildlife management area, refuge.
- 3. Park, including recreation field.
- 4. Reservoir, control structure, water supply, water well.
- 5. Plazas.

B. Parks and plazas.

- 1. Definitions.

- a. Park. Land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.
- b. Plaza. A publicly accessible open space usually surrounded by buildings and/or streets where people can gather. Plazas typically include walking surfaces, seating areas and some landscaped elements.

19.46.040 - Utilities.

A. Utilities, local category.

Public or private infrastructure serving a limited area with no on-site personnel. The local utilities category includes, but is not limited to:

1. On-site stormwater retention, detention, or infiltration facility.
2. Neighborhood-serving cable, telephone, gas, or electric facility.
3. Water and wastewater pump station or lift station.
4. Electrical substation.
5. Utility service.

B. Sustainable energy generation system.

1. Definition. A system that generates electricity from renewable resources such as solar energy, wind power, tidal power, geothermal energy, and biomass.
2. Standards.
 - a. Principal and accessory use classification. The sustainable energy generation system is a principal use when it generates or has the potential to generate more electricity than needed for buildings and facilities on the site it is located and sends excess electricity off-site.

Systems that only generate electricity for on-site use are accessory (see AMC 19.47.010 and .020 for accessory use and structure standards), unless the director determines the system is a principal use based on system characteristics such as size, design, or off-site impacts.
 - b. Location on buildings. Sustainable energy generation systems may be located on building exteriors provided they comply with setback and building height standards for the zone in which the building is located and applicable design standards such as those for rooftop mechanical equipment screening [see AMC 19.62.070(E)].
 - c. Nuisances. Uses, processes, equipment employed, and materials stored must not inflict upon neighboring properties fumes, noise, vibrations, odor, refuse matter, water-carried waste, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones above that which is allowed by local, state, and federal standards.

C. Utilities, regional category.

Public or private infrastructure serving the general community and possibly having on-site personnel. The regional utilities category includes, but is not limited to:

1. Aeration facility, artesian well.
2. Electric or gas generation plant.
3. Water or sanitary sewer treatment plant.

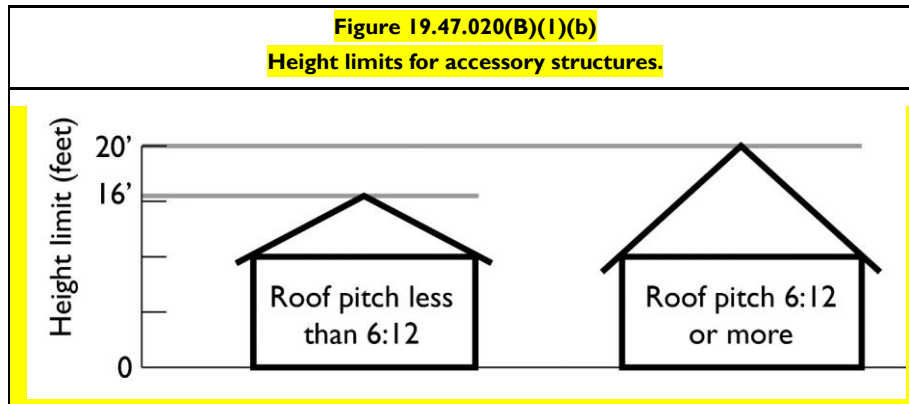
Chapter 19.47 - ACCESSORY USES & STRUCTURES

19.47.010 - Generally.

- A. Accessory uses and structures are permitted in conjunction with allowed principal uses. Allowed accessory uses and structures include those listed in this chapter and additional accessory uses and structures that, as interpreted by the director, meet the following:
 - 1. Are clearly incidental to and customarily found in connection with an allowed principal building or use.
 - 2. Are subordinate to and serving an allowed principal building or use.
 - 3. Are subordinate in area, extent and purpose to the principal building or use served.
 - 4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served.
 - 5. Are located on the same lot as the principal building or use served.
- B. No accessory use or structure may be established on a lot prior to the establishment of a permitted principal use.

19.47.020 - Accessory structures.

- A. Defined. A subordinate structure or building, the use of which is incidental and related to that of the main building or use on the same lot.
- B. Accessory structure standards.
 - 1. Form and intensity standards:
 - b. Height limits.
 - i. Accessory structures in residential zones must not exceed 16 feet in height, as measured in AMC 19.42.140. The height limit for accessory structures with a roof pitch of 6:12 or greater is 20 feet.
 - ii. Accessory structures which include an accessory dwelling unit are subject to the height limits in AMC 19.47.030(C)(5).



- c. Size limit: Accessory structures in all residential zones, except RI must not exceed 1,000 square feet in size per building (except when the building includes an accessory dwelling unit).
 - d. Setback requirements for all accessory structures are established in Tables 19.42.020-030, except:
 - i. Interior side setbacks for accessory structures are three feet minimum where structures are no larger than 144 square feet and 12 feet in height and five feet for other accessory structures.
 - ii. Rear setbacks adjacent to a platted alley:
 - (A) Zero feet for detached accessory structures or that portion of the primary structure that is used as an accessory structure, except where garage doors or a carport faces the alley, the structure must be set back a minimum of ten feet from the alley property line to allow adequate turning distance for vehicles.
 - (B) Detached accessory dwelling units (whether they are attached to a garage or free-standing) are subject to the setback standards in AMC 19.47.030.
 - e. Accessory structures associated with single family dwellings, duplexes, and triplexes must be located to ensure that the minimum usable open space standards of AMC 19.43.010(C)(3)(c) are met.
2. Tent structures are considered accessory buildings, and may be located within side and rear setbacks, but not in a setback adjacent to a street. Tent structures must be constructed and maintained so as to not present a safety, health, or fire hazard.
 3. Antennas erected after January 1, 1996 fall into two categories: (1) amateur radio service antennas and towers under seventy-five feet that require only a building permit, and (2) those higher than seventy-five feet that require a conditional use permit. Antennas and towers may not be located within the street or interior side setback areas, but may be located within the rear setback area.
 4. Accessory buildings over 144 square feet in residential zones may not be corrugated metal sided.

19.47.030 - Accessory dwelling unit (ADU).

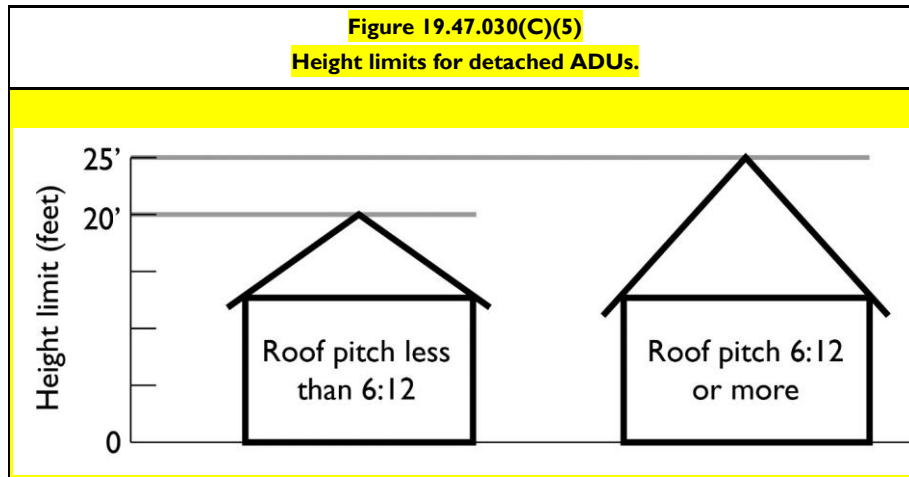
A. Definition. A second dwelling unit attached or detached from the primary residential unit on a lot.

B. Purpose. The purpose of an accessory dwelling unit is to:

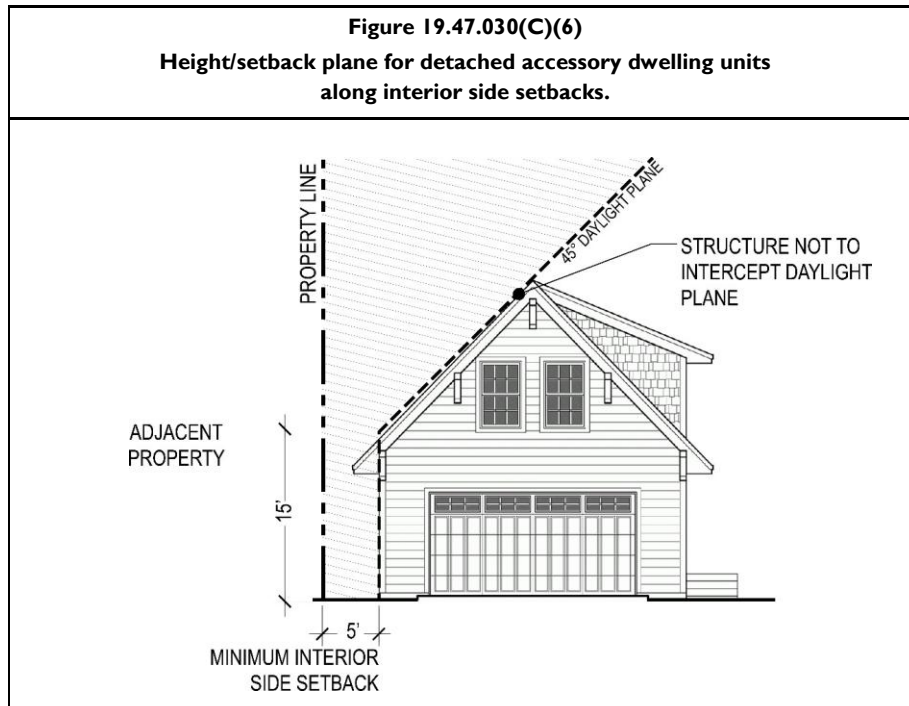
1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
2. Promote the development of additional housing options in residential neighborhoods that are appropriate for people at a variety 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 floor area of the ADU may not exceed 900 square feet.
5. Maximum height:
 - a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020-030.
 - b. Height limits for detached ADUs are 20 feet [or less when necessary to comply with the height/setback plane in subsection (C)(6)(a) below]. The height limit for detached ADUs with a roof pitch of 6:12 or greater is 25 feet.



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 19.44.030(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 ten 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)(5).



7. Living facilities. **At a minimum,** an accessory dwelling unit includes a bathroom, a 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. **Provisions for the loss of on-site stormwater infiltration must be made in the planning phases of ADU development.**

19.47.040 - Home occupations.

- A. Purpose. The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling, or a building accessory to a dwelling, in any zone in which dwellings are present, while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood.
- B. Applicability. This section applies to all home occupations except a home office or home telephone or internet sales, or similar use, with no customer or employee visits to the site.

C. Requirements.

1. The occupation must not create any noise, dust, glare, vibration, odor, hazardous waste, smoke, electrical interference, or other adverse impact to the surrounding residential area.
2. The principal use of the premises must be residential and at no time may the home occupation exceed 25 percent of the floor area of the dwelling unit, not including the garage.
3. There may be no exterior indication of the occupation, including no outdoor storage related to the occupation, nor exterior modification of the building(s) to accommodate the occupation, other than an allowed sign (see AMC 19.67.070).
4. No person other than members of the family residing on the premises may be engaged in such occupation.
5. If the occupation requires that customers or clients visit the premises, adequate off-street parking must be a condition of the permit, and traffic generated by the business may not exceed that which might reasonably be generated by residential use of the premises.
6. A home occupation permit may not be transferred to another person.
7. All regular business license requirements must be met.
8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

- D. Any expansion or change of the nature of the home occupation that does not qualify for a minor permit revision requires a new permit.

19.47.050 - Caretaker residences.

- A. Caretaker or security residences are allowed in the LM1, MS, I, and HM zones provided they are accessory to a principal permitted use and do not exceed 2,500 square feet of living space.

Chapter 19.48 - TEMPORARY USES

19.48.010 - Applicability.

The temporary use standards herein are intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.

19.48.020 - Temporary use standards.

A. Temporary event/uses.

1. A temporary event lasting one day is permitted without complying with the conditions of subsection (2), provided that no more than four temporary events in any one calendar year are permitted on that premise. Temporary uses meeting the definition of "special event" are subject to the standards of AMC Chapter 7.04.
2. All temporary events lasting more than one day on any premise in any one calendar year must meet all of the following:
 - a. No premise may be the site of a temporary event exceeding a collective total of 20 days, or three individual weekends, or both within any one calendar year. In this context, a weekend constitutes three consecutive days.
 - b. Signs associated with a permitted temporary event are subject to the standards in AMC 19.67.110.
 - c. All outdoor activities must be discontinued by 11:00 PM when located closer than 500 feet to a residential use.
 - d. No unauthorized encroachments on public rights-of-way are allowed.
 - e. The temporary event must comply with all applicable environmental regulations in AMC Division 7.
 - f. Separation requirement: Except for yard sales and Christmas tree sales, no temporary use may be located closer than 100 feet to a dwelling unit unless the owners of such properties provide written consent of the temporary use to the director.
 - g. Plans for security and safety must be provided for civic/cultural events.
 - h. The sponsor, owner, or manager of any temporary use must be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
 - i. No more than one temporary use may be permitted per lot at any given time.
 - j. Unless otherwise specified, upon expiration of a temporary use, the site must return to its original state within seven days.

B. Produce stand.

1. Definition. A temporary structure limited to the display and sales of seasonal produce or handicrafts or other seasonal products
2. Standards.
 - a. A produce stand use is limited to 120 days.

- b. A produce stand must be located outside of the right-of-way and at least ten feet from the edge of the paved roadway or, if a paved sidewalk exists, at least five feet from the edge of the sidewalk.
- c. A produce stand must not be located closer than ten feet to any side lot line and 20 feet to any side lot line which is in or abuts a residential zone, unless a greater setback is required for the zone in which it is located.
- d. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it must not be visible from any public road, unless it meets the location and dimensional standards for an accessory structure.

C. Cargo containers.

- 1. Definition. A standardized, reusable vessel that was originally, specifically or formerly designed for use in packing, shipping, movement or transportation of freight, articles, goods or commodities and/or capable of being mounted or moved on a railcar or on a chassis for movement by truck trailer or loaded on a ship.
- 2. Standards.
 - a. Cargo containers are prohibited in all residential zones, except that temporary containers for the purpose of household moving may be permitted for a period not to exceed 30 days in any 12-month period and temporary cargo containers used at construction sites not to exceed the completion of the construction project.
 - b. Cargo containers must not be placed on developed streets and alleys.

D. Recreational vehicles (RV).

- 1. Definition. A vehicle built on a chassis and propelled by its own engine, or a trailer or "fifth wheel" designed to be towed, and may have cooking, bathing, and toilet facilities, to be used as a temporary dwelling for travel and recreational purposes. A pickup truck with a simple canopy or a passenger van must not be considered an RV.
- 2. Standards.
 - a. Recreational vehicles up to 32 feet in length may be placed on a single-family residence construction site during actual construction of a single-family residence at that location for a maximum period of one year during construction. Such trailer may be used only as a residence for the owner/builder and must be self-contained or connected to city water and sewer and must meet all other applicable health and safety standards.
 - b. An RV may not be used as a temporary or permanent place of residence within the city limits of Anacortes, unless:
 - i. Parked within a RV park.
 - ii. Specifically authorized by the City Council. If the City Council authorizes such a temporary use, the duration of the authorization must be specified, and the temporary residence must be removed promptly at the end of that time.
 - iii. A guest(s) of a permanent resident may occupy a recreational vehicle parked on private property for a period not exceeding three weeks in a one-year period for any individual guest, nor nine weeks in a one-year period for all such RV occupancy on a property; the guest RV may be parked in a street setback in a driveway, or in a side or rear setback, for the legal duration of the guest's stay. An unoccupied recreational vehicle may be parked on private property in a side or rear yard, but not in a street setback (whether or not it is

in a driveway), except for the limited guest period defined herein. RV's parked on streets, alleys, or undeveloped street right-of-way must be subject to the city's general parking regulations and enforcement.

Chapter 19.49 - NONCONFORMING USES & 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 reconstructed except as otherwise outlined in this chapter.

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.

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

- A. Nonconforming Uses. No nonconforming use may be permitted to be enlarged, ~~altered,~~ or expanded, except that a nonconforming use may be extended throughout any part of the building which was designed for its use prior to the time of the adoption of this chapter. This extension is allowed; provided, that ~~no structural alterations, except those required by law, are made therein, and that~~ no expansion of the structure or parking requirements occurs.
- 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.

Comment [CR61]: It should be OK to do interior modifications to accommodate the needs of the business, improve the structural integrity, and upgrade the facilities, as long as no added area is created.

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

- A. Routine maintenance, cosmetic changes (such as new siding, windows, or roofing or interior features), 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 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 subsection.

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 are 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 non-abandonment. 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 sixty 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.

DIVISION 5 - COMMUNITY DESIGN

Division 5 - Community Design 182

Chapter 19.50 - INTRODUCTION..... 184

19.50.010 - Purpose..... 184

19.50.020 - Applicability..... 184

19.50.030 - Relationship to other street design plans and standards 184

Chapter 19.51 – PUBLIC STREET IMPROVEMENTS REQUIRED 185

19.51.010 - Purpose..... 185

19.51.020 – Applicability..... 185

19.51.030 - Minimum street improvement requirements 186

19.51.040 - Extent of required improvements 186

19.51.050 - Dedication of right-of-way 187

19.51.060 - Modifications, deferments, waivers, and construction-in-lieu..... 187

19.51.070 - Timing of improvements and bonding 189

Chapter 19.52 - PUBLIC STREET DESIGN..... 191

19.52.010 - Purpose..... 191

19.52.020 - Applicability..... 191

19.52.030 - City street classification system..... 191

19.52.040 - Street geometric design and streetscape..... 192

19.52.050 - Dead end streets and cul-de-sacs..... 195

19.52.060 - Street intersections..... 196

19.52.070 - Pavement design..... 196

19.52.080 - Street names and signage..... 196

19.52.090 - Street lights 196

19.52.100 – Street monuments	196
Chapter 19.53 - PRIVATE DRIVEWAYS & ACCESS	197
19.53.010 - Purpose.	197
19.53.020 - Applicability.	197
19.53.030 - Driveways and access easements	197
19.53.040 - Residential shared driveways	199
19.53.050 - Internal circulation for cottage, townhouses, and multifamily developments	200
Chapter 19.54 - SUBDIVISION DESIGN & BLOCK STRUCTURE	202
19.54.010 - Purpose.	202
19.54.020 - Block design and connectivity standards.....	202
19.54.030 - Open space/parks	203
19.54.040 - Lot design.	205
19.54.050 - Access, services, and utilities	211

Chapter 19.50 - INTRODUCTION

19.50.010 - Purpose.

This division was authorized by the City Council as a major implementation tool of Anacortes's comprehensive plan. Overall, this division intends to:

- A. Provide clear objectives for those embarking on the planning and design of development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes Comprehensive Plan.
- D. Upgrade the character and visual appearance of Anacortes.
- E. Promote increased pedestrian and bicycling use throughout the city.

19.50.020 - Applicability.

The community design provisions in this division generally apply to the following development within the city:

- A. All street improvements.
- B. All land divisions (see AMC 19.32 Land Divisions).
- C. All other development within the city where public improvements are required (see AMC 19.51.020).

19.50.030 - Relationship to other street design plans and standards.

The provisions herein are supplemented by the street standards in the most recent version of the Anacortes Engineering Design Standards. Where there is a conflict between the provisions of this division and other codes, the Public Works director must determine which provisions to apply based on consideration of public health and safety, engineering design principles, Comprehensive Plan goals and policies, and facilitating low impact development.

Chapter 19.51 – PUBLIC STREET IMPROVEMENTS REQUIRED

- 19.51.010 - Purpose.
- 19.51.020 - Applicability.
- 19.51.030 - Minimum street improvement requirements.
- 19.51.040 - Extent of required improvements.
- 19.51.050 - Dedication of right-of-way.
- 19.51.060 - Modifications, deferments, waivers, and construction in lieu.
- 19.51.070 - Timing of improvements and bonding.

19.51.010 - Purpose.

- A. Establish the City's authority to require applicants for certain development permits to construct or make provisions for reasonable public street improvements.
- B. Establish criteria to be used to determine the nature, extent, and location of required street improvements.
- C. Promote safe and efficient access to property.
- D. Reduce the addition of impervious surfaces within the city.

19.51.020 – Applicability.

Construction or provision of public right-of-way improvements consistent with the requirements in this chapter and AMC Chapter 19.52 Public Street Design is required as condition of approval of the following development activities:

- A. Creation of any additional dwelling units, except for accessory dwelling units ~~or~~ new non-residential or mixed-use development.
- B. The establishment of new lots with ~~a~~ subdivisions, short subdivisions, or binding site plans when such lots do not otherwise have access from a public right-of-way.
- C. Alteration of, or addition to, a single family residence when the estimated value of the proposed structural improvements exceeds 50 percent of the Skagit County Assessor's value of the existing structure(s) on the subject property within a 12-month period.
- D. Alteration of, or addition to, a commercial, industrial, or multi-family development when the estimated value of the proposed improvements exceeds 50 percent of the Skagit County Assessor's value of the existing structure(s) on the subject property, within a 12-month period.

Exception: Tenant improvements to existing buildings (no new increase in gross floor area) are exempt from the public right-of-way improvements in this chapter.
- E. A change of use to a more intensive use of property that will result in increased impact (as determined by the director) to the transportation system, based on the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use, or other source approved by the City.
- F. A new access point to a public street will be created.

Comment [CR62]: The way it's worded, it sound like "except for ... new non-residential or mixed-use development". This would make it more clear.

- G. When a nonresidential, multifamily, townhouse, or cottage development establishes internal roadways for the purpose of complying with the block design and connectivity standards of AMC 19.54.020.

19.51.030 - Minimum street improvement requirements.

Typical required improvements for right-of-way (ROW). The public works director or designee must determine required improvements based on the standards and criteria in this chapter, and the Anacortes Engineering Design Standards. Required improvements must be located within the public ROW and/or the block frontage. Typical required public improvements include the following:

- A. Paved roadway.
- B. Street lighting.
- C. Sidewalks or other pedestrian and non-motorized facilities.
- D. Curb and gutter.
- E. Utilities including storm drainage, wastewater, and domestic water systems.
- F. Street landscaping and appurtenances.
- G. Traffic control and other safety devices including, but not limited to, provisions for channelization, pavement markings, signage, pedestrian safety, and traffic calming where such improvements are only necessary or practical to provide on the same side of the street as the subject property.
- H. Dedication of public right-of-way.
- I. Conduit for new and existing utilities.

19.51.040 - Extent of required improvements.

Extent of required improvements. This section identifies where improvements must be installed along the property frontage and when they must be extended past the property to ensure a smooth transition to adjacent improvements.

- A. When an existing right-of-way is paved, improvements must be installed from the centerline of the right-of-way, or center of the street as constructed, to the subject property's property line, for the entire length of the street frontage.
- B. Sidewalks extended. Sidewalks or pedestrian facilities must be extended to connect to existing pedestrian facilities where practical and reasonable, as determined by the public works director.
- C. Existing alleys. The following improvements are required when right-of-way for an alley exists adjacent to a site.
 - 1. For commercial, industrial, office, or multifamily projects, the applicant must improve the alley abutting the subject property and extend the improvements to an existing improved public street.
 - 2. For all types of development permits, the public works director must determine the extent and nature of improvements required in alleys on a case by case basis. Typical improvements include, but are not limited to, any or all of the following depending on the type of development proposed:
 - a. Replacement of the alley driveway apron and curb.
 - b. Installation of storm drainage and other utilities.

- c. Paving and repair of existing paving.
 - d. Installation of crushed rock in gravel alleys.
- D. Transition to existing improvements. If improvements required by this chapter will connect with improvements in the same ROW that do not conform to this chapter, the following applies:
- 1. If the improvements will connect with existing improvements of a greater dimension, the improvement must be built at the greater dimension unless the public works director determines that the dimensions of the existing improvement will be decreased in the future.
 - 2. If the improvements will connect with existing improvements of a lesser dimension, the following applies, as determined by the public works director:
 - a. If the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - b. If the dimensions of the existing improvements will be increased in the future, the required improvements must be installed in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
- E. Replacement of damaged or substandard existing improvements. For properties that have existing improvements within the adjacent public right-of-way, the applicant must remove and replace any damaged, substandard, or nonconforming improvements in conjunction with development of the property. Replacement includes, but is not limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier-free ramps at street intersections, nonconforming driveway accesses, and installation of street trees.
- F. Relocation of existing franchise utilities. Franchise utilities must be relocated as required, including relocation underground, to accommodate necessary improvements. See AMC Chapter 15.32 Underground Utilities.

19.51.050 - Dedication of right-of-way.

- A. Existing ROW.** If an existing right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant must dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required improvements.
- B. New ROW.** The public works director may require the applicant to make land available, by dedication, for new right-of-way and utility infrastructure if it is necessary as a result of the proposed development activity.

19.51.060 - Modifications, deferments, waivers, and construction-in-lieu.

- A. General.** The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, waived, or provided for with a sidewalk construction-in-lieu by decision of the public works director or by recommendation of the public works director when not the final decision-maker.
- B. Review process.**
 - 1. A request for a modification, deferment, waiver, or sidewalk construction-in-lieu must be considered as part of the applicable review process for the underlying development permit application as outlined in AMC Table 19.20.030(1).

2. If subsection (B)(1) of this section does not apply (no land use permit is being reviewed), the public works director may grant a modification, deferment, waiver, or sidewalk construction-in-lieu in writing under the provisions of this section.
3. A modification, deferment, waiver, or sidewalk construction-in-lieu request that is approved under subsection (B)(1) of this section is binding on the City for all subsequent development permits issued for the development within five years of granting of the request.

C. Modifications.

A modification to the nature or extent of any required improvement may be granted for any of the following reasons:

1. The improvement as required would not match the existing improvements.
2. Unusual topographic or physical conditions preclude the construction of the improvements as required.
3. Other unusual circumstances preclude the construction of the improvements as required.
4. The applicant proposes special amenities such as wider planter strips, wider sidewalks, and/or curb gutter bump-ins to save significant trees or other natural features, or stormwater infrastructure that exceeds minimum standards.
5. A modified standard for a particular street or neighborhood has been approved by City Council (see the Anacortes Engineering Design Standards).

D. Deferment.

1. A deferment to the installation of required improvements may be granted for any of the following reasons:
 - a. The required improvement is part of a larger project that has been scheduled for implementation and is fully funded in the City's six-year Capital Facilities Plan.
 - b. Construction or alteration of a single-family dwelling unit on an existing lot greater than one acre (net) in size where there are no frontage improvements meeting city standards within 200 feet of the lot, or identified through approved plats, and potential exists for future development of the lot.
 - c. Other unusual circumstances preclude the construction of the improvements as required.
2. If the applicant meets the above criteria in Section 19.51.060(D)(1) for deferment, the applicant is only obligated to install, at a future date, improvements subject to AMC 19.51.040.
3. If the city approves a deferment, the applicant must sign a concomitant agreement to run with the property, in a form acceptable to the city attorney, specifying that the applicant must install or reimburse the city for construction of the deferred improvements as directed by the public works director. The applicant must record this agreement with the Skagit County Auditor's Office.
4. The applicant must grade the subject portion of the right-of-way as though the public improvement were to be immediately installed and stabilize the graded area in a manner approved by the public works director. The applicant may be relieved of this requirement if the public works director determines that unusual circumstances preclude the grading.

E. Waiver.

A waiver to the requirement to install all or a portion of the required improvements may be granted for any of the following reasons:

1. The installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
2. The current level and extent of the improvements in the ROW adjacent to the subject property are not likely to be changed in the future.

F. Sidewalk construction-in-lieu program.

1. This subsection establishes circumstances in which the applicant may propose an off-site sidewalk construction-in-lieu of installing on-site street improvements in the ROW abutting the subject property. The City may accept off-site sidewalk construction-in-lieu of installing on-site sidewalks in any of the following circumstances:
 - a. The installation of the required improvement would require substantial on-site roadway modifications.
 - b. The public works director determines that installation of the required improvement would result in a safety hazard.
 - c. Other unusual circumstances preclude the construction of the improvements as required.
 - d. The improvements would not be extended past the property in the future, due to adjacency of critical areas, Anacortes Community Forest Lands, or similar attribute or land designation.
2. In each instance where the City approves a proposed sidewalk construction-in-lieu under the provisions of this section, the value of the sidewalk construction-in-lieu must be no less than the then-estimated cost of constructing the street improvements that would otherwise be required under this chapter, based on information compiled and kept current by the Public Works Department on the cost of street improvement construction.
3. After the value of the improvements has been determined, the public works director must determine the location of the off-site improvements. The improvements must be located within the neighborhood of the subject development and directed toward sidewalks or other similar public infrastructure improvements.
4. In each instance where the City accepts a sidewalk construction-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use than what was occurring on the property at the time of the sidewalk construction-in-lieu payment.

G. Multiple adjacent rights-of-way. When the subject property is adjacent to two or more rights-of-way, modifications, deferments, waivers, or sidewalk construction-in-lieu may be considered separately for each right-of-way. The highest level of improvement required must be constructed around the angle formed by the intersecting streets.

19.51.070 - Timing of improvements and bonding.

- A.** In lieu of completing the required public improvements prior to approval, the applicant may request final approval, subject to the approval of a suitable guarantee. The guarantee must be in a form acceptable to the city and in an amount commensurate with improvements to be completed. The amount of the guarantee is established at one hundred fifty percent of the cost of the city having to construct the improvements. The guarantee amount will require yearly review by the city and the applicant will be required to revise the guarantee amount to reflect the current inflation rate. Based on the revised amount, the applicant will resubmit suitable guarantee to the city. Also, the guarantee will be restricted as far as the amount of permissible time in which the improvements must be

completed. If not a regular surety bond from an acceptable stat-approved surety, the guarantee must be in a form acceptable to the city attorney.

- B. Guarantee funds will not be released by the city unless approval has been received from all applicable departments that are responsible for acceptance and/or maintenance of such improvements. Partial releases may be allowed.
- C. All improvements begun by the applicant must be completed. Once the applicant has begun making improvements, the applicant is not be eligible for submitting a guarantee to the city to cover the incomplete improvements.
- D. Public improvements must be in a place at time of certificate of occupancy or acceptable assurances for completion with a temporary certificate of occupancy.
- E. At the time of final acceptance of the improvements, the applicant must provide to the city a two-year warranty guarantee at ten percent of the established final cost of the public and/or off-site improvements which must be acceptable to the city.

Chapter 19.52 - PUBLIC STREET DESIGN

Sections:

- 19.52.010 - Purpose
- 19.52.020 - Applicability.
- 19.52.030 - City street classification system.
- 19.52.040 - Street geometric design and streetscape.
- 19.52.050 - Dead end streets and cul-de-sacs.
- 19.52.060 - Street intersections.
- 19.52.070 - Pavement design.
- 19.52.080 - Street names and signage.
- 19.52.090 - Street lights.
- 19.52.100 - Street monuments.

19.52.010 - Purpose.

- A. Provide economy of land use, construction, and maintenance.
- B. Promote integration of low impact development techniques to reduce impervious surfaces, stormwater runoff, and protect water quality.

19.52.020 - Applicability.

This chapter applies to the construction or provision of public right-of-way improvements per AMC Chapter 19.51 Required Public Street Improvements.

19.52.030 - City street classification system.

A. Functional Classification. The Transportation Element of the Anacortes Comprehensive Plan designates public right-of-way and streets based on their functional classification and must be consulted to determine which standards in this chapter apply. The following roadway classification types are designated:

1. Principal arterials. Streets that have a primary function of carrying traffic to and from major traffic generators and provide major connections to the regional arterial system.
2. Minor arterials. Streets that provide movement of through traffic, must also provide considerably more access for local traffic that originates or is designed to commercial, retail, or activity centers along a corridor.
3. Collectors. Streets that assemble and concentrate residential traffic and direct it toward the higher order arterial system.
4. High volume local streets. Streets that primarily serve residential neighborhoods and some commercial uses and generally connect to collectors or minor arterials.
5. Low volume local streets. Low volume streets that serve residential neighborhoods with no direct connections to collectors or arterials.

B. Unclassified and new streets. Classification of new streets or existing streets not already identified or classified on the Roadway Functional Classification map, for the purpose of determining the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, must be done by the public works director.

1. Factors to be considered in determining a street's classification include the following existing or proposed features:
 - a. Facility geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
 - b. Access conditions, including any restrictions on access, the spacing of private accesses, and average lot frontage widths.
 - c. Traffic characteristics, including average daily traffic, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak-hour characteristics of traffic.
 - d. Adjacent land uses.

19.52.040 - Street geometric design and streetscape.

A. Applicability. Required street improvements must meet the standards herein except when (1) (capital improvement projects) or B (modified and special standards) apply.

1. **Capital improvement projects.** In cases where the City Council has approved a capital improvements plan for a particular public right-of-way, that plan will govern the improvements required for the right-of-way and the provisions of this section do not apply.
2. **Modified and special standards.** In cases where a modified standard for a particular street or neighborhood has been approved by City Council per AMC 19.51.060(C)(5), or where special design standards are otherwise identified the Engineering Design Standards, those standards will govern the improvements required for the right-of-way and the provisions of this section do not apply.

C. Interpretation of Table 19.52.040(A) through (E).

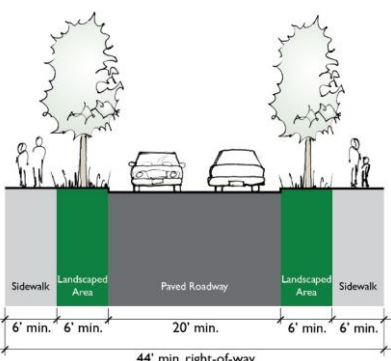
1. **Right-of-way.** Right-of-way width depends on number of travel lanes, parking lanes, type of curb and gutter, and other elements provided.
2. **Landscaped area.** Landscaped area contains vegetation, pedestrian amenities, utilities, and other roadside infrastructure. Street trees must be included according to the installation standards and requirements in the Anacortes Engineering Design Standards.
3. **Pavement width.** Pavement width refers to the minimum width of the traveled way, bike lanes, and parking lanes. Parking lanes are optional and may be required in special circumstances to accommodate guest parking [AMC 19.64.030(B)], traffic calming, and/or applicable service deliveries and activities appropriate to the street context and/or typical to the size, type, and density of the proposed development. When included, parking lanes must be eight feet wide and designed to provide water quality treatment consistent with AMC Chapter 19.76 Stormwater and the adopted DOE Stormwater Management Manual.
4. **Grade.** The maximum grade is as noted. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
5. **Sidewalks.** Refers to minimum width of sidewalks.

Comment [CR63]: This makes no sense and the numbering is screwed up (there is no B). Was something left out?

6. Bike lanes. Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system.

Bike lanes must connect to and align with the Anacortes Bikes/Walks Plan and bike lanes on abutting property. Dimensional standards for bike route signage must comply with the Manual on Uniform Control Devices (MUTCD).

Table 19.52.040(A)
Low-volume local street standards.

For rules of interpretation, see subsection (C).		
Right-of-way width	44 ft. minimum	Note: All residential subdivisions must accommodate provisions for guest parking [AMC 19.64.030(B)] and applicable service deliveries and activities typical to the size, type, and density of the proposed development. Guest parking may be accommodated by integrating on-street parking lanes and/or pockets, off-street parking areas, or other methods to the satisfaction of the public works director. 
Landscaped area width	6 ft. minimum on each side	
Pavement width	20 ft. except where parking lane(s) are included	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	NA	

Comment [CR64]: Landscaped parking strips look very nice. But when on-street parking abuts a densely planted area it is sometimes impossible for the passenger to get out of the car or even open the car door. Especially for elderly folks, getting out of the car onto a stable sidewalk is much safer. **Could it be an option to put the sidewalk next to the pavement?** Rock Ridge and other areas do this and it works just fine.

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Table 19.52.040(B)		
Minor arterial, collector, or high-volume local street design standards.		
For rules of interpretation, see subsection (C).		
Right-of-way width	54 ft. minimum	No key acc are: e
Landscaped area width	6 ft. minimum on each side	
Pavement width	30 ft. except where parking lane(s) are included	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	Yes	

Table 19.52.040(C)		
Principal arterial street design standards.		
For rules of interpretation, see subsection (C).		
Right-of-way width	80 ft. minimum	
Landscaped area width	Varies per block	
Pavement width	Varies	
Grade	12% maximum	
Sidewalk width	6 ft. minimum	
Bike lanes	Yes	

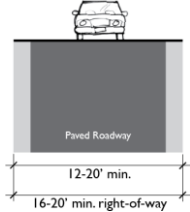
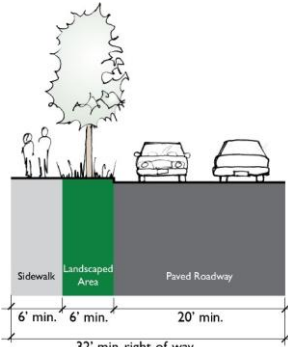
Table 19.52.040(D) Alley design standards.		
For rules of interpretation, see subsection (C).		
Right-of-way width	16-20 ft.	
Landscaped area width	NA	
Pavement width	12-20 ft.	
Grade	12% maximum	
Sidewalk width	NA	
Bike lanes	NA	

Table 19.52.040(E) Lane design standards.		
For rules of interpretation, see subsection (C).		
Right-of-way width	32 ft.	
Landscaped area width	6 ft. minimum one side	
Pavement width	20 ft.	
Grade	12% maximum	
Sidewalk width	6 ft. minimum (one side)	
Bike lanes	NA	

19.52.050 - Dead end streets and cul-de-sacs.

- A. Limited application. Dead end streets and cul-de-sacs are limited in application and may only be permitted where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible. See AMC 19.54.020 Block design and connectivity standards for related standards.
- B. Minimum requirements. Streets longer than 150' require an approved turnaround, such as a hammerhead or cul-de-sac. The Fire Department will determine the type of turnaround required based on the number of units accessing the street and other site specific characteristics.
Dead-end provisions for shared driveways are established in AMC 19.53.040(B).
- C. Hammerhead design. The hammerhead turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements.

- D. Cul-de-sac design. The cul-de-sac turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements. Cul-de-sacs may have a landscaped center area to implement Low Impact Development techniques. The landscaping must be maintained by the homeowner's association or adjacent property owners.
- E. Waiver of turnaround. The requirement for a turnaround or cul-de-sac may be waived with approval of the Fire Department when the development proposal will not create an increased need for emergency operations or the impacts are otherwise mitigated.

19.52.060 - Street intersections.

The following standards apply to street intersections:

- A. Streets must intersect at right angles, except when topography dictates otherwise, and in no case may the angle of intersections be less than 60 degrees.
- B. Two streets meeting at a third street from opposite sides must meet at the same point, or their centerlines must be offset at least 125 feet.
- C. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual roadways.
- D. Intersections of local streets with arterials and highways must be kept to a minimum.

19.52.070 - Pavement design.

The design of pavement structures and subgrades must conform to the Anacortes Engineering Design Standards.

19.52.080 - Street names and signage.

- A. Generally. Names of new streets must not duplicate the names of existing streets unless the new street continues or aligns with an existing street. All new street names must be submitted to and approved by the City.
- B. Street name signs. Street name signs must be manufactured and installed in accordance with specifications of the Anacortes Engineering Design Standards.
- C. Warning and regulatory traffic signs. Within the Anacortes city limits, warning and regulatory traffic signs must be installed within and must about the subdivision in accordance with the Manual on Uniform Control Devices (MUTCD).

19.52.090 - Street lights.

Street lighting must be installed by the applicant conforming to the Anacortes Engineering Design Standards.

19.52.100 – Street monuments.

Existing monuments must remain undisturbed during construction. New monuments may be required per the Anacortes Engineering Design Standards.

Chapter 19.53 - PRIVATE DRIVEWAYS & ACCESS

Sections:

- 19.53.010 - Purpose.
- 19.53.020 - Applicability.
- 19.53.030 - Driveways and access easements.
- 19.53.040 - Residential driveway types.
- 19.53.050 - Internal circulation for cottage, townhouses, and multifamily developments.

19.53.010 - Purpose.

To enhance safe and efficient roadway operations while providing access to adjacent properties and businesses.

19.53.020 - Applicability.

All new or altered private driveways and private accesses onto a city street (including temporary or construction accesses) must comply with this chapter and the Anacortes Engineering Design Standards.

19.53.030 - Driveways and access easements.

A. General. Dimensions, slopes, and details for all driveways and access easements connecting to a city street must comply with this chapter and the Anacortes Engineering Design Standards.

B. Driveway location.

1. Collector & arterial streets. Driveways providing direct access onto a collector or arterial street are prohibited when an alternative access is available. When alternative access is not available, a driveway or access may be permitted onto a collector or arterial when approved by the public works director.
2. Frontage on multiple streets. Where a property has frontage on more than one street, driveways and accesses are limited to the lowest volume street, as determined by the public works director.
3. Alleys. Where a property abuts an alley, driveways must access from the alley, except when either of the following conditions exist:
 - i. The property is in a residential zone and topography, lack of existing improvements, or other conditions makes alley access impracticable.
 - ii. The property is located in a mixed-use, industrial, or R4 zone and anticipated traffic generation of the use in combination with other existing or future permitted uses along the block would exceed the functional capacity of the alley.

C. Driveway spacing from a street intersection.

1. Driveways and access easements should be located at the greatest distance possible from an intersection of two streets and must meet the minimum spacing standards in the Anacortes Engineering Design Standards.
2. When compliance with minimum spacing standards in the Anacortes Engineering Design Standards would result in a property without a reasonable means of connection to the street system, a new driveway may be allowed within a smaller distance. The applicant may be required

to provide a traffic impact analysis to support the request. Conditions of approval may be established, including, but not limited to:

- a. Traffic volume and movements. Limits on the maximum vehicular usage of the connection or limits on turning movements.
- b. Joint Use Connection. A legally enforceable joint use driveway easement when needed to maintain the operational efficiency and safety of the street.
- c. Future alternate access. If and when future alternate means of access becomes available, the nonconforming connection must be removed.

D. Driveway separation. Driveways must be separated by a minimum of 30 feet, except where no other option exists per the public works director.

E. Number of driveways. A maximum of one driveway per lot is allowed, except:

1. When additional driveways or accesses are needed due to the amount of traffic generated by the project and there is enough space to safely accommodate the additional driveway or access.
2. When permitted for applicable housing type standards in AMC 19.43.010 provided such driveways meet separation standards in subsection (D) above.

F. Driveway cut width. Driveway cuts are limited to the widths identified in Table 19.53.030.

Table 19.53.030 Driveway cut width.		
Use Type	Minimum Width	Maximum Width
Residential		
Lot width = 50 feet or greater	10 feet	20 feet
Lot width < 50 feet	10 feet	12 feet or 20 feet if shared with adjacent lot
Commercial and Industrial	20 feet	30 feet

19.53.040 - Residential shared driveways.

A. Shared driveways may be allowed for providing access to residential units in a subdivision per Table 19.53.040(B), provided:

1. The residential units being served by a shared driveway are any combination of single-family, duplex, or triplex buildings on individual lots.
2. At least one lot abuts a public right-of-way and the lot frontage of the lot is equal to or greater than the minimum lot width circle requirement of the zone.
3. A public street is not anticipated by the City of Anacortes to be necessary for existing or future traffic and/or pedestrian circulation through the short subdivision or to serve adjacent property.
4. The shared driveway would not adversely affect future circulation to neighboring properties.
5. The shared driveway poses no safety risk and provides sufficient access for emergency vehicles and personnel.

See AMC 19.54.040(D) for shared access lot standards.

B. Minimum standards.

1. Shared driveways must be located within an easement or tract.
2. Table 19.53.040(B) provides standards for the maximum length, minimum paved width and easement width, and applicable turnaround requirements.

Table 19.53.040(B) Residential shared driveway standards.				
Max. # units	Max. length	Min. Paved width	Min. Easement width	Turnaround?
Up to 3	150'	16'	20'	No
Up to 6	150'	20'	20'	No
Up to 6	>150'	20'	20'	Yes – approved turnaround

3. ~~If a shared driveway abuts properties that are not part of the subdivision, a~~ five-foot wide landscape buffer must be provided between the shared driveway and neighboring properties.
4. Stormwater collection and treatment must be provided according to AMC Chapter 19.76 Stormwater.
5. The maximum grade must not exceed 12 percent. The maximum grade may be increased with approval of the Fire Department based on review of emergency services access and water supply availability.
6. The minimum base and surfacing must comply with the Anacortes Engineering Design Standards and be capable of supporting fire apparatus.
7. New lots served by shared driveways are subject to the design provisions of AMC 19.54.040(D).

Comment [CR65]: most new shared driveways would be internal to an older subdivision, not on the edge of another subdivision, so, as worded, this would not apply. Whether or not the driveway is in the same subdivision, doesn't the adjacent neighbor deserve a buffer from the higher traffic on a shared driveway?

C. Signage and addressing.

1. Traffic control devices including installation of “No Parking” signs as required by the city must be provided.
2. Lots served by the shared driveway must be addressed to the public street to which the shared driveway connects.

D. Easement or tract ownership and maintenance.

1. The easement or tract must be shown and recorded on the face of the plat [or short plat](#) to be preserved in perpetuity. If a tract is created, the owners of the subject lots must have an equal and undivided interest in ownership of the tract.
2. Appropriate legal instruments ensuring that the shared driveway can be continually maintained to minimum standards listed in this section by the owners of the lots served by the driveway must be provided prior to recording of the [plat or short plat](#).

E. Obstructions. A restriction prohibiting any temporary or permanent physical obstructions within the easement, including, but not limited to, the parking of non-emergency vehicles, must be shown on the face of the short plat.

F. Timing of improvements. The shared driveway must be installed prior to recording of the plat unless approved for deferral/bonding.

G. Waiver of turnaround. A required turnaround or cul-de-sac may be waived with approval of the Fire Department when the development proposal will not create an increased need for emergency operations or the impacts are otherwise mitigated.

19.53.050 - Internal circulation for cottage, townhouses, and multifamily developments.

Internal shared access drives for cottages, townhouses, and multifamily development are subject to the following standards:

- A. Internal shared access drives must be a minimum of 20 feet wide within a minimum 20 feet wide easement (if applicable). Alternative designs will be considered in consultation with the Fire Department based on whether fire apparatus can enter the site, location and distance of fire hydrants, provision of fire-suppression sprinklers, and water supply availability.
- B. Internal shared access drives may provide direct access to off-street parking spaces and/or incorporate parallel parking spaces, provided the minimum dimensional standards of AMC 19.64.050 are met. Note that certain parking angles may require wider dimensions than those required in subsection (A) above.

C. Pedestrian circulation.

I. Sidewalk.

- a. When required, Internal shared access drives which serve four or more units must include at least one sidewalk on one side of the drive.
- b. Dimensions. Sidewalks must be curbed and raised six inches and have a minimum clear width of five feet. Where a sidewalk is adjacent to perpendicular or angled parking, an extra two feet of width must be provided to accommodate parked vehicles overhanging the sidewalk. Ramps and other accessibility features must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.

- c. The sidewalk must connect to a public street and must minimize walking distances to the extent practical.
- 2. Sidewalks must be separated from structures with at least three feet of landscaping.
- 3. Crosswalks are required when a pedestrian pathway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

DEPARTURES will be considered for alternative pedestrian circulation designs that provide an equivalent level of pedestrian safety and comfort. For example, a curbless woonerf (shared street) with special pavement, landscaping, bollards, and other design features may adequately calm traffic speeds and movements.

Chapter 19.54 - SUBDIVISION DESIGN & BLOCK STRUCTURE

Sections:

- 19.54.010 - Purpose.
- 19.54.020 - Block design and connectivity standards.
- 19.54.030 - Open space/parks.
- 19.54.040 - Lot design.
- 19.54.050 - Access, services, and utilities.

19.54.010 - Purpose.

The purpose of this chapter is to:

- A. Enhance the character and livability of Anacortes's neighborhoods.
- B. Encourage compact and walkable neighborhoods [and connections between neighborhoods](#).
- C. Promote "eyes on the street" for safety.
- D. Promote subdivision design that reduces energy consumption.
- E. Integrate open spaces, natural elements, utilities, and recreational features into the design of developments.

19.54.020 - Block design and connectivity standards.

Anacortes's comprehensive plan places a high priority on being a "walkable" community. In order to be walkable, there needs to be frequent accessible and attractive connections between destinations. Consequently, this requires a well-connected system of streets and pathways that encourages people to walk. Thus block size and design has a direct impact on the walkability of a community.

A. All zones.

1. Connectivity to abutting lands. The street system of proposed subdivisions must be designed to connect with existing, proposed, and planned streets outside of the subdivision. Wherever a proposed development abuts unplatted land or other land with the capability of being further subdivided, street stubs must be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs must be provided with a temporary turn-around unless specifically exempted by the fire marshal, and the restoration and extension of the street must be the responsibility of any future developer of the abutting land.
2. Continuation of streets. Planned streets must connect with surrounding streets to permit the convenient movement of traffic between neighborhoods and to facilitate emergency access and evacuation. Connections must be designed to meet or exceed the block standards in subsections (B) and (C) below, and to avoid or minimize through traffic on local streets.
3. Pedestrian pathways. Short internal pathways can improve pedestrian mobility within developments. Examples could include a pathway in the middle of a block or at the end of a cul-de-sac. Such pathways must be located within an easement or common open space tract allowing for public access and maintained by the homeowner's association unless the city or other public authority accepts ~~and~~ [an](#) offer of dedication.

B. Residential zones. New residential developments must provide an integrated and connected network of streets to help provide a sense of place and orientation and provide multiple travel route options for all users. A street network dominated by long, irregular loop roads and cul-de-sacs is not appropriate. The following standards apply to new development in the residential zones.

1. Blocks must be designed to provide pedestrian and vehicular connections at intervals no greater than 660 feet.
2. DEPARTURES to the standard in paragraph (1) will be considered per AMC 19.20.220 provided the alternative design meets the purposes of the standards (see AMC 19.54.010 above) and meets the following criteria:
 - a. A departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards herein. For example, a larger block could allow for the development of a compact village of homes around a centralized open space; and
 - b. Departures meeting criteria in paragraph (a) above allow configurations with pedestrian and vehicular connections at intervals greater than 660 feet, but no greater than 1,000 feet, except when the following conditions are present: Where topography, right-of-way, existing construction or physical conditions, or other geographic conditions prevent compliance or impose an unusual hardship on the applicant, the decision-maker may relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

C. Commercial, mixed-use and light industrial zones. New developments in mixed-mixed-use and industrial zones must provide an integrated and connected network of streets to help provide multiple travel route options for all users and complies-comply with the goals and policies of the Anacortes Comprehensive Plan.

19.54.030 - Open space/parks.

Parks and open space integrated into residential subdivisions must meet the following design criteria:

A. Must be convenient, usable and accessible. All open spaces must be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces must be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated or terrain makes use difficult. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

Figure 19.54.030(A)
Examples of accessible parks.

These parks are located in accessible and centralized locations within the neighborhood. Both parks have accessibility from streets on multiple sides combined with good visibility from adjacent homes.



B. Must be inviting. Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive recreational uses. It could include a children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use must be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.

Figure 19.54.030(B)
Examples of inviting park design.

Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.



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C. Must be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:

1. Natural surveillance - which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good “eyes” on the park or plaza.
2. Lighting that reflects the intended hours of operation and is appropriate for the proposed activities.
3. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces or minimize views.
4. Entrances should be prominent, well lit, and highly visible from inside and outside of the space.
5. Maintenance. Open spaces must utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, must be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.

D. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.

E. Must be well maintained. Open space must be maintained by the land owner(s) unless the city or other public authority accepts ~~and an~~ offer of dedication.

19.54.040 - Lot design.

A. Generally.

1. Lots within subdivisions must be designed to allow placement of homes to address functional design issues. Lots must be designed to contain a usable building area. If the building area would be difficult to develop, the lot must be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots. Soil analysis which determines low-impact development infiltration feasibility may affect site designs and home placement.
2. The placement and orientation of lots and homes should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the home and its relationship to the surrounding environment. Flexibility is encouraged in spatial orientation of homes on lots to address these issues and create interesting and attractive streetscapes with homes having a high functional value that might not otherwise occur with a less flexible approach.
3. To maximize site efficiency and usable open space, small lot developments (generally less than 5,000 square feet in area and less than 50 feet wide) are encouraged to utilize the lot design standards of this chapter or related design schemes provided they meet access, design, and other applicable standards established in this Title.

B. General standards

1. Zero lot line, reciprocal use easement lots, and shared access lots developments are allowed in all residential zones except Old Town (OT).

Comment [CR66]: These would violate the OT setback requirements

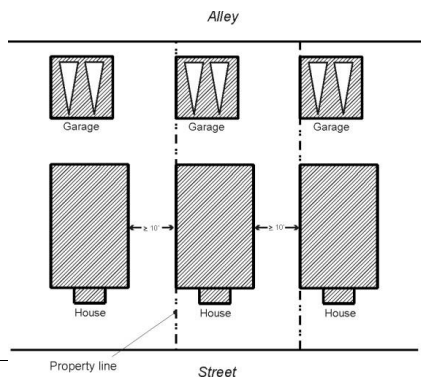
2. Lot lines which are contiguous with the development's exterior property line must meet the standard setback requirements of Table 19.42.020.

B. Zero lot line. This is a configuration where the house and/or garage is built up to one of the side property lines **within the development**, providing the opportunity for more usable side setback space. Standards:

3. Dwelling units and accessory structures may be placed on one interior side property line **that is part of the development**. The opposite side setback must be at least 10 feet. Also see AMC 19.43.010(C) for small lot single family development standards, including minimum usable open space requirements.
4. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls along a zero lot line structure are allowed except for windows that do not allow for visibility into the **interior** side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(B) below for an example of a privacy wall for a zero lot line house.
5. Eaves along a zero lot line may project a maximum of 18 inches over the **interior side** property line.
6. Lots intended for zero lot line homes must be noted on the plat, together with minimum side setback areas and maximum building envelopes.

Figure 19.54.040(B)
Zero lot line design.

Zero lot line layout example (left). The right image shows the side setback and privacy wall for a zero lot line house.



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C. Reciprocal use easement lots. Reciprocal use easements work similar to the zero lot line configuration. Principal and accessory structures must meet the standard setbacks, and easements are granted on one side to allow use of the side setback by the adjacent property [see Figure 19.54.040(C) for an example]. Reciprocal use easements may also be used in the rear setback to maximize usable open space.

1. Reciprocal easements must be noted on the plat. Easement areas may be used for the minimum usable open space requirements in AMC 19.43.010(C)(3)(c).
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(B) above for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots.

Figure 19.54.040(C)
Reciprocal use lots examples.

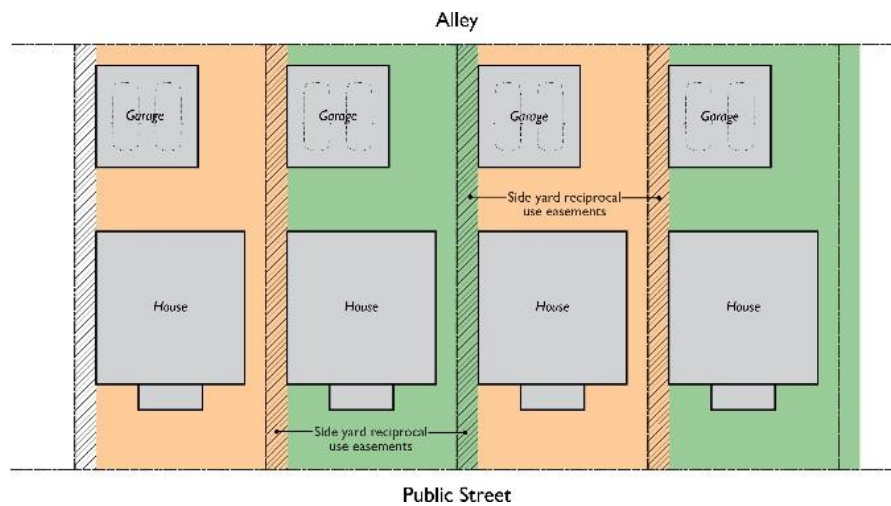
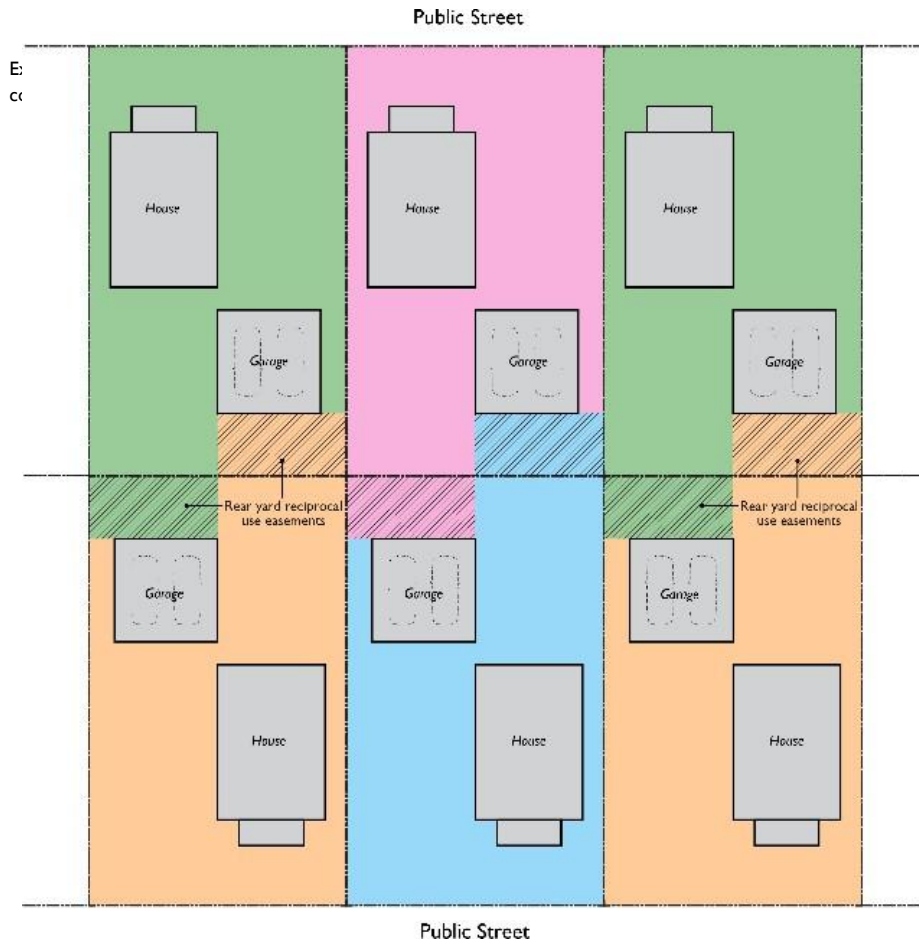


Figure 19.54.040(C)
Reciprocal use lots examples.

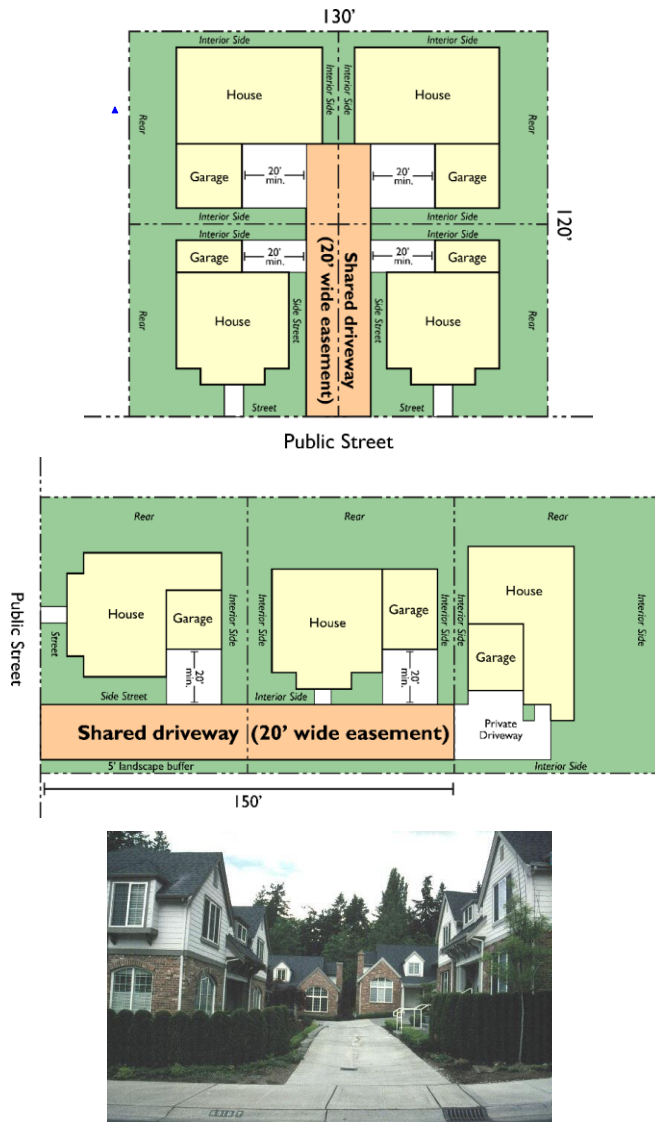


D. Shared access lots. This includes a series of lots clustered around a shared driveway (see AMC 19.53.040). Standards:

1. Maximum number of lots served by a shared access: Six [this includes lots fronting the street on either side of the shared access as shown in Figure 19.54.040(D)].
2. Maximum length and width of shared access: See AMC 19.53.040.
3. Setback standards and options for lots served by a shared driveway.
 - a. Lots fronting on a public street and containing a shared driveway on one side are considered corner lots for the purpose of determining setbacks [see AMC 19.42.150(B)(2) for details].
 - b. Garages facing a shared driveway easement must be setback at least 20 feet from the easement line.
 - c. For interior lots featuring a shared driveway and easement extending through one side of the lot, no street setback is required. Such lots are subject to interior side setbacks on three sides. For the side of the lot featuring the access easement, the interior side setback is applied from the edge of the easement. The rear setback is located opposite the shared driveway.
 - d. Lots sited at the terminus of a shared driveway easement are exempt from the street setback requirement. Such lots must meet interior side setbacks on three sides and a rear setback on one side.

See Figure 19.54.040(D) for examples of subdivisions served by shared driveways and clarification of street, interior, and rear setbacks.

Figure 19.54.040(D)
Examples of shared access lots.



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E. Alley access lots. This includes configurations where lots are provided with vehicular access by an alley designed per the most recent version of the Anacortes Engineering Design Standards.

1. Alley access lots are only allowed where the lots front onto **or front onto state highway 20 spur** a park or trail (on the opposite end of the alley). Dead-end alleys are subject to the turn-around standards of AMC 19.52.050 and through alleys are limited by the maximum block length standards of AMC 19.54.020(B).
2. Pedestrian access to each alley access lot must be provided by either a public street or a pedestrian easement **with a sidewalk**.

Comment [CR67]: There are quite a few of these in the "west" blocks, where driveways onto the highway are undesirable and topography is steep.

19.54.050 - Access, services, and utilities.

- A. Each lot in a residential subdivision must have access directly to a public right-of-way, except for:
 1. Interior lots served by a shared driveway that complies with the provisions of AMC 19.53.040.
 2. Alternative lot designs as described in AMC 19.54.040.
 3. Any lot created that is not adjacent to a public right-of-way but that has a right of ingress and egress to that right-of-way provided that such right has been established as a matter of record in a manner that runs with the land and is irrevocable.
- B. All driveways must be constructed in compliance with AMC 19.53.030 and the Anacortes Engineering Design Standards.
- C. Each lot in a residential subdivision must be provided with adequate provisions for water supplies, sanitary wastewater facilities, storm drainage and surface water facilities, electric, and natural gas facilities (if applicable), consistent with the requirements of Anacortes Engineering Design Standards.
- D. Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020.

DIVISION 6 - PROJECT DESIGN

Division 6 - Project Design..... 212

Chapter 19.60 - INTRODUCTION..... 216

19.60.010 - Purpose..... 216

19.60.020 - Applicability and compliance..... 216

19.60.030 - How the provisions of this division are applied..... 219

Chapter 19.61 - BLOCK FRONTAGE STANDARDS..... 220

19.61.010 - Purpose..... 220

19.61.020 - Applicability..... 220

19.61.030 - How to use this chapter..... 221

19.61.040 - Block frontage designation maps..... 222

19.61.050 - About the transparency standards..... 229

19.61.060 - Storefront block frontage standards..... 231

19.61.070 - Landscaped block frontage standards..... 235

19.61.080 - Mixed block frontage standards..... 238

19.61.090 - Marine street standards..... 241

19.61.100 - Gateway block frontage standards..... 243

19.61.110 - Undesignated (streets with no designated block frontage)..... 245

19.61.120 - Trail block frontage standards..... 246

19.61.130 - Esplanade block frontage standards..... 246

19.61.140 - Central waterfront (CW) corridors and block frontage standards..... 247

19.61.150 - Where properties front onto multiple streets..... 247

19.61.160 - Where properties have multiple designations along one frontage..... 248

19.61.170 - High visibility street corners..... 249

19.61.180 - Framework development plan.....	251
Chapter 19.62 - SITE PLANNING	252
19.62.010 - Purpose.....	252
19.62.020 - Applicability.....	252
19.62.030 - Relationship to adjacent properties	253
19.62.040 - Internal open space.....	255
19.62.050 - Internal pedestrian access and design.....	261
19.62.060 - Vehicular circulation and parking.....	267
19.62.070 - Service areas and mechanical equipment.....	269
Chapter 19.63 - BUILDING DESIGN	274
19.63.010 - Purpose.....	274
19.63.020 - Applicability.....	274
19.63.030 - Building massing and articulation.....	275
19.63.040 - Building details.....	281
19.63.050 - Building materials.....	288
19.63.060 - Blank wall treatment.....	292
Chapter 19.64 - PARKING.....	294
19.64.010 - Purpose.....	294
19.64.020 - Generally.....	294
19.64.030 - Computation of required parking spaces	295
19.64.040 - Number of parking spaces required.....	296
19.64.050 - Size of parking spaces	300
19.64.060 - Modifications to parking requirements	301
19.64.070 - Parking fee-in-lieu	302
19.64.080 - Shared parking.....	303
19.64.090 - Parking for shell building permits.....	303

19.64.100 - Bicycle parking requirements.....	303
19.64.110 - Parking area design and construction standards.....	305
19.64.120 - Parking area maintenance.....	305
Chapter 19.65 - LANDSCAPING.....	306
19.65.010 - Purpose.....	306
19.65.020 - Applicability and compliance.....	306
19.65.030 - Landscaped area, defined.....	306
19.65.040 - Landscape plans.....	307
19.65.050 - Plant material and installation standards.....	307
19.65.060 - Landscaping types.....	309
19.65.070 - Landscaping site design standards.....	314
19.65.080 - Maintenance.....	320
19.65.090 - Irrigation standards.....	320
19.65.100 - Performance assurance/bonding.....	321
Chapter 19.66 - FENCES, WALLS & HEDGES.....	322
19.66.010 - Purpose.....	322
19.66.020 - Applicability.....	322
19.66.030 - Fences, walls, and hedges for residential zones.....	322
19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones.....	327
19.66.050 - Fence, wall, hedge, and rockery measurements.....	327
19.66.060 - Fence and wall location and maintenance.....	328
19.66.070 - Fence types prohibited.....	328
19.66.080 - Retaining walls and rockeries.....	328
Chapter 19.67 - SIGNS.....	332
19.67.010 - Purpose.....	332
19.67.020 - Applicability.....	333

19.67.030 - Sign definitions.....	334
19.67.040 - General requirements	335
19.67.050 - Measurement of sign area.....	339
19.67.060 - Signs types and standards	341
19.67.070 - Signs types permitted by zone.....	347
19.67.080 - Supplemental freestanding sign design standards.....	348
19.67.090 - Supplemental building-mounted sign standards.....	353
19.67.100 - Noncommercial speech signs	364
19.67.110 - Temporary sign standards	364
19.67.120 - Supplemental sign setback requirements.....	371
19.67.130 - Nonconforming signs.....	371
19.67.140 - Violations.....	372
19.67.150 - Severability.....	372
Chapter 19.68 - WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS.....	374
Chapter 19.69 - STANDARDS, GENERALLY	375
19.69.010 - Purpose of this division and adoption by reference.....	375
19.69.020 - Noise.....	375
19.69.030 - Air pollution.....	375
19.69.040 - Exterior lighting.....	376
19.69.050 - Glare or heat.....	376
19.69.060 - Special standards for the I, LM, HM, and AZ zones.....	376
19.69.070 - Clear-vision triangle requirements.....	376

Chapter 19.60 - INTRODUCTION

Sections:

19.60.010 - Purpose.

19.60.020 - Applicability and compliance.

19.60.030 - How the provisions of this division are applied.

19.60.010 - Purpose.

This division is authorized by the City Council as a major implementation tool of the Anacortes Comprehensive Plan. Overall, this division intends to:

- A. Provide clear objectives for the planning and design of development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes Comprehensive Plan.
- D. Preserve and enhance the historic resources and character of the Central Business District.
- E. Ensure that new multifamily, mixed-use, and commercial development is of high quality and appropriate to Anacortes's character and context.
- F. Promote increased pedestrian, bicycling, and transit use in commercial and multifamily areas.
- G. Enhance the livability of residential developments.
- H. Enhance the public's physical and visual access to the water.
- I. Increase awareness of design considerations among the citizens of Anacortes.
- J. Maintain and enhance property values within Anacortes.

19.60.20 - Applicability and compliance.

- A. The project design provisions in this division generally apply to all new development within the city, including, but not limited to, building additions, site improvements, and new signage. However, since each chapter addresses different design and development elements, the applicability of each chapter is clarified at the beginning of the chapter.
- B. Relationship to other codes and documents. Where provisions of this division conflict with provisions in any other section of the AMC, this division prevails unless otherwise noted.
- C. For building additions, remodels, and site improvements, three different thresholds have been established to determine how the standards herein are applied to such projects. See Figure 19.60.020 for examples of site development and the respective types of improvements required under each of the three levels of improvements.
 - I. **Level I improvements** include all exterior remodels, building additions, and/or site improvements that affect the exterior appearance of the building/site and/or cumulatively increase the gross floor area on a site by up to 50 percent within three years of the date of permit issuance. The requirement for such improvements is only that the proposed improvements meet the standards and do not lead to further nonconformance with the standards.

For example, if a property owner decides to replace a building façade's siding, then the siding must meet the applicable exterior building material standards, but elements such as building articulation would not be required.

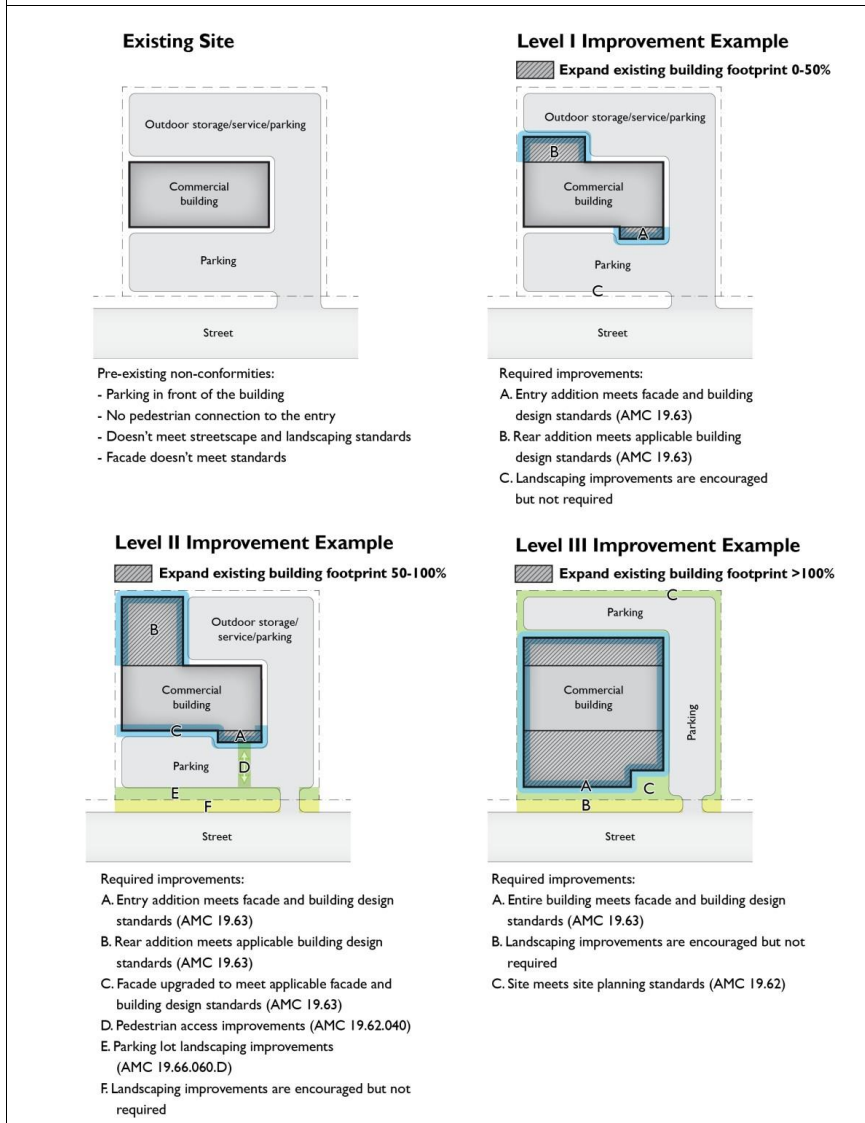
2. **Level II improvements** include all improvements that cumulatively increase the gross floor area on a site by more than 50 percent, but not greater than 100 percent, within three years of the date of permit issuance. All standards that do not involve repositioning the building or reconfiguring site development must apply to Level II improvements.

For example, if a property owner of an existing home in the CBD zone wants to convert the home to a retail use and build an addition equaling 75 percent of the current building's footprint, then the following elements must apply:

- a. The location and design of the addition/remodel must be consistent with AMC Chapter 19.61 Block Frontage Standards, which addresses building frontages, entries, parking lot location, and street setback landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards (see AMC Chapter 19.64 Parking)
 - a. Comply with the standards of AMC Chapter 19.62 Site Planning.
 - b. Comply with all provisions of AMC Chapter 19.63 Building Design, except architectural scale and materials provisions related to the existing portion of the building where no exterior changes are proposed. The entire building must comply with building elements/details, materials, and blank wall treatment standards.
 - c. Comply with the off-street parking, landscaping, and signage, provisions of this division that relate to proposed improvements.
2. **Level III improvements** include all improvements that cumulatively increase the gross floor area on a site by more than 100 percent within three years of the date of permit issuance. Such developments must conform to all applicable standards, except in a case where there are multiple buildings on one site, and only one building is being enlarged. In that scenario, improvements to the additional buildings are not required, but conformance with all other standards apply.

Figure 19.60.020.

Examples of improvement types and required compliance.



19.60.030 - How the provisions of this division are applied.

Most sections within the chapters herein include the following elements:

- A. Purpose statements, which are overarching objectives.
- B. Standards use words such as “must” and “is/are required,” signifying required actions.
- C. Guidelines use words such as “should” or “is/are recommended,” signifying voluntary measures.
- D. Departures are provided for specific standards. They allow alternative designs provided the reviewing authority determines the design meets the purpose of the standards and guidelines and other applicable criteria. See AMC 19.20.220 for related procedures associated with departures.
- E. This division contains some specific standards that are easily quantifiable, while others provide a level of discretion in how they are complied with. In the latter case, the applicant must demonstrate to the director, in writing, how the project meets the purpose of the standard or standards.

Chapter 19.61 - BLOCK FRONTAGE STANDARDS

Sections:

- 19.61.010 - Purpose.
- 19.61.020 - Applicability.
- 19.61.030 - How to use this chapter.
- 19.61.040 - Block frontage designation maps.
- 19.61.050 - About the transparency standards.
- 19.61.060 - Storefront block frontage standards.
- 19.61.070 - Landscaped block frontage standards.
- 19.61.080 - Mixed block frontage standards.
- 19.61.090 - Marine street standards.
- 19.61.100 - Gateway block frontage standards.
- 19.61.110 - Undesignated (streets with no designated block frontage).
- 19.61.120 - Trail block frontage standards.
- 19.61.130 - Esplanade block frontage standards.
- 19.61.140 - Central waterfront (CW) corridors and block frontage standards.
- 19.61.150 - Where properties front onto multiple streets.
- 19.61.160 - Where properties have multiple designations along one frontage.
- 19.61.170 - High visibility street corners.
- 19.61.180 - Framework development plan.

19.61.010 - Purpose.

- A. To reinforce the historic storefront character of downtown Anacortes.
- B. To enhance the pedestrian environment in commercial and multifamily areas throughout Anacortes.
- C. To minimize potential negative impacts of parking lots and garages on the streetscape.
- D. To promote good visibility between buildings and the street for security for pedestrians and to create a more welcoming and interesting streetscape.

19.61.020 - Applicability.

- A. The provisions of this chapter apply to all nonresidential and multifamily development. **Exemptions** Exceptions are the following:
 - 1. All development in the I, LM, AZ, and CM2 zones.
 - 2. Development in the HM and LMI zones not abutting State Route 20 right-of-way.
 - 3. Development in the MS zone except for applicable block frontages designated Storefront, Landscaped, or Mixed as established in AMC 19.61.040.

19.61.030 - How to use this chapter.

Site orientation standards for individual properties depend on the block frontage designated for that location. The following steps will help in using this chapter:

- A. Go to the maps in AMC 19.61.040 to find the property and the block frontage type designation.
 1. For multifamily and non-residential development in residential zones, the standards for Landscaped block frontages apply.
 2. For development that fronts onto multiple streets, see provisions in AMC 19.61.150.
- B. Go to the appropriate code section in this chapter for the site orientation standards for applicable block frontage type designation. Table 19.61.030 includes a summary of key block frontage types.

Table 19.61.030
Summary of key block frontage types.

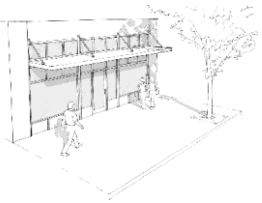
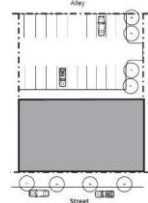
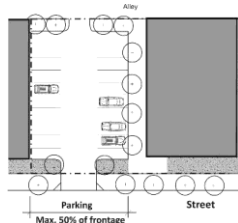
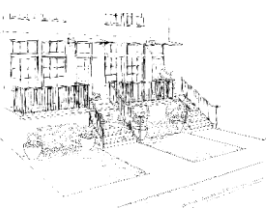
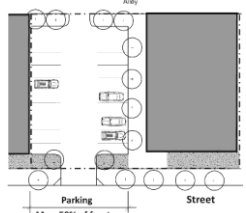
	Permitted Frontage	Parking Location	Details
Storefront			- No new parking adjacent to the street. - Special transparency, weather protection, and entry requirements. - Minimum commercial space height and depth. - No ground floor residential uses except lobbies for upper level units.
Mixed	↑ Storefront or Landscape Frontages allowed ↓		- Parking must be to the side or rear of buildings. For multi-building developments, no more than 50% of frontage may be parking. - Landscaping to soften façades of non-storefronts and buffer parking areas. - Minimum façade transparency requirements per use and setback.
Marine		Parking placed to the side or rear of buildings is preferred, but may be placed in front of buildings for certain uses and/or in exchange for improved public waterfront access.	- Landscaping to soften façades of non-storefronts and buffer parking areas. - Minimum façade transparency requirements per use and setback.

Table 19.61.030 Summary of key block frontage types.			
Landscape			• Parking must be to the side or rear of buildings. For multi-building developments, no more than 50% of frontage may be parking. • Landscaping to soften façades and buffer parking areas.
Undesignated	Storefront or Landscape Frontages allowed <u>but not required</u>	No parking lot location restrictions	• Landscaping soften façades of non-storefronts and buffer parking areas. • Minimum façade transparency requirements per use and setback.

19.61.040 - Block frontage designation maps.

A. Establishment of the Official Block Frontage Designation Maps.

1. The block frontage designations established by this title are maintained under the direction of the director. All notations, references, and other information shown have the same force and effect as if fully described in this title.
2. At the direction of City Council, the director is authorized to revise the Official Block Frontage Designation Maps. No unauthorized person may alter or modify the Official Block Frontage Designation Maps.
- ~~2.3. except through~~ The director must revise the Official Block Frontage Designation Maps to correspond to any changes that are part of an approved Framework Development Plan (see AMC 19.61.180).
- ~~3.4.~~ The department must maintain digital or printed copies of the Official Block Frontage Designation Maps and maintain records of superseded official maps.

Comment [CR68]: NO unauthorized person should alter the maps - period!

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Figure 19.61.040(A)
Anacortes block frontage designations maps index.

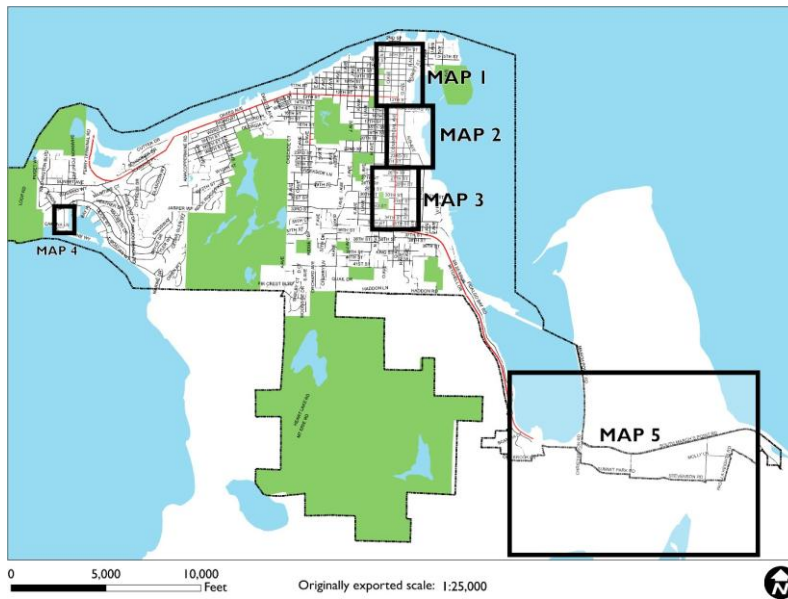
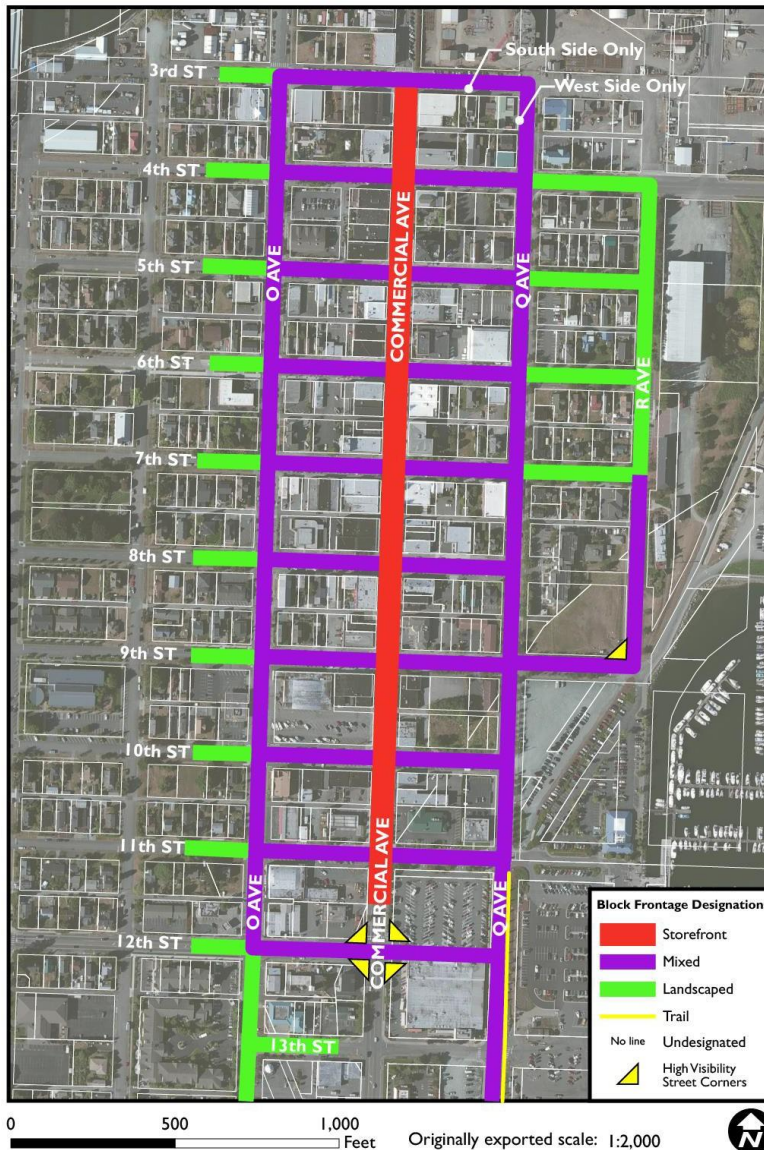


Figure 19.61.040(B)

Map I: Anacortes block frontage designations map for the downtown area.

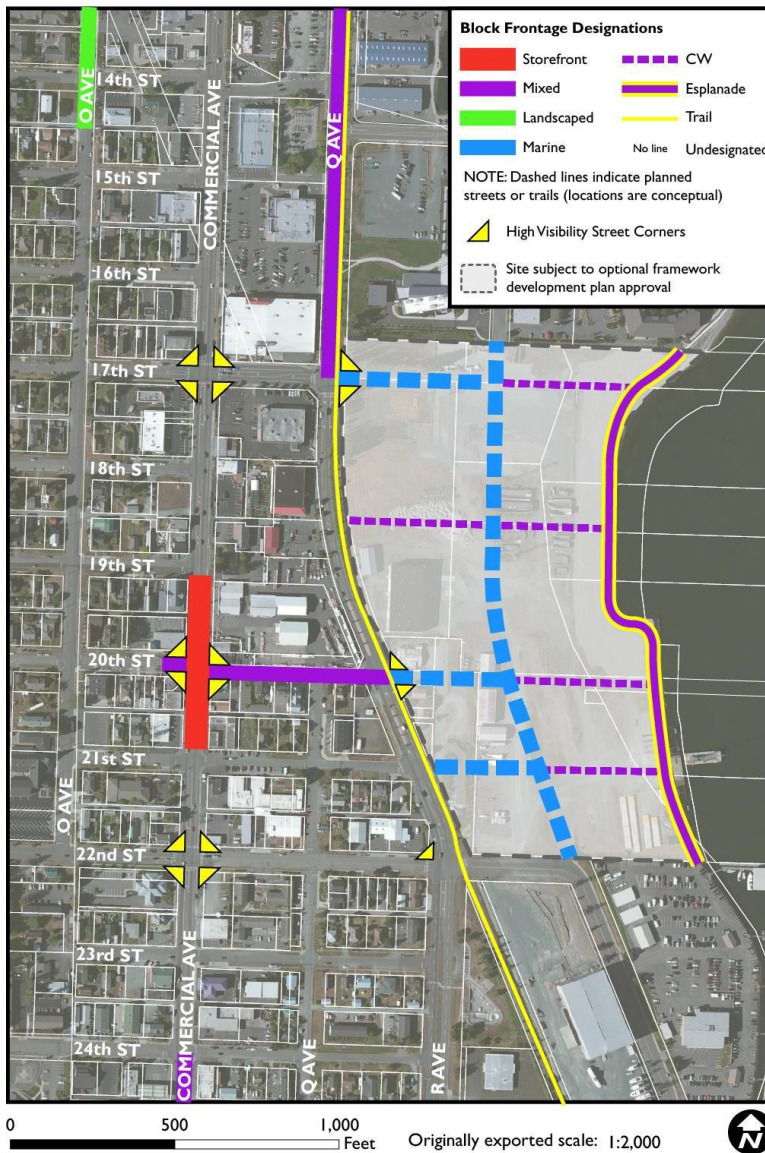


Comment [CR69]: Why was Map I changed to bring the mixed designation all the way to the corner instead of wrapping the storefront around (as in draft I)? It would be odd to allow landscaped frontages to come to the corner (and the landscaped designation allows parking there). Since ground level spaces must be 50' deep, wrapping the storefront designation around the corner for 50' so the building must come to the sidewalk makes sense.

Comment [CR70]: Suggest adding the high visibility street corner designation on 9th and 11th (by the arch) at Commercial, and 9th and 11th at Q because these two streets are key pedestrian routes between downtown and Cap Santa Marina.

Figure 19.61.040(C)

Map 2: Block frontage designations map for central Commercial Avenue and Central Waterfront.



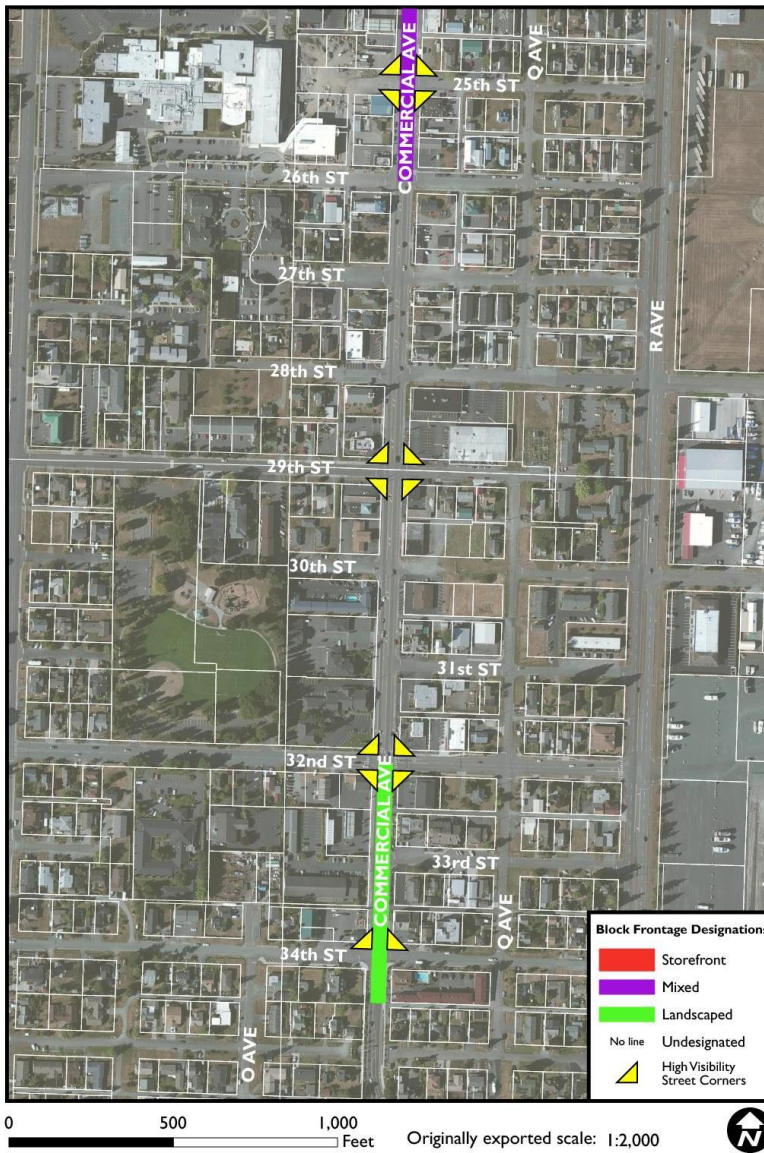
Comment [CR71]: The Planning Commission agreed that **ALL STREET FRONTAGES SOUTH OF 17th** should be **UNDESIGNATED**. Remove the mixed and storefront lines.

Comment [CR72]: Designating 20th at Commercial and Q/R as high visibility street corners makes no sense. 20th is narrow, and the street corners at Commercial are offset. Makes sense at 22nd, which has a light and is an arterial, but NOT at 20th.

Comment [CR73]: The esplanade designation should continue north around the existing esplanade and marina so that as it is redeveloped over time the esplanade will be maintained.

Figure 19.61.040(D)

Map 3: Block frontage designations map for the south Commercial Avenue area.



Comment [CR74]: The Planning Commission agreed that **ALL STREET FRONTAGES SOUTH OF 17th** should be **UNDESIGNATED**. Remove the mixed and landscape lines.

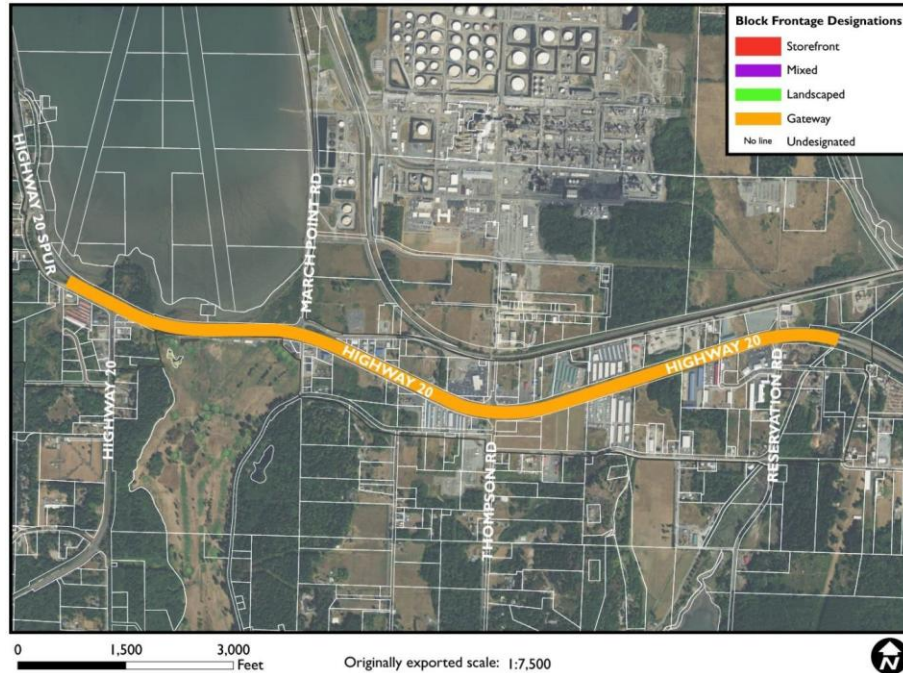
Figure 19.61.040(E)

Map 4: Block frontage designations map for the Skyline area.



Figure 19.61.040(F)

Map 5: Block frontage designations map for the March Point area.



19.61.050 - About the transparency standards.

All block frontage designations contain distinct minimum façade transparency standards. The purposes of these standards are to maintain “eyes on the street” for safety and create welcoming pedestrian environment. Table 19.61.050 below includes details in how they are measured.

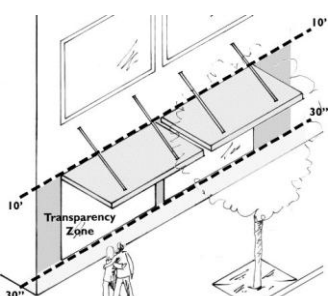
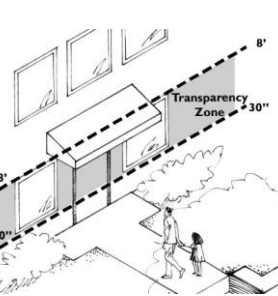
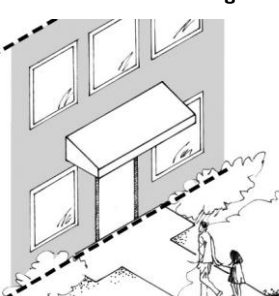
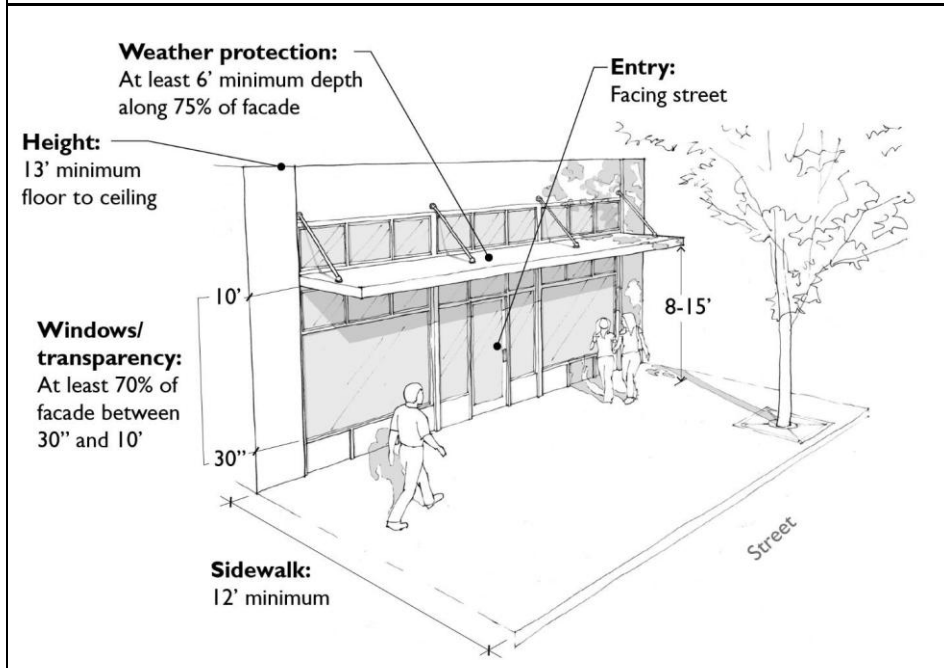
Table 19.61.050 Clarification of transparency standards		
Transparency zones		
Storefront  The transparency zone is on the ground floor between 30" and 10' above sidewalk grade	Ground floor non-residential and non-storefront  The transparency zone is between 30" and 8' above grade	Residential buildings and residential portions of mixed-use buildings  All vertical surfaces of the façade are used in the calculations
Other Transparency Provisions		
Windows must be transparent Ground level window area for storefronts and other non-residential uses that is covered, frosted, or perforated in any manner that obscures visibility into the building must not count as transparent window area. Exception: Window signs conforming with AMC 19.67.090(D) may be counted as transparent window area provided the areas generally around the sign are transparent.		

Table 19.61.050 Clarification of transparency standards			
Display windows Display windows may be used for up to 50% of non-residential transparency requirements provided they are at least 30" deep to allow changeable displays and the interior wall is non-structural so it can be removed if the windows are not used for display. Tack-on display cases as shown in the far right example do not qualify as transparent window area.			
	Integrated display windows		Tack-on display cases
Other Transparency Provisions			
Structured parking facilities Where structured parking facilities occupy a portion of the façade, any openings simulating windows may be used to help comply with transparency requirements.			
	Parking garage with windows		Parking garage without windows

19.61.060 - Storefront block frontage standards.

- A. Purpose.** Storefront block frontages are the most vibrant and active shopping and dining areas within Anacortes. Blocks designated as Storefront block frontages include continuous storefronts placed along the sidewalk edge with small scale shops and many business entries.

Figure 19.61.060(A)
Storefront vision and key standards.



B. Standards. All development on sites with a Storefront block frontage designation must comply with the standards in Table 19.61.060(B) below:

Table 19.61.060(B) Storefront block frontage standards.		
The ➞ symbol refers to DEPARTURE opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Ground level		
Land use	Non-residential uses specified in Table 19.41.050 are required except for lobbies associated with residential or hotel/motel uses on upper floors.	
Floor to ceiling height	13' minimum (applies to new buildings only)	
Retail space depth	50' minimum on Commercial Avenue in the CBD zone and 20' minimum elsewhere (applies to new buildings only) ➞	
Building placement	Buildings must be placed at the street property line/back edge of the sidewalk. Additional setbacks are allowed for a widened sidewalk or pedestrian-oriented space (19.62.040.D).	
Building entrances	Primary building entrances must face the street. For corner buildings, primary entrances may face the street corner.	
Façade transparency (see AMC 19.61.050)	At least 70% of the transparency zone. ➞	
Weather protection	Weather protection over the sidewalk is required along at least 75% of the storefront façade, and it must be a minimum of 6' deep and have 8' to 15' of vertical clearance. ➞ Weather protection must not interfere with street trees, street lights, street signs, or extend beyond the edge of the sidewalk.	

Table 19.61.060(B) Storefront block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Parking location and vehicle access	New surface parking adjacent to the street is prohibited. ➡ Vehicular access for surface or structured parking from a storefront street is prohibited if there is access available from another street or alley. ➡	Alley Street Parking in back
Sidewalk width	12' minimum between the curb edge and the storefront façade (including clear/buffer zone with street trees). ➡ Setbacks and utility easements must also be considered and may result in a larger minimum sidewalk width.	12' min Total sidewalk width

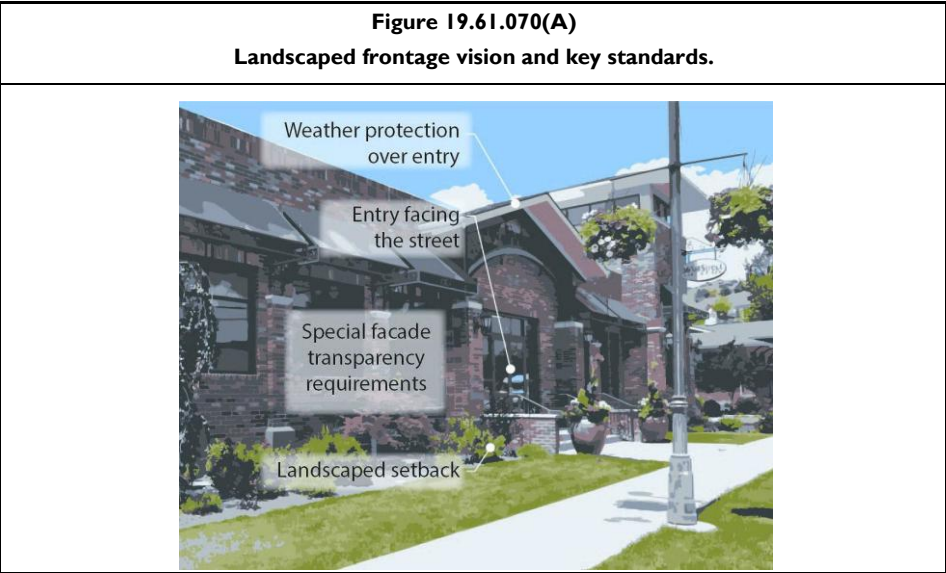
C. DEPARTURE criteria. Departures from the standards in Table 19.61.060(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Retail space depth. Departures from this standard are not allowed in the CBD zone. Elsewhere, reduced depths will be considered where the applicant can successfully demonstrate the proposed alternative design and configuration of the space is viable for a variety of permitted retail uses.
2. Façade transparency. Façade transparency in the transparency zone may be a minimum of 40 percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Weather protection. Other proposed alternative design treatments must provide equivalent weather protection benefits.
4. Parking location. Departures from this standard are not allowed in the CBD zone. Elsewhere, there must be an acceptable tradeoff in terms of the amount and quality of storefront area that is integrated with the development and the applicable parking location departure. In addition, the alternative must include design features to successfully mitigate the visual impact of additional parking areas along designated storefront streets.

5. Sidewalk width. Alternative designs may be considered where topographical challenges or approved city streetscape plans with different sidewalk standards exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

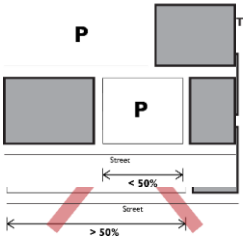
19.61.070 - Landscaped block frontage standards.

A. Purpose. Landscaped block frontages emphasize landscaped street setbacks, clear pedestrian connections between the building and the sidewalk, and minimized surface parking lots along the frontages.



B. Standards. All development on sites containing a landscaped block frontage designation must comply with the standards in Table 19.61.070(B) below. The standards herein also apply to all multifamily residential development in residential districts:

Table 19.61.070(B)		
Landscaped block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
Ground level		
Land use	See uses specified in 19.42.030.	
Building placement	10' minimum setbacks are required, or greater where specified for the applicable zone in AMC Chapter 19.41 Form and Intensity Standards.	
Building entrances	At least one building entry must be visible from the sidewalk. ➡	

Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
Façade transparency (see AMC 19.61.050)	For buildings with ground level non-residential uses, at least 25% of the transparency zone. ➡ For buildings with ground level residential uses, at least 15% of the transparency zone. ➡	Landscaped frontage example meeting setback, entry, weather protection, and transparency 
Weather protection	Weather protection at least three feet deep must be provided over all primary entries.	
Parking location and vehicle access	Parking must be located to the side or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. ➡ Vehicular access must comply with the provisions of AMC 19.53.030.	ACCEPTABLE 50% OR LESS PARKING IN FRONT 
Landscaping	All areas between the sidewalk and the building or parking area must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space (AMC 19.63.030(D)). Landscaped areas must contain Types B, C, or D Landscaping (as defined in AMC 19.65.060) and may incorporate rain	

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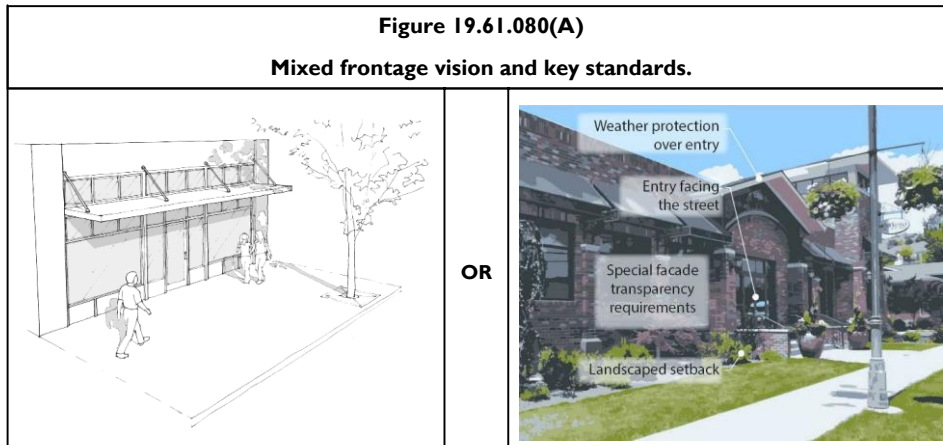
Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
	gardens and other forms of stormwater management. See AMC Chapter 19.65 for other landscaping standards.	
Sidewalk width	See AMC 19.52.040 for applicable sidewalk widths.	

C. DEPARTURE criteria. Departures to the landscaped block frontage standards in Table 19.61.070(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building entrances: Block frontages with environmental constraints and/or those facing busy arterial streets and minor pedestrian traffic may warrant some flexibility to this standard (particularly in residential zones).
2. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50 percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Parking location: Corner lots and unusual lot shapes warrant some flexibility to the standards herein provided design treatments are included that minimize visual impacts of parking areas on the streetscape.

19.61.080 - Mixed block frontage standards.

A. Purpose. Mixed block frontages allow for general flexibility where either a Storefront orientation or a Landscaped orientation in a pedestrian-friendly configuration could be developed.



B. Standards. Development must conform to either Storefront or Landscaped block frontage standards and associated departure options and departure criteria as established above, with only the following modifications in Table 19.61.080(B) below:

Table 19.61.080(B) Mixed block frontage standards.		
The ➞ symbol refers to DEPARTURE opportunities in AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet Storefront block standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, facade transparency, and weather protection elements). The minimum setback for buildings that do not meet applicable Storefront block frontage standards is 10' or greater where specified for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards. ➞	

Table 19.61.080(B) Mixed block frontage standards.		
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Façade transparency (see AMC 19.61.050)	Storefront buildings are subject to Storefront block frontage transparency standards above. For other building frontages, transparent windows must be provided along at least 15% of the façade of the building, plus: - Buildings designed with ground floor non-residential uses within 10' of sidewalk, must feature at least 40% transparency within the transparency zone. ➡ - Buildings designed with ground floor non-residential uses within 20' of sidewalk, must feature at least 25% transparency within the transparency zone. ➡	This office building (within 10' of sidewalk) would need at least 40% transparency within the 30' to 8' transparency zone. 

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C. DEPARTURE criteria. Departures to the mixed block frontage standards in Table 19.61.080(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. **Building placement:** Provide design treatments that create an effective transition between the public and private realm. For example, a stoop design or other similar treatments that utilize a low fence or retaining wall, and/or hedge along the sidewalk may provide an effective transition [see Figure 19.61.080(C) for examples].
2. **Façade transparency:** Façade transparency in the transparency zone may be reduced from the minimum by 50 percent if the facade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.

Figure 19.61.080(C)
Acceptable examples of possible setback departures.

The landscaped and stoop frontages above are possible departure examples with reduced setbacks for non-storefront façades. The combination of landscaping elements, façade transparency, low fencing, and façade materials and detailing help to create an effective transition between the public and private realm.



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19.61.090 - Marine street standards.

A. Purpose. Marine block frontages allow for general flexibility where either a Storefront orientation or a Landscaped orientation similar to the mixed block frontage designation, could be developed. However, the marine designation offer greater flexibility in building and parking lot configuration based on the site's context and proposed use via departure.

B. Standards. Development must conform to either Storefront or Landscaped block frontage standards, with only the following modifications in Table 19.61.090(B) below:

Table 19.61.090(B) Marine block frontage standards.		
The ➞ symbol refers to DEPARTURE opportunities in AMC 19.61.090(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet Storefront block frontage standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, façade transparency, and weather protection elements). The minimum setback for buildings that do not meet applicable storefront block frontage standards is 10' or greater where specified for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards. ➞	
Façade transparency	Storefront buildings are subject to Storefront block frontage transparency standards above. For other building frontages, transparent windows must be provided along at least 15% of the façade, plus: • Buildings designed with ground floor non-residential uses within 10' of sidewalk, must feature at least 40% transparency within the transparency zone. ➞ • Buildings designed with ground floor non-residential uses within 20' of sidewalk, must feature at least 25% transparency within the transparency zone. ➞	
Parking location and vehicle access	Developments are subject to Storefront or Landscaped block frontage parking location standards depending on the chosen frontage type. ➞ Vehicular access must comply with the provisions of AMC 19.53.030.	The unique nature of these marine-oriented sites and uses often require some flexibility in building and parking area locations.

C. DEPARTURE criteria. Departures to the marine block frontage standards in Table 19.61.090(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building placement: Provide design treatments that create an effective transition between the public and private realm. For example, a stoop design or other similar treatments that utilize a low fence or retaining wall and/or hedge along the sidewalk may provide an effective transition [see Figure 19.61.080(C) for examples].
2. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50 percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
3. Parking location: Parking areas may be located in the front where design measures are included (above and beyond base standards) to mitigate visual impacts of parking areas along the street and where it can be demonstrated that there is an acceptable tradeoff of public benefits associated with the proposed building and parking lot location. Examples include distinctive landscape design integrating a decorative low fence or trellis.

19.61.100 - Gateway block frontage standards.

- A. Purpose.** Gateway block frontage designations serve strategic areas along properties fronted by State Route 20 where there is a desire to provide attractive landscaped development frontages.
- B. Standards.** All development on sites containing a gateway block frontage designation must comply with the standards in Table 19.61.070(B) below:

Table 19.61.100(B) Gateway block frontage standards.	
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.100(C) below.	
Element	Standards
Building placement	10' minimum street setbacks for buildings complying with façade transparency standards; 25' for all other buildings.
Façade transparency (see AMC 19.61.050)	For all buildings with less than 25' setback, transparent window area must be provided along at least 15% of the façade of the building. Marijuana uses and adult concession uses are exempt from this requirement. ➡
Parking and outdoor storage location	Parking lots and outdoor storage areas must be set back at least ten feet from the gateway block frontage property line and screened with Type A, B, or C Landscaping as defined in AMC 19.65.060.
Landscaping	All areas between the property line and any building, parking, or storage area must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space [AMC 19.63.030(D)].
Fencing	Landscaped screening is required (➡) for chain link and other similar metal fencing and opaque fences: - For fences less than 4-1/2' tall, at least 5' of Type A, B, or C Landscaping (see AMC 19.65.060) is required in front of the fence. - For fences 4-1/2' or taller, at least 10' of Type A or B Landscaping (see AMC 19.65.060) is required in front of the fence. No landscape screening is required for split rail or similar low decorative fencing <u>or a decorative wall (brick, stone, or similar) up to 4-1/2' tall.</u>
 Gateway frontage example with split rail fence, landscaping (shrubs behind fence) and façade meeting the modest transparency standards.	

- C. DEPARTURE criteria.** Departures to the landscaped block frontage standards in Table 19.61.100(B) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Façade transparency: Façade transparency in the transparency zone may be reduced from the minimum by 50 percent if the façade design between ground level windows provides visual interest to the pedestrian and mitigates the impacts of blank walls.
2. Fence screening: Reduced landscaping screening is allowed where some combination of the type and design of reduced landscaping and/or the enhanced design of fencing reduces the visual impact of the fencing on the gateway corridor environment.

19.61.110 - Undesignated (streets with no designated block frontage).

- A. Purpose.** Undesignated block frontages should provide visual interest at all observable scales and meet the design objectives of the city.
- B. Applicability.** All Undesignated block frontages in non-residential zones that are not designated are provided greater flexibility with regards to the design of multifamily and commercial development frontages. DEPARTURES will be considered pursuant to AMC 19.20.220.

These block frontages includes a combination of side streets (where most uses often front on other adjacent streets) and, service oriented streets (often characterized by industrial or service types of uses), and heavy arterial streets. While there is greater flexibility in the amount of transparency of façades and the location of surface and structured parking, design parameters are included to ensure that landscaping and other design elements help to mitigate the potential impacts of parking lots and blank walls along these streets.

Exception: Developments in the CM2, HM, I, and MS zones are exempt from the building entrance and transparency standards.

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C. Standards.

Undesignated block frontages must comply with the standards in Table 19.61.110(C) below.

Table 19.61.110(C) Undesignated block frontage standards.	
The ☞ symbol refers to DEPARTURE opportunities in AMC 19.61.110(D) below.	
Element	Standards
Building placement	Where allowed in the applicable zone (see AMC 19.42.030), buildings may be placed up to the sidewalk edge provided they meet Storefront block standards in AMC 19.61.060 (this includes standards for ground level, building placement, building entrances, façade transparency, and weather protection elements). Otherwise, 10' minimum street setback except where greater setbacks are required by the zone (see AMC Chapter 19.42 Form and Intensity Standards).
Building entrances	Building entrances facing the street are encouraged. At a minimum, at least one building entry visible and directly accessible from the street is required. Where buildings are setback from the street, pedestrian connections are required from the sidewalk.
Façade transparency (see AMC 19.61.050)	- For Storefront buildings, see AMC 19.52.060(B) for transparency standards. - For other buildings within 10' of sidewalk, at least 30% of the transparency zone. ☞ - For buildings setback more than 10' from the sidewalk, at least 10% of the entire façade must be transparent. ☞
Weather protection	At least 3' deep over primary business and residential entries.
Parking location and vehicle access	There are no parking lot location restrictions, except for required landscaping buffers in AMC 19.65.070.

Landscaping	• The area between the street and any non-storefront building must be landscaped and/or private porch or patio space. • For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street. • See AMC Chapter 19.65 for other landscaping standards.
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Table 19.61.110(C) Undesignated block frontage standards.	
The ➡ symbol refers to DEPARTURE opportunities in AMC 19.61.110(D) below.	
Element	Standards
Sidewalk width	Where Storefront buildings are proposed, sidewalks must meet Storefront block frontage standards in AMC 19.61.060. Otherwise, see AMC 19.52.040 Street geometric design and streetscapes for applicable sidewalk widths.

D. DEPARTURE criteria. Departures to the Undesignated block frontage standards in Table 19.61.110(C) that feature the ➡ symbol will be considered per AMC 19.20.220 provided the alternative proposal meets the purpose of the standards and the following criteria:

- I. Façade transparency: Reduced transparency is allowed where the design treatment of applicable landscaping and/or façade provide visual interest to the pedestrian and mitigates impacts of any blank wall areas. ~~Up to a 50 percent reduction in the minimum amount of window transparency may be approved via departure.~~

19.61.120 - Trail block frontage standards.

Trails referenced in the block frontage designation maps in AMC 19.61.040 aligned adjacent to a street are subject to the applicable block frontage designation for the street. For trails referenced in the block frontage designation maps in AMC 19.61.040 that are not adjacent to streets, developments fronting such trails must comply with the Undesignated block frontage standards in AMC 19.61.110.

Exception: Developments in the CM2, HM, and I, and MS zones are exempt from the building entrance and transparency standards.

19.61.130 - Esplanade block frontage standards.

A. Purpose. Esplanade block frontages emphasize lively waterfront spaces that feature a combination of commercial storefronts and attractive landscaped frontages that orient towards the water.

B. Standards. Esplanade block frontages are subject to the mixed block frontage standards in AMC 19.61.080.

Comment [CR75]: Except along R Ave or adjacent to a lower-intensity zone, blank walls should be allowed. Industrial type uses with large warehouse-type buildings often need to control light and don't want windows. Let's admit that it's OK for industrial buildings to be plain boxes when internal to the zone. Could require tall trees as part of the landscaping if the wall is blank - similar to VVV treatment plant or the DCI fab building.

Comment [CR76]: there are no trail designations in the MS zone

19.61.140 - Central waterfront (CW) corridors and block frontage standards.

- A. Purpose.** These corridors are intended to enhance pedestrian access in the area and strengthen the physical and visual connection to the water.
- B. Standards.** The CW corridors must be at least 20 feet wide and are subject to the mixed block frontage standards in AMC 19.61.080. Where buildings employ the Landscaped block frontage design, the minimum building setbacks may be reduced provided the design meets the purposes of the standards and all other applicable design standards.

19.61.150 - Where properties front onto multiple streets.

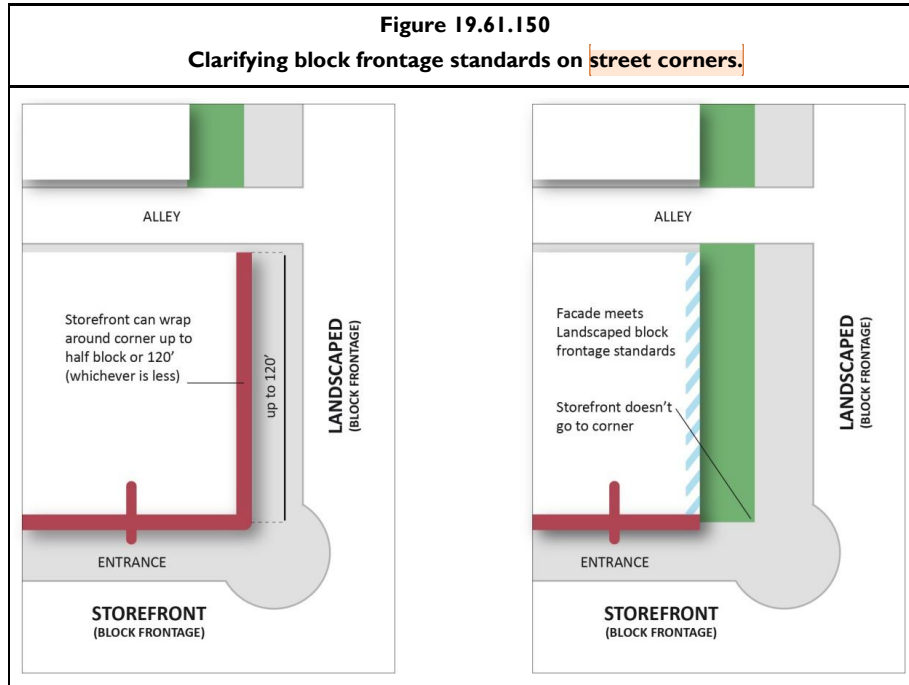
Where a property fronts onto more than one street, each building frontage must comply with the standards for the block frontage upon which it fronts, with the following clarifications:

- A. Where a conflict exists between frontage standards, the director will apply the standards of a block frontage pursuant to the following order of preference:
1. Storefront;
 2. Mixed;
 3. Landscaped; then
 4. ~~Other Undesignated.~~
- Subsections (B) through (E) below clarify how the order of preference works for particular frontage elements.
- B. Building Location: For corner sites with landscaped block frontage on one street and storefront or mixed on another, a storefront frontage may wrap around the corner (on the landscaped block frontage side) for up to a half block width or no more than 120 feet (whichever is more).
- C. Entrances: For corner sites, entrances on both streets are encouraged, but only one entrance is required. For corner sites with frontage on a storefront block frontage on one side, an entrance must be placed on the storefront block frontage side. For corner sites with a mix of designations that do not include a storefront block frontage, the entry must be placed on the order of preference identified above. DEPARTURES may be considered provided the location and design of the entry and block frontage treatments are compatible with the character of the area and enhance the character of the street.
- D. Transparency: For corner sites - ~~at least one each block frontage~~ must meet the applicable transparency standards ~~(based on the order of preference above. For the second block frontage, the director may approve a reduction in the minimum amount of transparency by 50 percent. For street corners with the same designations on both frontages, buildings must employ the full transparency on the dominant frontage (based on the frontage width or established neighborhood pattern)).~~
- E. Parking: Surface parking (including ground floor parking in a structure) adjacent to a street corner is not allowed, except:
1. Corner lots with ~~non-designated Undesignated~~ frontages ~~(other)~~ on both streets;
 2. Other combination of block frontages, except those with a Storefront block frontage designation, via a DEPARTURE and subject to the applicable departure criteria.

Comment [CR77]: What's the point of transparency standards if they can be cut in half just because it's on a corner?

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Comment [CR78]: THERE ARE NO PLACES WHERE A STOREFRONT AND A LANDSCAPED DESIGNATION MEET. Change the text to Storefront/Mixed or Mixed/Landscaped

19.61.160 - Where properties have multiple designations along one frontage.

Where an individual property has a frontage with multiple block frontage designations, the following standards apply:

- A. Storefront and any other block frontage designation: Storefront block frontage designation applies.
- B. Mixed and Landscaped block frontage designation: Mixed block frontage designation applies.
- C. Landscaped and Undesignated block frontage designation: Landscaped block frontage designation applies.

19.61.170 - High visibility street corners.

- A. Description/purpose.** The high visibility street corner requirements apply to those sites designated as such on the community design framework maps in AMC 19.61.040. The purpose is to accentuate designated street corners with high visibility to the public.
- B. Standards.** Sites located on high visibility street corners must meet the following requirements:
1. The maximum building setback from the street corner (measured from the right-of-way edge at the corner) is 20 feet, except where a corner plaza [meeting the pedestrian-oriented space provisions of AMC 19.62.040(D)] or other decorative landscaping design meets the purpose of the standards.
 2. At least one of the following special features must be included (Figure 16.61.160 below illustrates acceptable examples):
 - a. Corner plaza.
 - b. Cropped building corner with a special entry feature.
 - c. Decorative use of building materials at the corner.
 - d. Distinctive façade articulation.
 - e. Sculptural architectural element.
 - f. Other decorative elements that meet the purpose of the standards.

Figure 19.61.170
Acceptable high visibility street corner examples.



Building 1 includes a corner tower. Building 2 features cropped building corners with decorative elements. Building 3 uses a decorative canopy. Building 4 uses a change in building materials and façade articulation at the corner. Building 5 incorporates a plaza at the corner. Image 6 shows a decorative landscaped area with a trellis and neighborhood gateway sign.

19.61.180 - Framework development plan.

Recently annexed or rezoned industrial or mixed-use properties along with strategic large sites necessitate a different approach to applying block frontage standards. The provisions below identify the purpose, applicable sites, block frontage designation options, and special standards for developing framework development plans.

A. Purpose.

1. To provide thoughtful and fair process to plan for the development of large and new commercial and mixed-use sites in Anacortes consistent with the goals and policies of the comprehensive plan.
2. To promote the arrangement of streets, buildings, open space, parking and service areas that creates a strong sense of community and enhances the character of Anacortes.
3. To avoid uncoordinated patterns of development that waste valuable land, compromise vehicular and pedestrian access, and degrade the character of Anacortes.

B. Applicable sites.

1. Sites shown in Figure 19.61.040(C).
2. Recently annexed sites zoned as one of the mixed-use or industrial zones that are not addressed in the block frontage maps in this chapter.
3. Sites recently rezoned to a mixed-use or industrial zone that are not addressed in the block frontage maps in this chapter.

C. Block frontage designations standards and options.

1. Prior to site development of applicable sites, a framework development plan must be developed, approved and recorded for the property per the procedures in AMC 19.20.030 and 19.20.230. The plan must include:
 - a. New streets and internal roadways along with block frontage designations (types included in this section).
 - b. Any designated high visibility street corners.
2. Framework development plans may utilize any existing block frontage designations within or bordering the site, or include an alternative block frontage designation type or types, subject to master plan approval.
3. Alternatively, site plan development may occur on applicable sites without an approved and recorded framework development plan provided all block frontages comply with the standards for Mixed block frontages in AMC 19.61.080.

D. Approval criteria. See AMC 19.20.230(F).

Chapter 19.62 - SITE PLANNING

Sections:

- 19.62.010 - Purpose.
- 19.62.020 - Applicability.
- 19.62.030 - Relationship to adjacent properties.
- 19.62.040 - Internal open space.
- 19.62.050 - Internal pedestrian access and design.
- 19.62.060 - Vehicular circulation and parking.
- 19.62.070 - Service areas and mechanical equipment.

19.62.010 - Purpose.

- A. To promote thoughtful layout of buildings, parking areas, and circulation, service, landscaping, and amenity elements.
- B. Enhance Anacortes's visual character.
- C. Promote compatibility between developments and uses.
- D. Enhance the function of developments.
- E. Meet stormwater infiltration requirements when feasible.

19.62.020 - Applicability.

- A. The provisions of this division apply to all non-residential, mixed-use and multifamily development. ~~Exemptions~~ Exceptions are the following:
 - 1. All development in the I, LM, AZ, CM2, and MS zones.
 - 2. Developments in the HM and LMI zones when not abutting State Route 20 right-of-way.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.

19.62.030 - Relationship to adjacent properties.

A. Purpose.

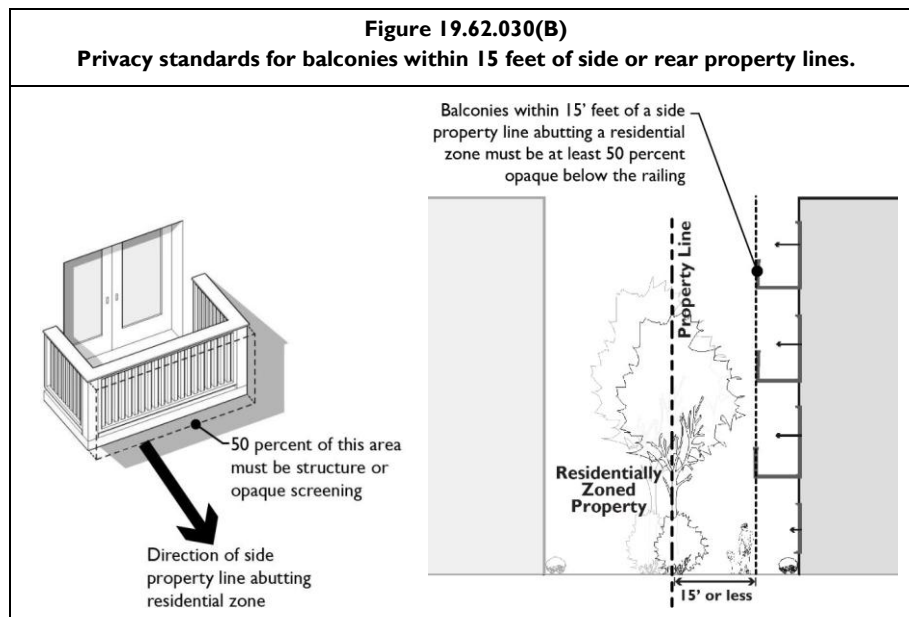
1. To promote the functional and visual compatibility between developments.
2. To protect the privacy of residents on adjacent properties.

B. Balconies **near** side and rear property lines adjacent to property in any residential zone.

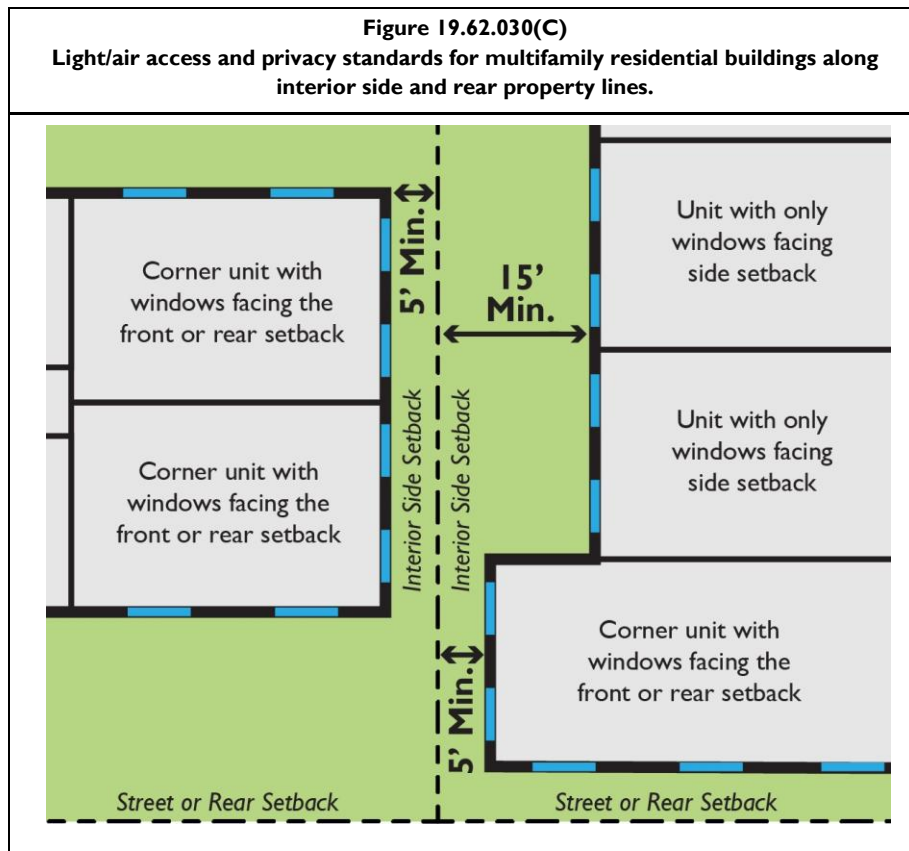
Balconies and rooftop decks above the ground floor within 15 horizontal feet of a side property line abutting a residentially zoned property must feature a railing system that is at least 50 percent opaque. Specifically, 50 percent of the area below the top edge of the railing must be a sight-obscuring structure.

DEPARTURES to this standard will be allowed if the balcony will not cause visual or privacy impacts due to its location, orientation, design or other consideration.

Comment [CR79]: Left half transparent, right half opaque? 4" open, 4" board, 4" open, 4" board? Top half opaque, bottom half transparent? Not really clear what this accomplishes.



- C. Light and air access and privacy near interior side and rear property lines.** Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side of the building (facing towards the interior side property line) must be set back from the applicable interior side or rear property lines at least 15 feet. See Figures 19.62.030(B) and (C). DEPARTURES will be allowed where it is determined that the proposed design will not create a compatibility problem in the near and long term based on the unique site context.



19.62.040 - Internal open space.

A. Purpose.

1. To create useable space that is suitable for leisure or recreational activities for residents.
2. To create open space that contributes to the residential setting.
3. To provide plazas that attract shoppers to commercial areas.
4. To provide plazas and other pedestrian oriented spaces in commercial areas that enhance the employees' and public's opportunity for active and passive activities, such as dining, resting, people watching, and recreational activities.
5. To enhance the development character and attractiveness of commercial development.

B. Usable residential open space.

1. All multifamily development, including multifamily portions of mixed-use development, must provide minimum usable open space equal to 100 square feet per dwelling unit for studio and one-bedroom dwellings and 150 square feet per dwelling unit for dwellings with two or more bedrooms. The required open space may be provided in a combination of ways:
 - a. Shared open space. All of the required open space may be in the form of shared open space available to all residents and meeting the requirements of subsection (B)(2) below.
 - b. Ground level individual outdoor space. All of the required open space for a unit may be provided by ground level outdoor space that is adjacent and directly accessible to the subject unit. Such open spaces must be:
 - i. Outdoor spaces may be located in the front, side, or rear yard provided they are generally level, feature no dimension less than ten feet, and enclosed by a fence and/or hedge at least 32 inches in height to qualify (DEPARTURES will be considered for this provision).
 - ii. Private porches may qualify as outdoor space provided they are at least 36 square feet, with no dimension less than six feet.

Individual ground level open space that is in excess of minimum requirements must not be used in the calculations for determining the minimum usable open space requirements for other units in the development.

- c. Balconies. Up to 50 percent of the required open space may be provided by private balconies provided such spaces are at least 32 square feet of floor space, with no dimension of the floor space less than four feet, to provide a space usable for human activity.
- d. Common indoor recreation areas. For mixed-use buildings up to 50 percent of the required open space may be provided by common indoor recreation areas meeting the following conditions:
 - i. The space must meet ADA standards and must be located in a visible area, such as near an entrance, lobby, or high traffic corridors.
 - ii. The space must be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space must include amenities and design elements that will encourage use by residents.
- e. Shared roof decks. For multifamily buildings, up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to all residents and meet the requirements below. For mixed-use buildings, 100 percent of the required open space may be provided by shared roof decks. Design requirements:

Comment [CR80]: The outside dimensions of the balcony are reduced by the width of the railings, so it should be the usable space that counts.

- i. Space must feature hard surfacing, provide amenities such as seating areas, landscaping, and/or other features that encourage use.
 - ii. Space must integrate landscaping elements that enhance the character of the space and encourage its use.
 - iii. Space must incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.
2. Shared open space design requirements. Shared open space can include landscaped courtyards or decks, entrance plazas, gardens with pathways, children's play areas, pools, and water features provided they are accessible to all residents of the development. Accessible areas used for storm water retention, infiltration, or other multipurpose recreational and/or green spaces that meet the design criteria herein may qualify as shared open space.

Special requirements for common usable open spaces include the following:

- a. Shared open space must be located in centralized areas that are visible from units within the development.
- b. Required setback areas must not count as shared open space unless the design of the space meets the standards herein.
- c. Shared open space must feature no dimension less than 15 feet in order to provide functional leisure or recreational activity (unless otherwise noted herein).
- d. Shared open space must feature paths or walkable lawns, landscaping, seating, lighting, and play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable for a range of users.
- e. Shared open space must be separated from ground level windows, streets, service areas and parking lots with via landscaping, fencing, and/or other acceptable treatments that enhance safety and privacy for both the shared open space and dwelling units.
- f. When possible the space should be oriented to receive sunlight, facing east, west or preferably south.
- g. Stairways and service elements located within or on the edge of shared open space must not be included in the open space calculations.
- h. Shared porches may qualify as shared open space provided they are at least 8 feet in depth and 96 square feet in total area.
- i. The space must be accessible to all residents of the development.

Figure 19.62.040(B)(2)
Shared open space examples.

The upper left example include a combination of open lawn area for informal recreation plus pathways and decorative landscape areas to enhance the setting for residents. The upper right courtyard includes pathways, seating areas, landscaped beds, and decorative lighting to provide a visual and physical amenity for residents.



The left image above includes a covered gathering space with outdoor grills adjacent to a landscaped commons with a central pathway. The right image includes a pond/wetland type area with boardwalk and seating areas.



Figure 19.62.040(B)(5)
Rooftop deck examples.

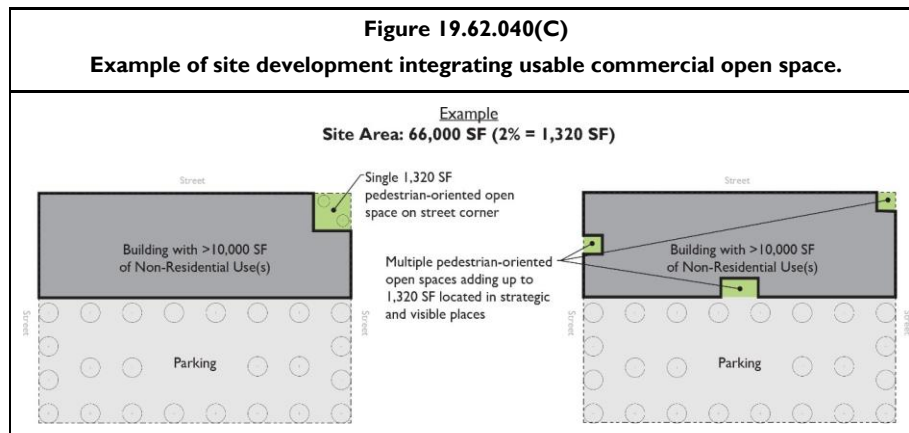


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C. Usable commercial open space. New developments with non-residential uses with more than 10,000 square feet of gross floor area in the C, CBD, and MMU zones must provide open space equal to at least two percent of the **development site**. The open space may be in the form of pedestrian-oriented open space per subsection (D) below, garden, play area and/or other open space feature that serves both as a visual amenity and a place for human activity. Portions of sidewalks that are wider than 12 feet and which meet the standards of pedestrian-oriented open space may be counted toward this requirement. **Exception: Buildings fronting on Commercial Avenue in the CBD are not required to provide pedestrian-oriented open space.**

DEPARTURE: Open space area may be reduced to one percent of the **development site** if the director finds the project includes exceptional design features and elements that meet the purpose of the standards. This includes open spaces that feature a combination of design (site materials, amenities, and configuration) and location/context that clearly exceed typical plaza designs found in the region.



D. Pedestrian-oriented open space design criteria. This subsection describes the requirements and desired characteristics of pedestrian oriented open space [which may be used to meet the requirements of subsection (C) above]. **Where feasible, adjacent businesses are encouraged to locate their open spaces next to each other to create a larger contiguous area.**

- I. Required pedestrian-oriented open space features.
 - a. Visual and pedestrian access into the site from a street, private access road, or non-vehicular courtyard.
 - b. Paved walking surfaces of either concrete or approved unit paving. Form-in-place pervious concrete paving is allowed.
 - c. Lighting must conform to AMC 19.69.040.
 - d. The spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry.
 - e. At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.
 - f. Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, raised planters, and/or potted plants, or both.

Comment [CR81]: THIS IS A CONFLICT. If buildings are required to come up to the sidewalk on storefront-designated streets, there is no room for open space. Setbacks are also not required on other sides, and it does not make sense to have pedestrian oriented spaces behind the buildings.

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2. Desirable pedestrian-oriented open space features:

- a. Pedestrian amenities, such as site furniture, artwork, drinking fountains, shade structures kiosks, or other similar features.
 - b. Adjacent buildings with transparent windows and doors covering at least 50 percent of the façade between 30 inches and 10 feet above the ground level.
 - c. Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor gathering.
3. Features prohibited within a pedestrian-oriented open space:
- a. Asphalt pavement.
 - b. Adjacent service areas (e.g., trash areas, [loading docks](#)) that are not separated with landscaping, as required by AMC 19.62.070.
 - c. Adjacent chain-link fences.
 - d. Adjacent “blank walls” without “blank wall treatment” (see AMC 19.63.060).
 - e. Outdoor storage.

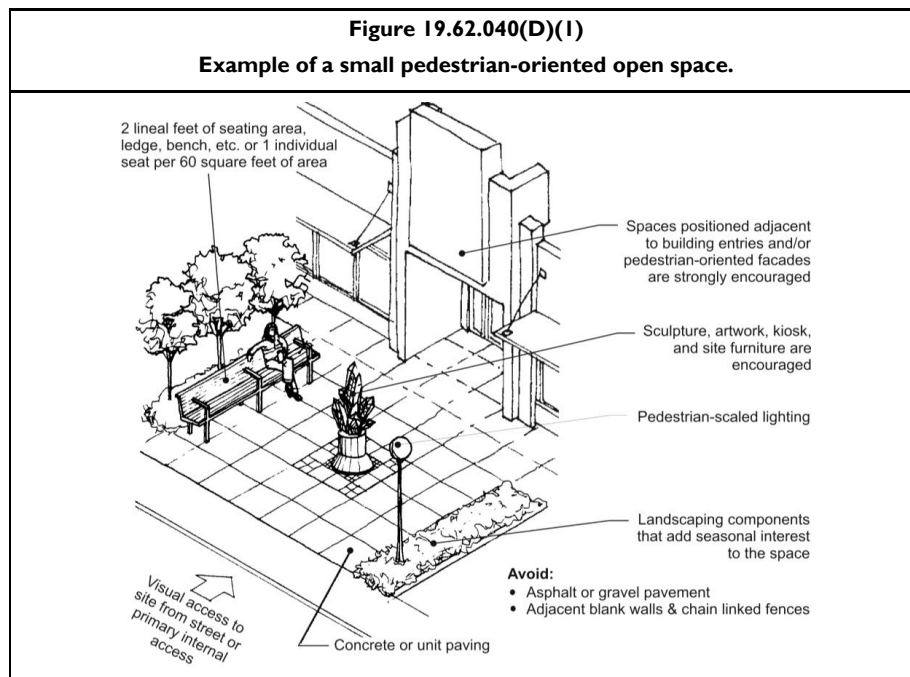


Figure 19.62.040(D)(2)

Desirable examples of pedestrian-oriented open space

The left example above is a colorful plaza with outdoor seating, landscaping elements and direct access to adjacent retail uses. The upper right image is a commons area with adjacent covered areas.

A covered outdoor gathering space (left) may be used to meet pedestrian-oriented open space requirements. In the right image, the widened sidewalk area may be counted as pedestrian-oriented open space.



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19.62.050 - Internal pedestrian access and design.

A. Purpose.

1. To improve the pedestrian and bicycling environment by making it easier, safer, and more comfortable to walk or ride among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city.
2. To enhance access to on- and off-site open space areas and pedestrian/bicycle paths.

- B. Access to sidewalk.** All buildings must feature pedestrian connections to a sidewalk per applicable block frontage standards in Chapter 19.61. See subsection (D) below for access design requirements.

Figure 19.62.050(B)

Examples of direct pedestrian access to buildings from the street.

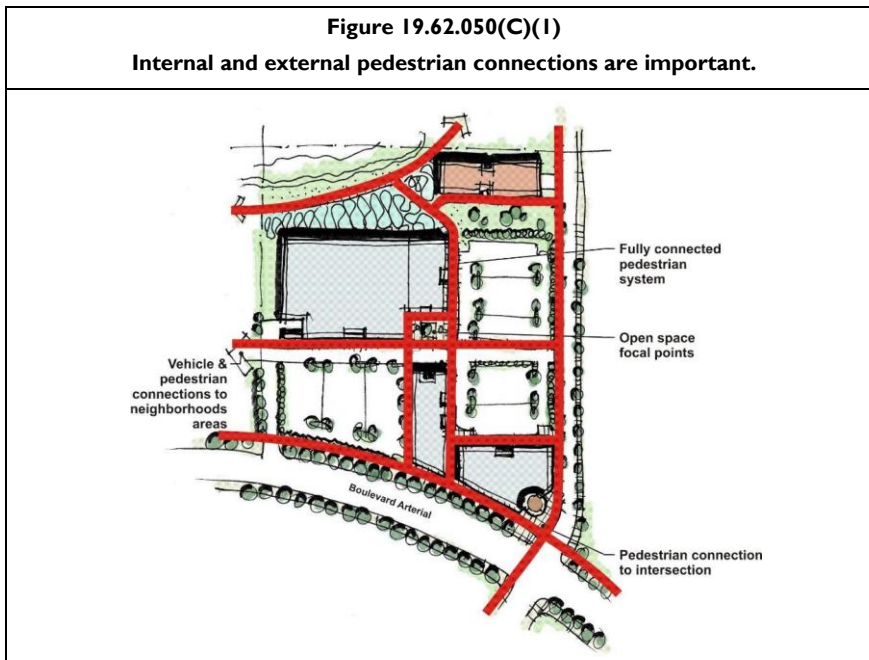


C. Internal circulation.

- I. For sites with multiple buildings in the C, CBD, and MMU zones, pedestrian paths connecting businesses and residential entries on the same development site must be provided. Routes that minimize walking distances must be utilized to the extent practical.

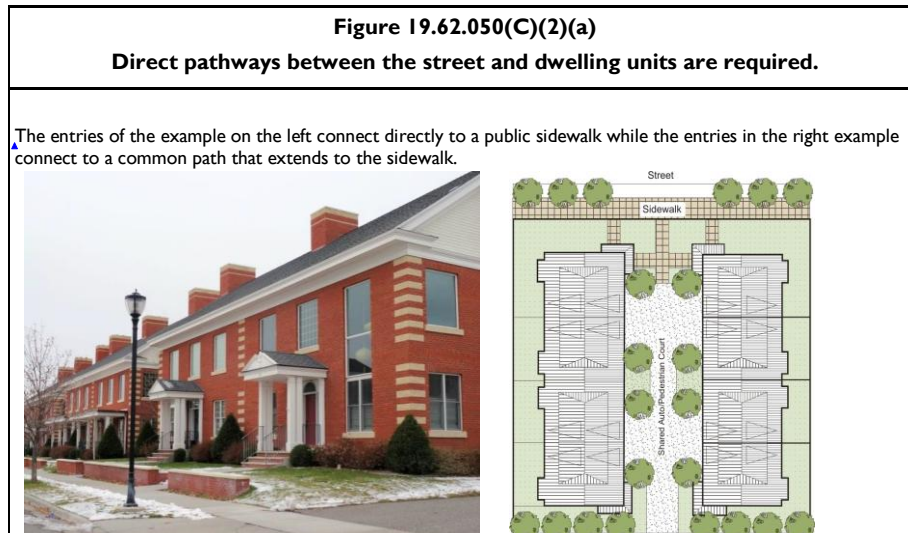
DEPARTURES will be allowed where ~~steep slopes prevent a direct connection~~ or where an indirect route would enhance the design and/or use of a common usable open space. See subsection (D) below for pathway design standards.

Comment [CR82]: There are no steep slopes in those zones.



2. Sites with residential units. Provide direct pedestrian access between all ground related unit entries and a public street or to a clearly marked pathway network or open space that has direct access to a public street. Residential developments must provide a pedestrian circulation network that connects all main entrances on the site to other areas of the site, such as:
 - a. Parking areas.
 - b. Recreational areas.
 - c. Common outdoor areas.
 - d. Any pedestrian amenities.

For townhouses or other residential units fronting the street, the sidewalk may be used to meet this standard.



3. ~~Crosswalks are required when a pathway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.~~

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Comment [CR83]: If street crossings on highway 20 and normal arterials aren't marked, why is this necessary? It's just an **extra expense that reduces affordability**. It is not needed for a low-volume internal street.

4. Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through [large](#) parking areas. At least one pathway must be provided every four rows of parking or at a maximum spacing of 200 feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards in subsection (D) below. See examples below.

Figure 19.62.050(C)(4)
Parking area pathway standards and examples.

Note the location of the parking lot pathway in the upper right example (connecting shops in one building to the main entry of a grocery store).



5. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees **and residents** are permitted. See subsection (D) below for pathway design standards.
6. Provide easements for pedestrian access to facilitate the future extension of paths when adjoining properties are improved.

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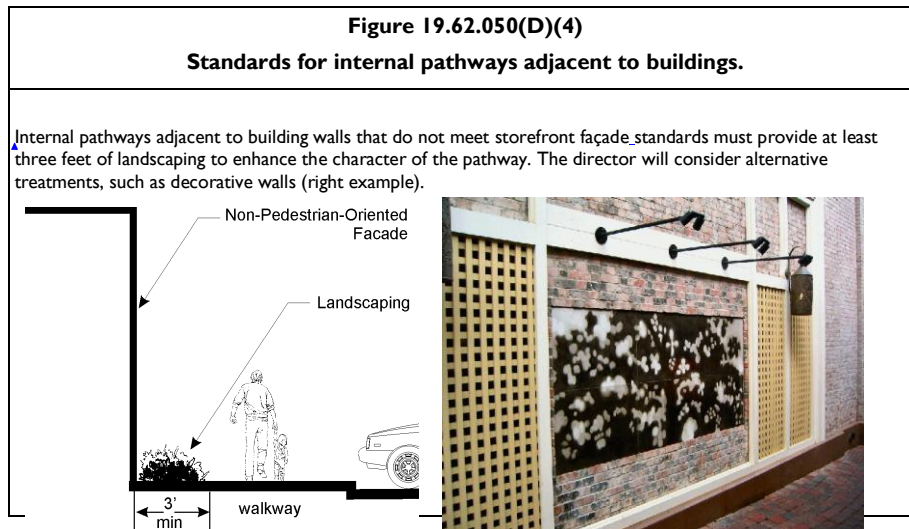
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Comment [CR84]: Connection of pedestrian routes is desirable, but how can one know what will be built next door in the future?

D. Pathway design.

1. All internal pedestrian pathways must have at least a minimum five-foot-wide unobstructed walking surface, except where otherwise required by the Anacortes Engineering Design Standards.
 2. All internal pedestrian pathways must be curbed and raised six inches above the lot surface. Curbs may be cut to allow surface water runoff to enter low impact development best management practices (LID BMPs). Ramps and other accessibility features must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.
- DEPARTURE:** Alternative curb less designs may be approved where design features are included to make the pathways safe and welcoming while enhancing the visual character of the site. See the lower right example in Figure 19.62.060(C) as a good example of a curb less design.
- 3.2. Where a pedestrian pathway is adjacent to perpendicular or angled parking, an extra two feet of pathway width must be provided to accommodate parked vehicles overhanging the walk way or permanent concrete wheel stops must be installed to hold vehicles back from the walkway.
 - 4.3. Pedestrian walks must be separated from structures with at least three feet of landscaping except where the adjacent building façade meets the Storefront block frontage standards per AMC 19.61.050.

DEPARTURE: Other landscaping and/or façade design treatments to provide attractive pathways will be considered. Examples include sculptural, mosaic, bas-relief artwork, or other decorative treatments that meet the purpose. Figure 19.62.050(D)(4) below provides one example.



- 5.4. Pathway design where multi-tenant commercial or mixed-use buildings 100 feet or more in length abut parking lots. Such pathways must feature a 12-foot wide sidewalk and include the following:
 - a. Eight feet minimum unobstructed width.

Comment [CR85]: This is a totally unnecessary requirement that adds expense. Sidewalks all over town are at grade, and there is no need to raise them for internal pathways.

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Comment [CR86]: Should not matter whether there is one or many tenants, it's the building wall that counts here.

- b. Trees, as approved by the reviewing authority, placed at an average of 50 feet on-center and placed in grates or in planting strips as established in subsection (c) below.

DEPARTURE: Breaks in the tree coverage will be allowed near major building entries to enhance visibility.

- c. Planting strips **with trees** may be used between any vehicle access or parking area and the pathway, provided that the trees required **in subsection (b)** are included, the pathway meets the applicable width standards herein, and the combined pathway and planting strip is at least 12 feet wide. Stormwater best management practices **features may be included in the planting strip.**

Comment [CR87]: It isn't the **practices** that are in the planting strip, it is the features or elements of the stormwater management plan. This is poorly worded.

Figure 19.62.050(D)(5)

Example of a successful pedestrian sidewalk between parking lot and storefront.



- e. Pedestrian lighting in accordance with AMC 19.69.040.
- f. See also AMC 19.62.060(C) Internal roadway design.

19.62.060 - Vehicular circulation and parking.

The standards herein supplement the provisions of AMC Chapter 19.64 Parking and AMC Chapter 19.53 Private Driveways and Access. Where there is a conflict, these provisions herein apply.

A. Purpose.

1. To create a safe, convenient, and efficient network for vehicle circulation and parking.
2. To enhance the visual character of interior access roads.
3. To minimize conflicts with pedestrian circulation and activity.

B. Driveway provisions. Driveways must meet the standards in AMC 19.53.030.

C. Internal roadway design.

1. To increase the function and appearance of internal roadways on large sites (greater than two acres) in the MMU zone, street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g. waste pick-up) and loading.
2. In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street”. Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 19.62.060(C)
Good internal roadway examples.

The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.



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Figure 19.62.060(C)
Good internal roadway examples.

The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curb-less "woonerf" design where travel speeds are low and lanes are shared between pedestrians and vehicles.



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D. Drive-through facilities.

Where allowed, drive through facilities (e.g., drive-up windows) must comply with the following.

1. Block frontage provisions. For the purpose of complying with the block frontage standards in AMC Chapter 19.61, drive-through lanes are considered a parking area.
2. Screening. Drive-through lanes must be screened from public streets, internal pathways, and adjacent residential uses with landscaping or architectural screens.
 - a. For drive-through lanes adjacent to the street at least ten feet of Type C Landscaping (see AMC 19.64.050) must be provided between the sidewalk and the drive-through lane.
 - b. For drive-through lanes adjacent to internal pathways at least five feet of Type C Landscaping (see AMC 19.64.050) must be provided between the pathway and the drive-through lane.
 - c. For drive-through lanes adjacent to residential uses, at least five feet of Type A, B, or C Landscaping (see AMC 19.64.050) must be provided.

DEPARTURE: Alternative screening schemes may be approved provided they reduce the negative visual impacts of views from sidewalks, pathways, and adjacent residential uses and add visual interest.

3. Additional drive-through lane standards.
 - a. Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Designated pathways must not be located within required stacking space.
 - b. Stacking spaces and the entrance and exit for the drive-through facility must be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.
 - c. Sufficient stacking space must be provided for handling of motor vehicles using the drive-through facility during peak business hours of the facility.

- d. A stacking space must be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.
- e. Stacking spaces may not be counted as required parking spaces.
- f. Noise from drive-through speakers must not be audible from adjacent residential properties.

19.62.070 - Service areas and mechanical equipment.

A. Purpose.

- 1. To minimize adverse visual, odor, and noise impacts of mechanical equipment, utility cabinets and service areas at ground and roof levels.
- 2. To provide adequate, durable, well-maintained, and accessible service and equipment areas.
- 3. To protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

B. Location of ground related service areas and mechanical equipment.

- 1. Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) must be located for convenient service access while avoiding negative visual, auditory, olfactory, or physical impacts on the streetscape environment and adjacent residentially zoned properties. Service areas must be sited for alley access if available.

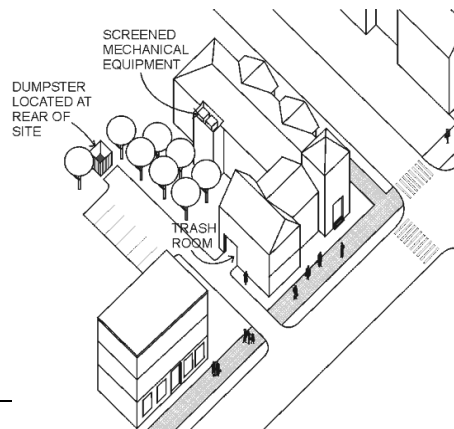
The director may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the director may require noise damping specifications for fans near residential zones.)
- 2. Exterior loading areas. Exterior loading areas for commercial uses must not be located within 20 feet of a residentially zoned property.

DEPARTURES may be allowed where such a restriction does not allow feasible development, and alternative design measures can successfully mitigate potential negative impacts. For example, areas and drives may be required by the reviewing authority to be separated from the residential lot by a masonry wall at least eight feet high.
- 3. Service areas must not be visible from the sidewalk and adjacent properties. Where the director finds that the only option for locating a service area is an area visible from a street, internal pathway or pedestrian area, or from an adjacent property, the area must be screened with structural and or landscaping screening measures provided in subsection (C) below and AMC Chapter 19.65 Landscaping. Service elements accessible from an alley are exempt from screening requirements.
- 4. Design for safety. Other provisions of this section notwithstanding, service areas used by residents must be located to avoid entrapment areas and other conditions where personal security is potentially a problem. The director may require pedestrian-scaled lighting or other measures to enhance security.
- 5. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etcetera, to minimize sounds and reduce impacts to at property lines adjacent to residentially zoned properties.
- 6. Dumpster storage areas.
 - 1. Dumpster storage areas must be provided for all non-residential and multifamily development.

2. Dumpster storage areas must be on-site and must not be located in the public right-of-way.
3. Dumpster storage areas must be sized to accommodate the minimum dumpster sizes (as provided by the Anacortes Engineering Design Standards) for garbage, recycling, and composting.

Figure 19.62.070(B)
Service element location

Locate service elements to reduce impacts on the residential and pedestrian environment, and provide appropriate enclosure.



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C. Screening of ground related service areas and mechanical equipment.

- I. Where screening of ground level service areas is required [see subsection (B)(3) above], the following applies:
 - a. A structural enclosure must be constructed of masonry, heavy-gauge metal, or decay-resistant material that is also used with the architecture of the main building. The reviewing authority may allow materials other than those used for the main building if the finishes are similar in color and texture or if the proposed enclosure materials are more durable than those for the main structure. The walls must be sufficient to provide full screening from the affected roadway, pedestrian areas or adjacent use. The enclosure may use overlapping walls to screen dumpsters and other materials [see Figure 19.62.070(C) below].
 - b. Gates must be made of heavy-gauge, site-obscuring material. Chain link or chain link with slats is not an acceptable material for enclosures or gates.
 - c. Where the interior of a service enclosures is visible from surrounding streets, pathways, and buildings, an opaque or semi-opaque horizontal cover or screen must be used to mitigate unsightly views. The horizontal screen/cover should be integrated into the enclosure design (in terms of materials and/or design).
 - d. Collection points must be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle vehicular traffic, or does not require that a hauling truck

project into any public right-of-way. Ensure that screening elements allow for efficient service delivery and removal operations.

e. The service area must be paved.

2. The sides and rear of service enclosures must be screened with landscaping at least five feet wide in locations visible from the street, parking lots, and pathways to soften views of the screening element and add visual interest.

DEPARTURES to the provisions of subsections (C)(1) and (2) above will be considered per AMC 19.20.220 provided the enclosure and landscaping treatment meet the purpose of the standards and add visual interest to site users.

Figure 19.62.070(C)
Acceptable screening enclosures.



D. Utility meters, electrical conduit, and other service utility apparatus.

These elements must be located and/or designed to minimize their visibility to the public. Project designers are strongly encouraged to coordinate with applicable service providers early in the design process to determine the best approach in meeting these standards. If such elements are mounted in a location visible from the street, pedestrian pathway, shared open space, or shared auto courtyards, they must be screened with vegetation and/or integrated into the building's architecture.

Figure 19.62.070(D)

Utility meter location and screening - good and bad examples.



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E. Location and screening of roof mounted mechanical equipment.

1. All rooftop mechanical equipment, including air conditioners, heaters, vents, and similar equipment must be fully screened from public view at the street level, with the exception of solar panels and roof-mounted wind turbines. Screening must be located so as not to interfere with operation of the equipment.
2. For rooftop equipment, all screening devices must be well integrated into the architectural design through such elements as parapet walls, false roofs, roof wells, clerestories, or equipment rooms. Screening walls or unit-mounted screening is allowed but less desirable. Wood must not

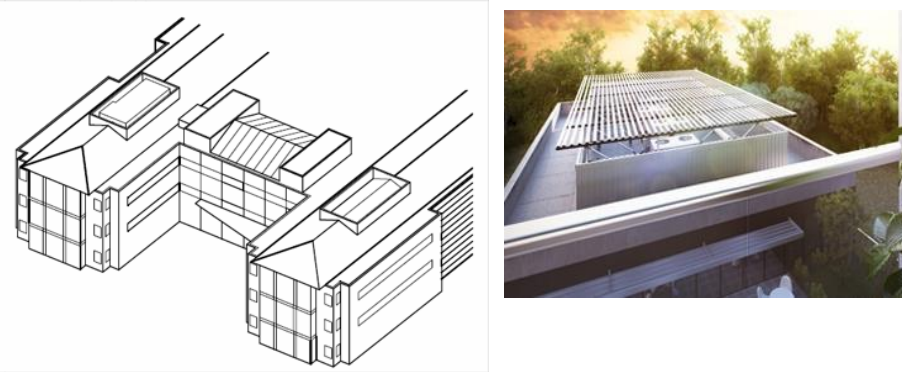
be used for screens or enclosures. Louvered designs are acceptable if consistent with building design style. Perforated metal is not permitted.

3. The screening materials must be of material requiring minimal maintenance and must be as high as the equipment being screened.
4. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etc. to minimize sounds and reduce impacts to not at property lines adjacent properties.

Figure 19.62.070(E)

Examples of how to screen roof-mounted mechanical equipment.

The left illustration shows how rooftop mechanical equipment can be located and screened effectively. The right images shows effective location and screening, including side walls and a trellis to screen views from taller



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Chapter 19.63 - BUILDING DESIGN

Sections:

- 19.63.010 - Purpose.
- 19.63.020 - Applicability.
- 19.63.030 - Building massing and articulation.
- 19.63.040 - Building details.
- 19.63.050 - Building materials.
- 19.63.060 - Blank wall treatment.

19.63.010 - Purpose.

This section provides direction for the design of buildings consistent with the goals and policies of the Anacortes Comprehensive Plan. See the individual “purpose” statements for each section in this chapter.

19.63.020 - Applicability.

- A. The provisions of this chapter apply to all non-residential and multifamily development. **Exemptions**
Exemptions are the following:
 - 1. All development in the I, LM, AZ, CM2, and MS zones.
 - 2. Developments in the HM and LMI zone when not abutting State Route 20 right-of-way.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.
- E. Public buildings may be exempted from building massing and articulation standards (see AMC 19.63.030), building details standards (see AMC 19.63.040), building materials provisions (see AMC 19.63.050), and blank wall treatment standards (see AMC 19.63.060) provided design treatments are integrated to meet the following objectives:
 - 1. Enliven the pedestrian environment along the adjacent sidewalks.
 - 2. Incorporate a prominent and inviting entry visible from the street.
 - 3. Building design and materials should evoke a sense of permanence.
 - 4. Site and building design stands out from the surrounding context as a distinct landmark and provides visual interest from all observable scales.

19.63.030 - Building massing and articulation.

A. Purpose.

1. To employ façade articulation techniques that reduce the perceived scale of large buildings and add visual interest from all observable scales.
2. To create clear and welcoming building entries.

B. Exemption. Buildings with less than 60 horizontal feet of façade are exempt from this section.

C. Façade articulation. Non-residential, mixed-use, and multifamily residential buildings must include façade articulation features at designated maximum intervals to create a human-scaled pattern. This standard applies to applicable building façades and other applicable building elevations facing parks, containing primary building entrances, and adjacent to lower intensity zones. Alley-facing building elevations not adjacent to a lower intensity zone are exempt.

1. The maximum horizontal length of intervals is:
 - a. MMU zone: 50 feet.
 - b. HM and LMI zone (where applicable): 60 feet.
 - c. Buildings in all other applicable zones: 30 feet.
2. At least three of the following articulation features must be employed in compliance with maximum interval standards in subsection (C)(1) above:
 - a. Use of windows and/or entries.
 - b. Use of weather protection features.
 - c. Use of vertical piers/columns (applies to all floors of the façade, excluding upper level stepbacks).
 - d. Change in roofline per subsection (F) below.
 - e. Change in building material, siding style, and/or window pattern (applies to all floors of the façade, excluding upper level stepbacks).
 - f. Vertical elements such as a trellis with plants, green wall, art element that meet the purpose of the standard.
 - g. Providing vertical building modulation of at least 12 inches in depth if tied to a change in roofline per subsection (F) below or a change in building material, siding style, or color. Balconies may be used to qualify for this option if they are recessed or projected from the façade by at least 18 inches. Juliet balconies or other balconies that appear to be tacked on to the façade will not qualify for this option unless they employ high quality materials and effectively meet the purpose of the standards.
 - h. Other design techniques that effectively reinforce a pattern of small facades compatible with the building's surrounding context.

DEPARTURES will be considered provided they meet the purpose of the standards and the design criteria in subsection (D) below. For example, a departure may propose a design with only two articulation features instead of three and/or the articulation features exceed the maximum articulation interval.

Figure 19.63.030(C-1)
Storefront façade articulation examples.

The left image uses window patterns, awnings, and roofline modulation. The photo example to the right also includes window patterns and weather protection along with brick vertical piers to articulate the façade. The lower example illustrates how a multitenant retail building can successfully be articulated (windows, weather protection, vertical building modulation, and roofline changes).



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Figure 19.63.030(C-2)
Residential façade articulation examples.

Below examples (except bottom right image) use a combination of vertical building modulation, window patterns, material changes, and roofline modulation.



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D. DEPARTURE criteria associated with articulation standards. Proposals must meet the purpose of the standards. The following criteria will be considered in determining whether the proposed articulation treatment meets the “purpose”.

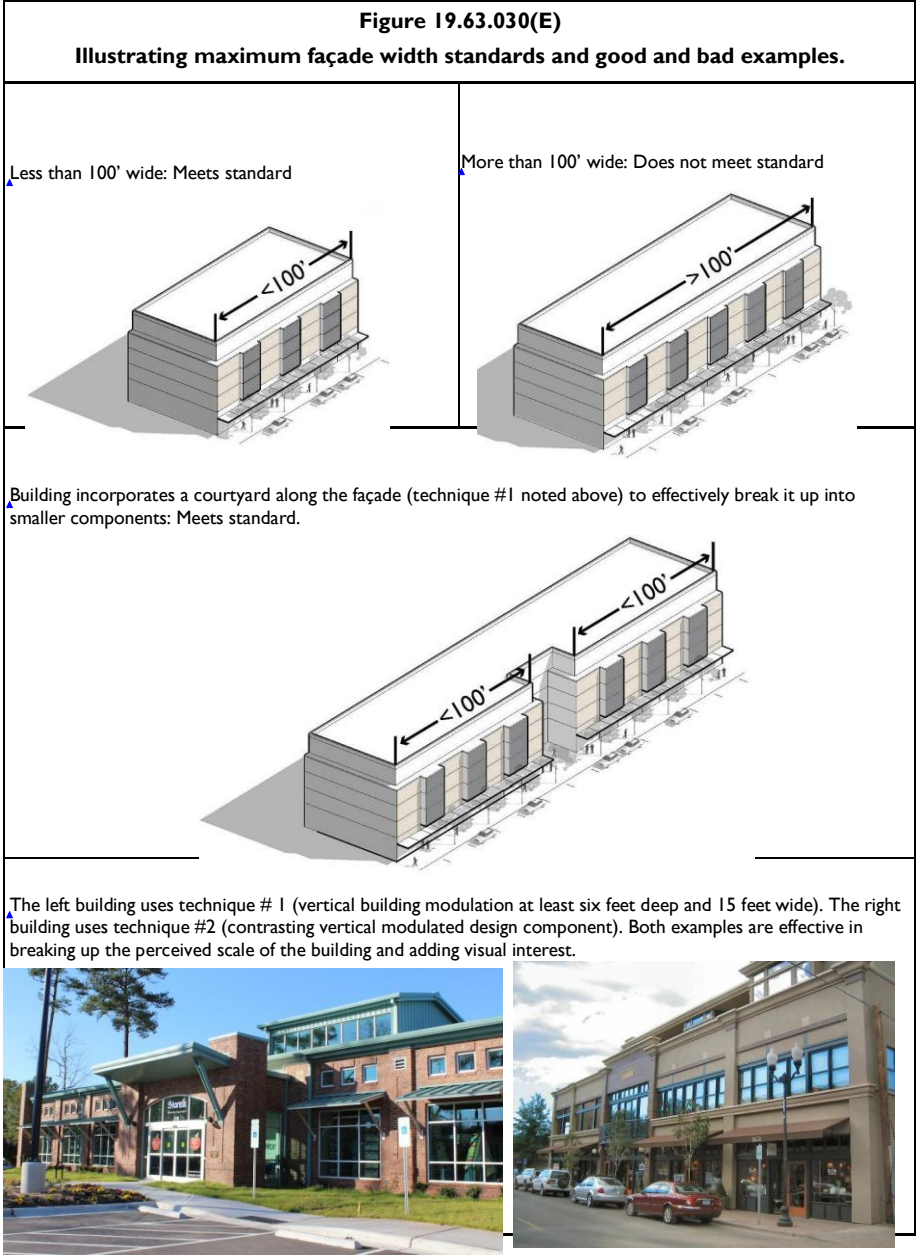
1. Consider the type and width of the proposed articulation treatment and how effective it is in meeting the purpose given the building’s current and desired context (per Anacortes’s Comprehensive Plan).
2. Consider the applicable block frontage designation. Undesignated block frontages warrant more flexibility than block frontages designated as Mixed or Landscaped.
3. Consider the size and width of the building. Smaller buildings warrant greater flexibility than larger buildings.
4. Consider the quality of façade materials in concert with doors, windows, and other façade features and their ability to add visual interest to the street from a pedestrian scale and more distant observable scales.

E. Maximum façade width. Building facades and other building elevations facing lower intensity zone edge must include at least one of the following features to break up the massing of the building and add visual interest. This standard applies to applicable building elevations wider than 100 feet (wider than 150 feet in the MMU zone).

1. Provide vertical building modulation at least six feet deep and 15 feet wide. For multi-story buildings, the modulation must extend through at least one-half of the building floors.
2. Use of a contrasting vertical modulated design component featuring all of the following:
 - a. Utilizes a change in building materials that effectively contrast from the rest of the façade.
 - b. Component is modulated vertically from the rest of the façade by an average of six inches.
3. Façade employs building walls with contrasting articulation that make it appear like multiple distinct buildings. To qualify for this option, these contrasting façades must employ all of the following:
 - a. Different building materials and/or configuration of building materials.
 - b. Contrasting window design (sizes or configurations).

DEPARTURES will be considered provided the design meets the purpose of the standards. Supplemental consideration for approving alternative designs:

- c. Width of the façade. The larger the façade, the more substantial articulation/ modulation features need to be.
- d. Block frontage designation. Storefront designated block frontages warrant the most scrutiny while undesignated streets warrant more flexibility.
- e. The type of articulation treatment and how effective it is in meeting the purpose given the building’s context.



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F. Roofline modulation. Roofline modulation is not required on all buildings. However, it can be used as one of the façade articulation features in subsections (B), (C), and (E) above. In order to qualify as an articulation feature, rooflines must employ one or more of the following:

1. For flat roofs or façades with horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of the wall) when combined with vertical building modulation techniques described in subsections above. Otherwise, the minimum vertical dimension of roofline modulation is the greater of four feet or 0.2 multiplied by the wall height.
2. A pitched roofline or gabled roofline segment of at least 20 feet in width. Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components at the interval required per the applicable standard above.
3. A combination of the above.

DEPARTURES will be considered provided the roofline modulation design effectively reduces the perceived scale of the building and adds visual interest.

Figure 19.63.030(F)
Acceptable examples of roofline modulation.



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19.63.040 - Building details.

A. Purpose.

1. To encourage the incorporation of design details and small-scale elements into building façades that are attractive at a pedestrian scale.
2. To integrate window design that adds depth, richness, and visual interest to the façade.

B. Façade details - non-residential and mixed-use buildings. All non-residential and mixed-use buildings in the C, CBD, MMU, CM zones and MED-O overlay must be enhanced with appropriate details. This standard applies to applicable building façades and other building elevations facing parks and containing primary building entrances. All new buildings and additions and buildings associated with Level II and III Improvements [see AMC 19.60.020(C)] must employ at least one detail element from each of the three categories below for each façade articulation interval [see AMC 19.63.030(B)]. For example, a building with 120 feet of lot frontage with a façade articulated at 30-foot intervals will need to meet the standards for each of the three façade segments below.

- I. Window and/or entry treatment, such as:
 - a. Display windows divided into a grid of multiple panes.
 - b. Transom windows.
 - c. Roll-up windows/doors.
 - d. Other distinctive window treatment that meets the purpose of the standards.
 - e. Recessed entry.
 - f. Decorative door.
 - g. Other decorative or specially designed entry treatment that meets the purpose of the standards.

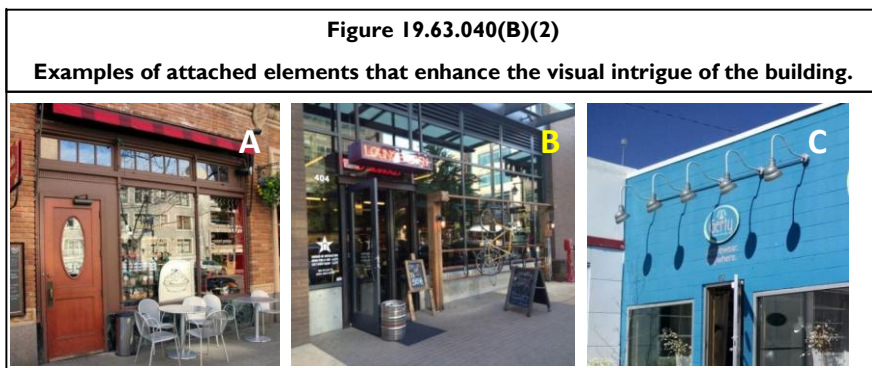
Figure 19.63.040(B)(1)

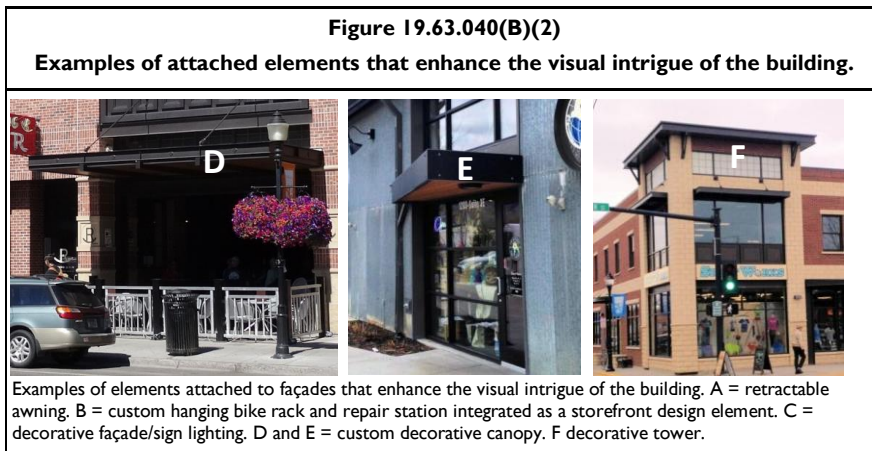
Examples of decorative or specially designed windows and entries.



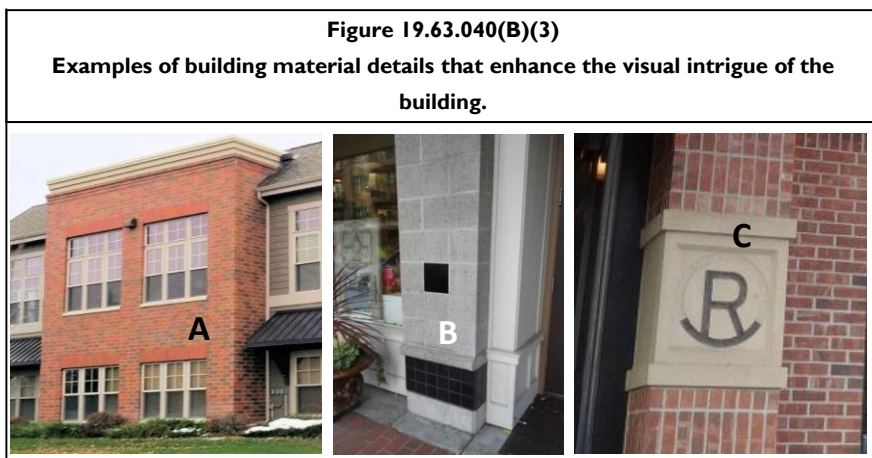


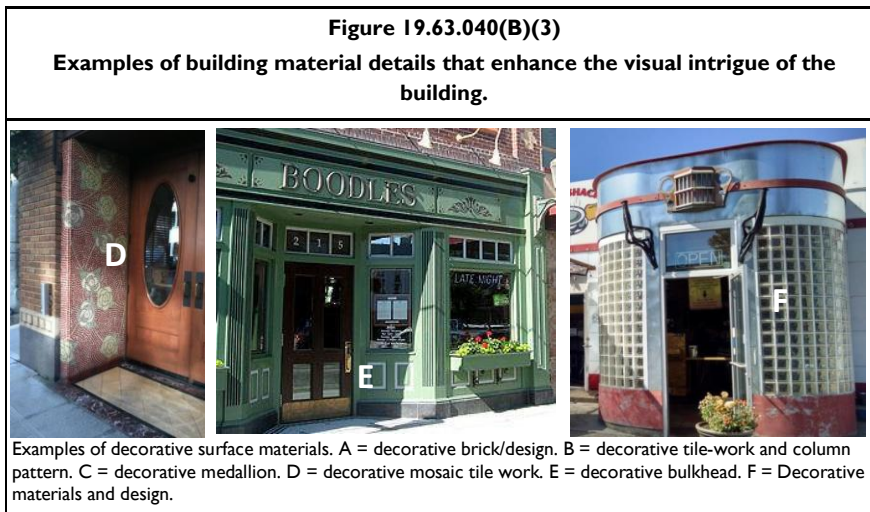
2. Building elements and façade details, such as:
 - a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning.
 - b. Decorative building-mounted light fixtures.
 - c. Bay windows, trellises, towers, and similar elements.
 - d. Decorative, custom hanging sign(s) (option only available for building remodels).
 - e. Other details or elements that meet the purpose of these standards.





3. Building materials and other façade elements, such as:
- Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework.
 - Artwork on building (such as a mural) or bas-relief sculpture.
 - Decorative kick-plate, pilaster, base panel, or other similar feature.
 - Hand-crafted material, such as special wrought iron or carved wood.
 - Other details that meet the purpose of the standards.



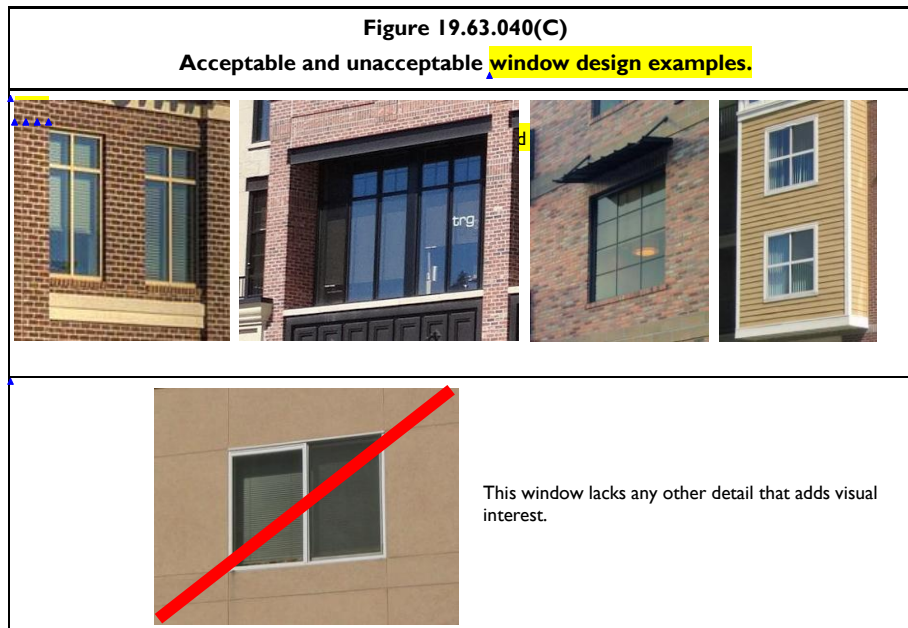


DEPARTURES will be considered provided the façade (at the overall scale and at the individual articulation scale) meets the purpose of the standards above.

C. Window design standards.

- I. All windows (except storefront display windows) must employ designs that add depth and richness to the building façade. At least one of the following features must be included to meet this requirement:
 - a. Recess windows at least two inches from the façade.
 - b. Incorporate window trim (at least three inches wide) around windows
 - c. Incorporate other design treatments that add depth, richness, and visual interest to the façade.
2. Prohibited windows: Mirrored glass is prohibited when used on more than ten percent of a building façade or other building elevation facing parks and containing primary building entrances.

Comment [CR88]: Should be prohibited everywhere due to potential for glare into adjacent properties or into traffic.



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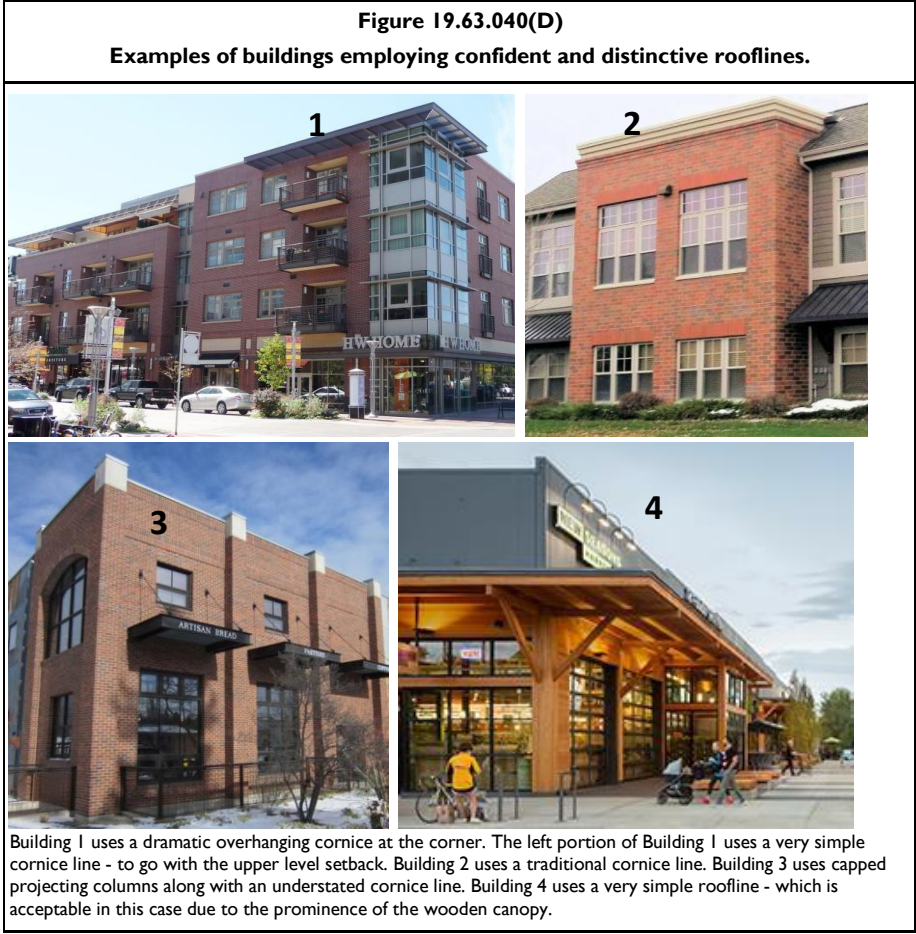
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D. Cornice/roofline design. Buildings employing a flat roof must employ a distinctive roofline that effectively provides an identifiable “top” to the building. This could include a traditional cornice line or a contemporary interpretation of a traditional cornice line.

1. Such rooflines must be proportional to the size and scale of the building.
2. Understated cornice lines are permitted depending on the materials and design of the base and middle elements in reinforcing the base/middle/top configuration.

Figure 19.63.040(E) below illustrate acceptable and unacceptable examples.



Rooftop solar units are permitted, provided the placement and design of units visible from the surrounding streetscape are carefully integrated into the overall design concept of the building.

E. Articulated building entries. The primary building entrance for an office building, hotel, apartment building, public or community-based facility or other multi-story commercial building must be designed as a clearly defined and demarcated standout architectural feature of the building. Such entrances must be easily distinguishable from regular storefront entrances on the building. Such entries must be scaled proportional to the building. See Figure 19.63.040(F) below for good examples.

Figure 19.64.060(E)
Acceptable building entry examples.



19.63.050 - Building materials.

A. Purpose.

1. To encourage the use of durable, high quality, and urban building materials that minimize maintenance cost and provide visual interest from all observable vantage points.
2. To promote the use of a distinctive mix of materials that helps to articulate façades and lends a sense of depth and richness to the buildings.
3. To place the highest priority on the first floor in the quality and detailing of materials at the pedestrian scale.

B. Quality building materials. Applicants must use high quality durable materials. This is most important for the base of buildings, particularly for commercial and mixed-use buildings where the façade is sited close to sidewalks. At a minimum, stone, brick or tile masonry, architectural concrete (first two feet only), or other similar highly durable materials must be used (excluding window and door areas) for the first floor of cladding on non-residential and mixed-use buildings.

C. Special conditions and limitations for the use of certain cladding materials.

1. Concrete block (a.k.a. Concrete Masonry Unit or CMU) may be used as a secondary cladding material on all street facing building elevations if it is incorporated with other permitted materials. Alternative designs that use concrete block as the primary, but not the only, cladding material will be considered via DEPARTURE provided the design incorporates a combination of textures and/or colors to add visual interest. For example, combining split or rock-façade units with smooth blocks can create distinctive patterns. The figures below illustrate acceptable concrete block use/designs.

Figure 19.63.050(C)(1)
Acceptable concrete block use/design.

CMU is the primary cladding for the corner element above, but secondary to brick on the main façades. The corner element uses a combination of decorative split faced CMU closer to the sidewalk and smooth-faced CMU that is colored to look more like traditional white terra cotta tiles.



The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding material. Note the use of split-façade CMU's above each of the awnings and coupled with the use of smooth-façade CMU's on the vertical columns (which employ black accent tiles for added interest).



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2. Metal siding may be used on all street facing building elevations provided it complies with the following standards:
 - a. It must feature visible corner molding and trim and does not extend to the ground level of non-residential and mixed-use buildings and no lower than two feet above grade for residential buildings. Masonry, concrete, or other durable material must be incorporated between the metal siding and the ground plane.
 - b. Metal siding must be factory finished, with a matte, non-reflective surface.
 - c. Within the C and CBD zones, metal may only be used as a secondary cladding material if it is incorporated with other permitted materials.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.050(C)(2)
Acceptable metal siding examples

The use of metal siding in each example above is secondary to masonry. The left and right images are more contemporary in character, whereas the middle image is more rustic and industrial, with more refined windows.



3. Use of Exterior Insulation and Finish System (EIFS). Such material/finishes may be used when it complies with the following:
 - a. EIFS is limited to no more than 20 percent of the total façade area and may not be the primary cladding material on non-residential and mixed-use buildings in the CBD, C, MMU, and CM zones.
 - b. EIFS must feature a smooth or sand finish only.
 - c. EIFS must be trimmed in wood, masonry, or other material and must be sheltered from weather by roof overhangs or other methods.
 - d. EIFS must not be used on the ground floor of the following building elevations:
 - i. Ground level facades containing non-residential uses in the CBD, C, MMU, and CM zones.
 - ii. Other ground level building elevations containing non-residential uses in the CBD, C, MMU, and CM zones when facing parks or containing primary building entrances.

Concrete, masonry, or other highly durable material(s) must be used for the subject ground level building elevations to provide a durable surface where damage is most likely.

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DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.050(C)(3)
Acceptable and unacceptable EIFS examples.



Note the use of brick and decorative concrete block on the ground level and EIFS on the second floor of the left image. The window treatments visible on the second floor add depth and interest to the façade. The right image employs EIFS between the window and sidewalk - this design is prohibited.

4. Cementitious wall board paneling/siding may be used provided it meets the following provisions:
 - a. Cement board paneling/siding may not be used on ground level facades containing non-residential uses and abutting a sidewalk or pathway.
 - b. Where cement board paneling/siding is the dominant siding material, the design must integrate a mix of colors and/or textures that are articulated consistent with windows, balconies, and modulated building surfaces and are balanced with façade details that add visual interest from the ground level and adjacent buildings.

DEPARTURES will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.050(C)(4)
Acceptable and unacceptable cementitious wall board examples.



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Figure 19.63.050(C)(4)
Acceptable and unacceptable cementitious wall board examples.

The above building uses cementitious wall board in different textures and colors to help articulate the façade. The white color replicates the board and batten style in the left image and green color in the right image effectively replicates horizontal wood siding.



The wall board panels covering a large area in a single color would not meet the purpose of the standards. The right image is a better example and combines larger panels (dark maroon color) with horizontal wall board siding (beige color) as effective articulation features. Below is a similar acceptable example.



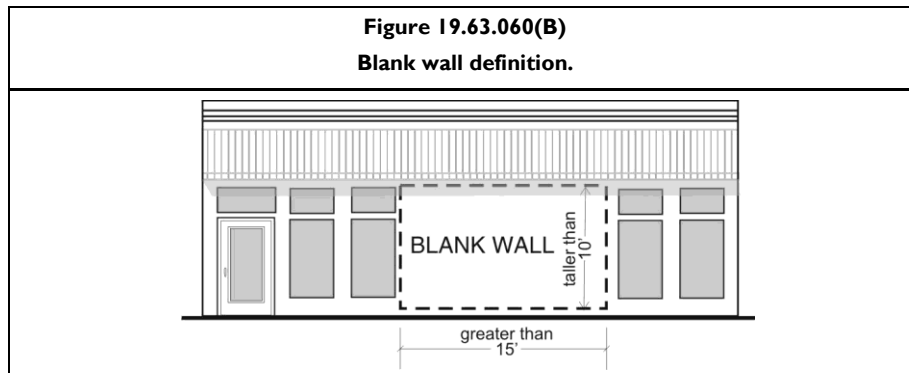
Another acceptable wall board example replicating board and batten style with horizontal siding integrated with different colors and roofline modulation.

19.63.060 - Blank wall treatment.

A. Purpose.

1. To avoid untreated blank walls.
2. To retain and enhance the character of Anacortes's streetscapes.

B. Blank wall definition. "Blank wall" means a ground floor wall or portion of a ground floor wall over 10 feet in height and a horizontal length greater than 15 feet and does not include a transparent window or door.



C. Blank wall treatment standards. Untreated blank walls adjacent to a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway are prohibited. Methods to treat blank walls can include:

1. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases [see Figure 19.63.040(C) below] do not qualify as a blank wall treatment.
2. Landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.
3. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
4. Installing a mural as approved by the reviewing authority.
5. Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

For large visible blank walls, a variety of treatments may be required to meet the purpose of the standards.

Figure 19.63.060(C)
Blank wall treatment examples.



Acceptable and unacceptable blank wall treatments. Note in the far right example, the display cases don't meet the 16" depth requirement, nor does the design meet the purpose of the standards.

Chapter 19.64 - PARKING

Sections:

- 19.64.010 - Purpose.
- 19.64.020 - Generally.
- 19.64.030 - Computation of required parking spaces.
- 19.64.040 - Number of parking spaces required.
- 19.64.050 - Size of parking spaces.
- 19.64.060 - Modifications to parking requirements.
- 19.64.070 - Parking fee-in-lieu.
- 19.64.080 - Shared parking.
- 19.64.090 - Parking for shell building permits.
- 19.64.100 - Bicycle parking requirements.
- 19.64.110 - Parking area design and construction standards.
- 19.64.120 - Parking area maintenance.

19.64.010 - Purpose.

The purpose of this chapter is to:

- A. Provide for adequate, convenient, and safe parking for cars and bicycles for all uses allowed in this Code in all area of the city.
- B. Limit the overbuilding of parking, which has impacts on construction costs, land consumed, air and water quality, walkability, traffic congestion, and aesthetics.
- B. Provide for alternative parking arrangements such as flexible minimum requirements, shared parking, and in-lieu fees.
- D. Reduce demand for parking by encouraging walking, bicycling, public transit, and rideshare.

19.64.020 - Generally.

- A. Off-street parking in conjunction with all land and building uses established after the enactment of the ordinance codified in this title must be provided prior to the issuance of a certificate of occupancy.
- B. Off-street parking for non-residential use must be either on the same lot or within 500 feet (walking distance) of the building it is intended to serve.
- C. Residential off-street parking space must consist of a parking lot driveway, garage, carport, or a combination thereof and must be located on the lot they are intended to serve.
- D. Any area once designated as required off-street parking must not be changed to any other use unless and until parking facilities are provided elsewhere, which conform to the requirements of this chapter.
- E. Off-street parking existing at effective date of the ordinance codified in this title in connection with the operation of an existing building or use must not be reduced to an amount less than hereinafter required for a similar new building or new use.
- F. The required off-street parking area must be for occupants, employees, visitors, patrons, and must be limited in use to parking, except for approved temporary uses per AMC 19.48.020(A).

- G. Off-street parking meeting the minimum quantitative requirements of this chapter is not considered a principal use for the purpose of interpreting Table 19.41.040 and Table 19.41.050.
- H. Parking studies. For the purposes of this chapter, a parking study is a document that provides sufficient information to determine the parking requirements for a specific use. The estimate may be based on scientific data, census data, transit service, academic studies, similar uses in the city or comparable cities, or other sources accepted by the director. As required by this chapter, a parking study may be required for adjusting minimum and maximum quantitative requirements, determining times of peak parking demand, and determining impacts to on-street parking in the vicinity of the subject development site. All parking studies must be prepared by either a professional engineer with expertise in traffic and parking analyses or an equally qualified individual authorized by the director.
- I. Parking needs must be balanced with low-impact development planning that considers the reduction of impervious surfaces as a priority.

19.64.030 - Computation of required parking spaces.

A. Number of parking spaces.

- 1. Off-street parking areas must contain at a minimum the number of parking spaces as stipulated in AMC 19.64.040, except for modifications allowed elsewhere in this chapter.
- 2. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
- 3. In the case of two or more uses on the same site, the total requirements for off-street parking must be the sum of the requirements for each use computed separately, except as permitted in AMC 19.64.080 pertaining to shared parking.

B. Guest parking requirements.

- 1. Guest parking is required for all residential developments in accordance with this subsection. Guest parking provided is above and beyond the minimum quantitative requirements elsewhere in this chapter.
- 2. Guest parking location and accessibility standards:
 - a. On-street parking areas within or directly adjacent to the subdivision or other development may be used to meet guest parking requirements provided such areas aren't already used for the purpose of meeting minimum parking requirements. One parking space is equivalent to 20 lineal feet of parallel on-street parking area.
 - b. Other off-street parking spaces within the subdivision/development that are above and beyond standard minimum parking requirements for the development. Such spaces The driveway meets the dimensional standards of AMC 19.64.050.
 - c. Guest parking spaces must be available to guests of any residential unit in the development at all hours.
- 3. Minimum guest parking ratios by housing type.

Comment [CR89]: This does not make sense. Some words appear to be left out.

Table 19.64.030(B)	
Minimum guest parking spaces required by housing type.	
Housing Type	Minimum guest parking ratio
Single-family	1 per 2 units
Cottage	1 per 4 units
Duplex or Triplex	1 per 4 units
Townhouse	1 per 4 units
Multifamily	1 per 6 units; Where units average less than 700 square feet, 1 per 4,000sf of net leasable floor area

4. Developments within the CBD zone are exempt from the guest parking requirements herein.
5. If the required number of guest parking spaces results in a fraction that requires less than one guest stall, no off-street guest parking space is required if on-street parking is available within 500 feet of the subject property.

C. Accessible parking requirements.

Accessible parking spaces must be provided in accordance with the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design.

19.64.040 - Number of parking spaces required.

- A. The minimum number of off-street parking spaces must be determined in accordance with Table 19.64.040.
- B. Special cases are indicated by the term “Director decision”, in which case parking requirements must be established by the director. For determination by the director, the applicant must supply one of the following:
 1. Documentation regarding actual parking demand for the proposed use.
 2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use.
 3. Documentation of parking requirements for the proposed use from other comparable jurisdictions.
- C. Where a cell in Table 19.64.040 is blank, then there are no applicable requirements for the use.
- D. For unclassified uses, refer to AMC 19.41.030(E). Where the director finds that there is no similar use, or where the anticipated parking needs are unusually high or low compared to similar businesses, the procedures for a “Director decision” under subsection (B) above apply.

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Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
RESIDENTIAL		
Household Living, as listed below		
Single-family	2 per unit	
Single-family, small lot	1 per unit	
Accessory dwelling unit	See AMC 19.47.030(B)(8)	
Cottage housing	1.5 per unit	
Duplex or triplex	Same as multifamily (based on number of bedrooms)	
Townhouse	Same as multifamily (based on number of bedrooms)	
Multifamily dwelling, one- bedroom or studio	1.0 per unit	1.5 per unit
Multifamily dwelling, two- bedrooms	1.4 per unit	2 per unit
Multifamily dwelling, three or more bedrooms	1.6 per unit	2.5 per unit
Multifamily dwelling, age- restricted	25% reduction in base multifamily parking requirements above (based on number of rooms)	Same as multifamily uses above
Live-work dwellings	Same as multifamily above plus: • Zero spaces for non-residential uses with <500sf non-residential floor area. • One space for non-residential uses with 500-1,000sf non-residential floor area. • Parking for non-residential floor area >1,000sf must meet applicable commercial use parking standards below.	
Group Living, as listed below		
Adult family home	2 per home	
Assisted living facility	0.5 per unit	
Nursing home	0.33 per bed	
Rooming houses	1 per rented room	
COMMERCIAL		
Day Care, as listed below		
Day care I facility	2 per facility	
Day care II facility	Director decision	
General Service, except as listed below	3 per 1,000 square feet of NFA	5 per 1,000 square feet of NFA

Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Boat/marine equipment service	2 per 1,000 square feet of NFA	
Heavy service	2 per 1,000 square feet of NFA	
Water-oriented service use	Director decision	
Medical, as listed below		
Hospital	Director decision	
Medical office	3 per 1,000 square feet of NFA	
Office	2.5 per 1,000 square feet of NFA	4 per 1,000 square feet of NFA
Overnight Lodging	1 per guest room	1.5 per guest room
Park-and-ride lot	Director Decision	
Passenger Terminal	Director decision	
Personal Service, as listed below		
Personal services, with fixed stations	1.25 per station	1.5 per station
Personal services, without fixed stations	2.5 per 1,000 square feet of NFA	4 per 1,000 square feet of NFA
Recreation, Indoor, except as listed below	Director decision	
Adult concessions	3 per 1,000 square feet of NFA	
Art gallery	2 per 1,000 square feet of NFA	
Museum	4 per 1,000 square feet of NFA	
Place of assembly	1 per 5 fixed seats or 8 per 1,000 NFA if no fixed seats	1 per 3 fixed seats or 12 per 1,000 NFA if no fixed seats
Recreation, Outdoor	Director decision	
Restaurant/Bar	5 per 1,000 square feet of NFA	14 per 1,000 square feet of NFA
Retail Sales, as listed below		
Retail or shopping center, less than 15,000 square feet NFA	3 per 1,000 square feet of NFA	5 per 1,000 square feet of NFA
Retail or shopping center, 15,000 square feet or more NFA	3 per 1,000 square feet of NFA	4 per 1,000 square feet of NFA
Heavy retail	2 per 1,000 square feet of NFA	4 per 1,000 square feet of NFA
Wholesale	1.5 per 1,000 square feet of NFA	
Taxi transportation services	Director decision	
Tour or cruise lot	Director decision	
Vehicle for boat Sales/Rental	Director decision	
INDUSTRIAL		

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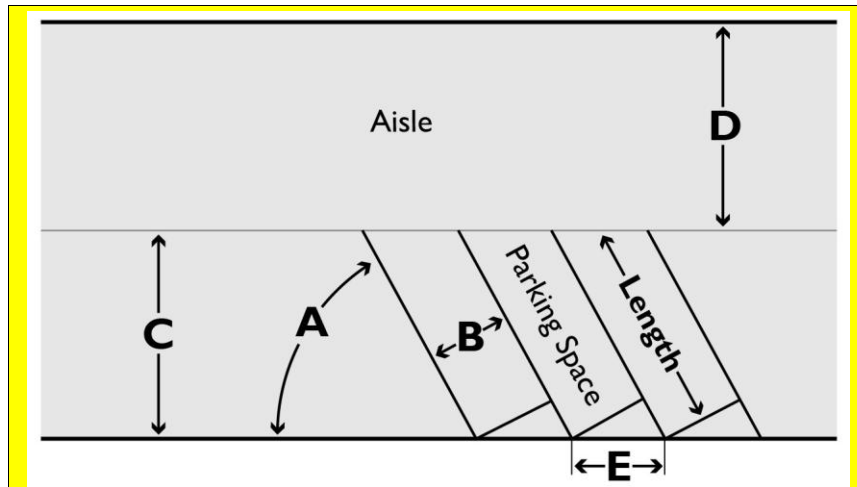
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Heavy Industrial	Director decision	1 per employee plus 2.5 per 1,000 square feet of NFA
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Table 19.64.040 Off-street parking spaces required.		
Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Light Industrial, except as listed below	1.5 per 1,000 square feet of NFA	1 per employee plus 2.5 per 1,000 square feet of NFA
Marijuana production	Director decision	
Marijuana, processing	Director decision	
Light Manufacturing, except as listed below	1.5 per 1,000 square feet of NFA	
Artisan manufacturing	2.5 per 1,000 square feet of NFA	
Research & Development	2 per 1,000 square feet of NFA	
Self-Service Storage	0.5 per 1,000 square feet of NFA	
Warehouse & Distribution	0.05 per 1,000 square feet of NFA	
Waste Related Services	Director decision	
Water-Oriented Industrial Uses	Director decision	
Wholesale Trade	Director decision	
PUBLIC, INSTITUTIONAL & OPEN SPACE USES		
Agriculture	Director decision	
Civic	Director decision	
Parks, Plazas, Open Spaces, and Natural Areas	Director decision	
Resource Extraction	Director decision	
Utilities	Director decision	

19.64.050 - Size of parking spaces.

A. Minimum requirements. Parking space and aisle dimensions for parking facilities must meet the standards in Table 19.64.050.



The columns A-E below refer the parking layout graphic above. Column A is measured in degrees and columns B-E are measured in feet.

A Parking Angle	B Space Width	C Space Length	D Aisle Width	E Curb Width
0 (Parallel)	8	N/A	N/A	23
30	9	18	11	18
45	9	20	13	12.7
60	9	21	18	10.5
90 (Perpendicular)	9	19	26	9

B. Parking space length. Parking spaces must be a minimum of 18 feet long and a maximum of 23 feet long. One foot may overhang designating walking paths.

C. Compact parking spaces.

- Up to 33 percent of required non-accessible parking spaces may be designated as compact.
- Compact parking spaces have a minimum space length of 15 feet and a minimum space width of eight feet.
- Each compact parking space must be clearly identified by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the parking space and centered between the striping.

D. Alley parking. When parking spaces located on a property are directly accessed from an alley, the alley right-of-way may be treated as the aisle per Table 19.64.050. The parking angle must be 45 degrees or less and parking spaces must be located to allow adequate turning space.

- E. Large vehicles.** When parking lots may have substantial traffic by trucks or other large vehicles, the director may establish larger minimum dimensions.
- F. Alternative standards.** The director may approve alternate designs not meeting these standards when a qualified Transportation Engineer demonstrates that the alternate design proposal meets current and accepted standards such those maintained by the Institute of Transportation Engineers.

19.64.060 - Modifications to parking requirements.

- A. For new development in the CBD zone, the minimum parking spaces required is 50 percent of that shown in Table 19.64.040.
- B. Ground floor commercial uses in the CBD zone are exempt from the minimum parking requirements of this chapter.
- C. Existing developments in mixed-use and industrial zones that change use or expand their net floor area by less than 50 percent are exempt from the minimum parking requirements of this chapter for the life of the building. Existing developments that expand their net floor area by 50 percent or more must meet the minimum requirements of this chapter. In no case may any new or expanded development exceed the maximum parking spaces allowed by this chapter.
- D. Minimum off-street parking for uses in the C, MMU, LM, LMI, HM, MS, I, CM2, R3, R3A, and R4 zones may be reduced from the requirements of Table 19.64.040 with any of the following options:
 - 1. The director may allow up to a 50 percent reduction in minimum parking spaces if the reduction is supported by a parking study per AMC 19.64.020(H).
 - 2. For non-residential uses 5,000 gross square feet or larger, two parking spaces may be replaced by one space reserved for employee carpools. Use of this provision is limited to a 10 percent reduction in total parking spaces as determined by the director.
 - 3. For non-residential uses 5,000 gross square feet or larger, provide showers, changing rooms, and day-use lockers near long-term bicycle parking (see AMC 19.64.100 for related requirements). Use of this provision is limited to a five percent reduction in total parking spaces as determined by the director.
 - 4. For residential uses with 20 or more dwelling units, five parking spaces may be replaced by one space reserved for a car-sharing provider. Use of the space by a car-sharing provider must be documented for the life of the building. Use of this provision is limited to a 25 percent reduction in total parking spaces as determined by the director.
 - 5. The applicant may propose other transportation-related options that reduce parking demand in exchange for reduced minimum parking spaces if the director determines they meet the purpose of this chapter.
- E. Maximum off-street parking outside the CBD zone may be increased up to 25 percent from the requirements of Table 19.64.040 if the increase is supported by a parking study per AMC 19.64.020(H). For increases more than 25 percent, the director may require any of the following as a condition of the increase:
 - 1. For non-residential uses 5,000 gross square feet or larger, provide spaces reserved for employee carpools.
 - 2. For non-residential uses 5,000 gross square feet or larger, provide showers, changing rooms, and day-use lockers near long-term bicycle parking (see AMC 19.64.100 for related requirements).

3. For non-residential uses 5,000 square feet or larger, provide a designated passenger loading and unloading area. This area may be located on the street with approval of the public works director or off-street in conformance with the standards of AMC 19.62.060 and AMC Chapter 19.53 Private Driveways and Access.
4. For residential uses with 20 or more dwelling units, provide spaces reserved for a car-sharing provider. Use of the space by a car-sharing provider must be documented for the life of the building.
5. The applicant may propose other transportation-related conditions that reduce parking demand in exchange for increased maximum parking spaces if they meet the purpose of this chapter.

19.64.070 - Parking fee-in-lieu.

A. Applicability. Developments may pay a fee in-lieu of off-street parking requirements established in AMC 19.64.040, provided the following conditions are met:

1. The City has adopted a parking fee-in-lieu plan with provisions for the rates, collection, and use of funds.
2. The development is new or an expansion of leasable area.
3. The development is in one of the following locations:
 - a. The CBD zone.
 - b. The OT zone east of M Avenue
 - c. The C zone north of 12th Street.
 - d. The MS zone west of R Avenue
 - e. The CM zone west of R Avenue.

B. Number of spaces. Up to 50 percent of the minimum parking space requirements of this chapter may be waived if all provisions of this section are met. Additional reduction opportunities up to an additional 50 percent may be waived if supported by a parking study per AMC 19.64.020(H).

C. Fee payment.

1. Rate. The fee-in-lieu per parking space must be set by the director and be based upon the current market rates for acquiring, planning, designing, developing, financing, and maintaining public off-street parking facilities. The director may maintain separate rate schedules based upon the different costs of surface parking facilities and structured parking facilities. The director may apply the rate that is consistent with the City's current public parking plan.
3. Timing. The fee must be paid prior to the issuance of a building permit.

D. Use of fee.

1. Funds from the parking fee-in-lieu program must be deposited by the City of Anacortes treasurer in a special fund to be designated the "Anacortes off-street parking cumulative fund." The City Council may direct that other moneys be transferred into the fund to be used for the purposes of the fund.
2. The fund must be used exclusively for acquiring, planning, designing, developing, financing, and maintaining public off-street parking facilities by purchase or lease in the areas identified in subsection (A)(3) above. The number of parking spaces planned and provided must be at least equal to the number of parking spaces waived for private development under this section.

3. Parking facilities provided with this fee must be available for general public use at all times, including for long-term residential parking. Use of such parking facilities may require time-based fees, and other restrictions may apply, as determined by the City's current parking plan.

19.64.080 - Shared parking.

- A. Two or more buildings or uses may collectively provide the required off-street parking to achieve efficiency of vehicular and pedestrian circulation, economy of space, and a superior grouping of buildings or uses. Legally binding documents, such as a covenant or reciprocal easement agreement, or by participation in a local improvement district or parking cooperative or association, must be approved by the City attorney and recorded with the Skagit County Auditor in the chain of title for the properties at expense of the applicant.
- B. When cooperative parking facilities can be provided, the director may reduce the on-site parking requirements based on any of the following criteria:
 1. Peak demand occurs at distinctly different times as reported by the Institute of Transportation Engineers or found with a parking study per AMC 19.64.020(H).
 2. The minimum required parking for a multi-tenant facility must be based upon the minimum amount necessary to satisfy the highest average daily peak demand generated by the uses at a single time period.
 3. In no case may the minimum required parking for a multi-tenant facility be less than 60 percent of the total required for all uses in the facility.
- B. Shared parking associated with multi-tenant retail and commercial facilities will be considered to be a shared parking facility. Lease agreements will satisfy the requirement for a sufficient legal document.
- C. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.

19.64.090 - Parking for shell building permits.

When the city has received a shell building permit application, off-street parking requirements must be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the director must establish the amount of parking based on a likely range of uses.

19.64.100 - Bicycle parking requirements.

A. Minimum required.

1. The minimum number of short-term and long-term bicycle parking spaces required is in Table 19.64.080. For the purposes of this section, the director must determine what use applies to the development.
2. If the formula for determining the number of bicycle parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with

fractions of .50 or greater rounding up and fractions below .50 rounding down. If the formula results in a number less than one, then at least one bicycle parking space is required.

3. In the case of two or more uses on the same site, the total requirements for bicycle parking must be the sum of the requirements for each use computed separately.

Table 19.64.080		
Bicycle parking spaces required.		
Use	Minimum Short-Term Bicycle Parking Spaces Required	Minimum Long-Term Bicycle Parking Spaces Required
RESIDENTIAL USES		
Multifamily and group residential	1 per 20 dwelling units	1 per 10 dwelling units
COMMERCIAL & INDUSTRIAL USES		
Hotel/motel	1 per 5 guest rooms	1 per 20 guest rooms
Place of assembly	1 per 30 fixed seats or 1 per 1,000 square feet of NLA if no fixed seats	1 per 60 fixed seats or 0.25 per 1,000 square feet of NLA if no fixed seats
Retail and service	0.25 per 1,000 square feet of NLA	0.10 per 1,000 square feet of NLA
Office	0.25 per 1,000 square feet of NLA	0.25 per 1,000 square feet of NLA
Industrial	1 per 10,000 square feet of NLA	0.5 per 10,000 square feet of NLA
PUBLIC, INSTITUTIONAL & OPEN SPACE USES		
Education/school	2 per 1,000 square feet of NLA	A quantity equal to 10 percent of the maximum students present at the peak hour plus 5 percent of employees

B. Location.

1. Short-term bicycle parking spaces may be located:
 - a. Indoors or outdoors on the development site.
 - b. On a public sidewalk outside the development, provided all of the following requirements are met:
 - i. The sidewalk is at least 12 feet wide in a mixed-use or industrial zone or at least 8 feet wide in a residential zone.
 - ii. The bicycle parking spaces are within 100 feet of the development's primary pedestrian entry.
 - iii. The public works director certifies bicycle parking in the public right-of-way in the proposed location does not conflict with the Transportation Plan.
 - iv. The property owner maintains the bicycle parking in perpetuity per the terms of an encroachment permit recorded to the property title.
2. Long-term bicycle parking spaces must be located on the development site.

- C. Design.** The design of short-term and long-term bicycle parking spaces must substantially comply with the current "Essentials of Bike Parking" maintained by the Association of Pedestrian and Bicycle Professionals, or similar standards approved for use by the director.

19.64.110 - Parking area design and construction standards.

- A. Parking area plans.** Developments featuring new off-street parking areas must submit plans of such parking area(s) showing adjacent streets, proposed circulation of traffic, proposed drainage, lighting, landscaping, and fencing.
- B. Parking lot access.**
1. Ingress and egress to the parking lot or area must be provided at locations approved by the city engineer.
 2. Rear parking lot access. When off-street parking is provided in the rear of a building and a driveway alongside the building provides access to the rear parking area, such driveway must have a minimum width of twelve feet and a three-foot minimum width sidewalk adjoining the building, curbed and raised six inches above the driveway surface. Refer to AMC Chapter 19.61 Block Frontage Standards for related parking lot location standards.
- C. Surfacing and grading.** All required off-street parking area must be graded and surfaced to a standard comparable to the street which serves the parking area as determined by the city engineer. Off-street parking areas must have dust-free, all-weather surfacing. Off-street parking areas must conform to City of Anacortes development standards.
- D. Drainage.** Drainage and erosion/sedimentation control facilities must be provided in accordance with City of Anacortes development standards.
- E. Parking space markings.** Asphalt or concrete surfaced parking areas must have parking spaces marked by surface paint lines or suitable substitute traffic marking material. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, right-of-way, or landscaped areas.
- F. Traffic control devices.** All traffic control devices such as parking strips, designated car stalls, directional arrow or signs, bull rails, curbs, and other developments must be installed and completed as shown on the approved plans. Hard surfaced parking areas must use paint or similar devices to delineate car stalls and direction of traffic.
- G. Curbing.** All access and parking areas must use cast-in-place vertical curbs or functionally equivalent designs that provide pedestrian safety. Curbs may be cut to allow surface water runoff to enter low impact development best management practices.

19.64.120 - Parking area maintenance.

- A.** The property owner must maintain all off-street access and parking areas.
- B.** Maintenance must include:
1. Removal and replacement of dead and dying trees, grass and shrubs.
 2. Removal of trash and weeds
 3. Repair and maintenance of traffic control devices, parking space striping, signs, light standards, fences, walls, surfacing materials, curbs, railings, landscaping, and stormwater best management practices features.
 4. Repair and maintenance of permanent stormwater best management practices features.

Chapter 19.65 - LANDSCAPING

Sections:

- 19.65.010 - Purpose.
- 19.65.020 - Applicability and compliance.
- 19.65.030 - Landscaped area, defined.
- 19.65.040 - Landscape plans.
- 19.65.050 - Plant material and installation standards.
- 19.65.060 - Landscaping types.
- 19.65.070 - Landscaping site design standards.
- 19.65.080 - Maintenance.
- 19.65.090 - Irrigation standards.
- 19.65.100 - Performance assurance/bonding.

19.65.010 - Purpose.

Landscaping is necessary to provide a well-balanced, aesthetically pleasing environment for the residents of Anacortes. Specifically, these requirements are intended to accomplish the following:

- A. Maintain and enhance property values.
- B. Enhance the character and appearance of each neighborhood and the community.
- C. Promote tree retention and the protection of existing native vegetation.
- D. Implement tree and landscaping plans and programs adopted by the city.
- E. Provide adequate buffers between differing land uses.
- F. Define, break up, and screen parking areas to reduce potentially negative impacts on adjacent uses.
- G. Improve the air quality and provide wildlife habitat.
- H. Reduce erosion and stormwater runoff.

19.65.020 - Applicability and compliance.

- A. Applicability. This chapter applies to all required landscaping installed or altered on all properties.
- B. For clarification on the relationship between the provisions in this division and other documents and codes, see AMC 19.60.020(B).
- C. For the application of building additions and remodels and site improvements, see AMC 19.60.020(C).
- D. For clarification on how the provisions of this division are applied, see AMC 19.60.030.
- E. The director may waive or relax these provisions in the HM, I, LM, MS, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. Greater numbers of employees and/or customers and higher visibility levels warrant a greater application of building design standards.

19.65.030 - Landscaped area, defined.

- A. Minimum landscaped areas required in Tables 19.42.020-030 consist of grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, lawn grass, and other vegetation. Landscaped area may include xeriscape elements. Exceptions and exemptions:
1. Developments on sites with a designated Storefront block frontage are exempt.
 2. Developments on sites featuring a building or buildings meeting Storefront block frontage standards along the entire lot frontage are exempt.
 3. Commercial or multifamily developments may use rooftop planting areas to provide required landscaped area provided at least 50 percent of all required parking is located within and/or below the structure.

19.65.040 - Landscape plans.

- A. A landscape plan is required for all new development containing landscaping, including landscaping within the adjacent right-of-way. The landscape plan must be submitted as part of the applicable review process within AMC 19.20.030.
- B. Landscape plans must be completed by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) if the proposed development is multifamily or non-residential ~~or if~~ and the development site area is ~~4020~~ 4000 gross square feet or larger.
- C. Landscape plans must show the following elements:
1. Boundaries and dimensions of the site.
 2. Location of existing and proposed streets, curbs, utility lines, sidewalks.
 3. Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, grassy swales, parking lot lighting, and any plants or trees that are to remain on site.
 4. The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, size and type of plant material by botanical and common name.
 5. North arrow and scale.
 6. Irrigation system if a permanent or temporary system is proposed.
 7. Planting details.
 8. Name, address and phone number of the person preparing the plan.
 9. Landscaping calculations in compliance with this chapter.
 10. A maintenance plan for any infiltration-based stormwater best management practices (BMPs) built as part of the landscaping design, including the specifications and maintenance procedures of any soil amendments.
- D. No building permits or certificate of occupancy (CO) must be issued until a landscape plan is reviewed and approved and improvements installed per the approved landscape plan. A suitable guarantee may be provided if installation is not possible or advisable due to seasonal constraints.

Comment [CR90]: Small multifamily and non-residential projects, as well as single-family should be allowed to have plans drawn by the owner or a landscape company as long as they provide appropriate information. Licensed Landscape Architect is not needed and reduces affordability by increasing costs.

19.65.050 - Plant material and installation standards.

A. Native and naturalized plant species.

New landscaping materials must include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 8b as described in the United States Department of Agriculture's Plant Hardiness Zone Map. The selection of plant species should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, soil infiltration capacity, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

B. Tree standards and guidelines.

1. Tree heights may be called for within this chapter or elsewhere within this title:
 - a. Large tree: Capable of growing 35 feet high or greater under normal growing conditions.
 - b. Medium tree: Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.
 - c. Small tree: Capable of growing up to 15 feet high under normal growing conditions.
2. Unless otherwise noted herein, required trees must meet the following standards at the time of planting:
 - a. Required deciduous trees (other than street trees) must be fully branched, have a minimum caliper of 1 1/2 inches (as measured six inches above the root ball), and a minimum height of 6 feet at the time of planting.
 - b. Required deciduous trees within parking areas must be a minimum caliper of one inch (as measured six inches above the root ball) and a minimum height of 10 feet at the time of planting.
 - c. Required evergreen trees must be fully branched and a minimum of six feet in height, measured from the treetop to the ground, at the time of planting.

C. Shrub standard.

Shrubs, except for ornamental grasses, must be a minimum of one-gallon size at the time of planting.

D. Ground cover standards and guidelines.

1. Ground covers must be planted and spaced to result in total coverage of the required landscape area within three years, or as per recommendations by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist as follows:
 - a. Four-inch pots at 18-inches on-center.
 - b. One-gallon or greater sized containers at 24-inches on-center.
 - c. A bed of flowers in place of ground cover plants. A reduction in the minimum size may be permitted if certified by a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist that the reduction must not diminish the intended effect or the likelihood the plants will survive.
2. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).
3. Ground cover areas must contain at least two inches of composted organic material at finished grade.

E. Tree and plant diversity.

1. If there are more than eight required trees, no more than 40 percent of them may be of one species.
2. If there are more than 24 required trees, no more than 20 percent of them may be of one species.
3. If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

F. Soil augmentation and mulching.

1. Existing soils must be augmented with a two-inch layer of fully composted organic material tilled a minimum of 6 inches deep prior to initial planting.
2. Landscape areas must be covered with at least two-inches of mulch to minimize evaporation. Mulch must consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock can also be used as a mulch.

G. Landscape installation standards

1. All required landscaping must be in-ground, except when in raised planters. Plant materials will be installed to current nursery industry standards.
2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
3. Existing trees and plant materials to be retained must be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment must not be allowed within the dripline of trees to be retained.
4. Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.
5. Tree/shrub height and location. The landscape plan should plan for the mature size of trees and major shrubs to avoid interference with windows, decks or lighting.
6. Trees must be protected by fencing until they are mature enough to withstand typical wildlife activity.

19.65.060 - Landscaping types.

Below are described four landscaping types. These landscaping types may be required by different sections of code within this chapter and elsewhere in this division.

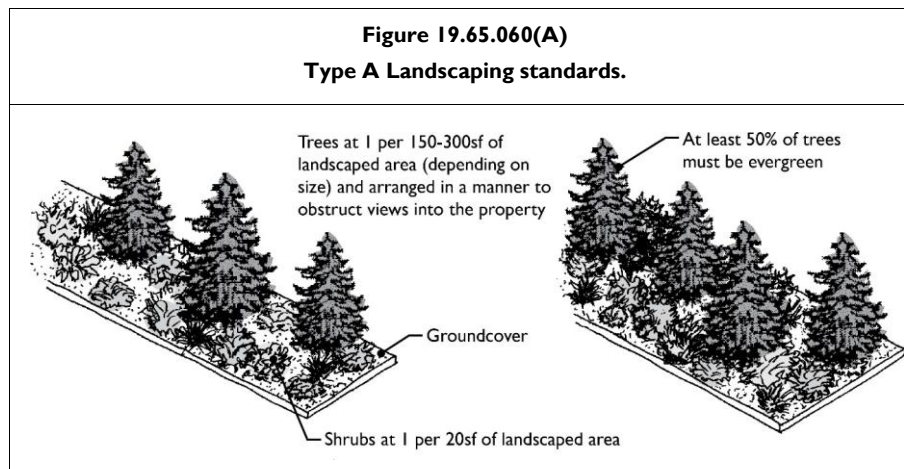
A. Type A Landscaping.

1. Type A Landscaping must function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views.
2. Type A Landscaping must minimally consist of:
 - a. Trees: Predominately evergreen (more than 50 percent) at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.

(3) One small tree per 150 square feet or 15 linear feet

At least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].

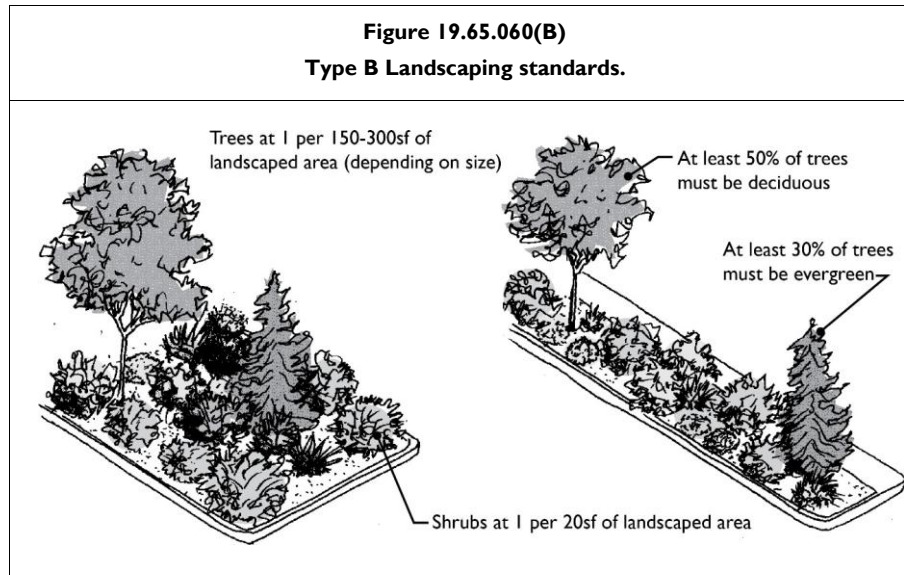
- b. Shrubs: Predominately evergreen provided at the rate of one shrub per 20 square feet of landscape strip.
- c. Groundcover: Planted at a density to cover the buffer within three years.
- d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
- e. The selected plant materials and configuration will be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate.



B. Type B Landscaping.

- 1. Type B Landscaping is a “filtered screen” that functions as a visual separator. This landscaping is typically found between differing types of residential development, and to screen unwanted views from the pedestrian environment;
- 2. Type B Landscaping must minimally consist of:
 - a. Trees: At least 50 percent deciduous trees and at least 30 percent evergreen trees at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.
 - (3) One small tree per 150 square feet or 15 linear feetAt least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].
 - b. Shrubs: Provided at the rate of one shrub per 20 square feet of landscape strip and spaced no more than eight feet apart on center.
 - c. Groundcover: Planted at a density to cover the buffer within three years.

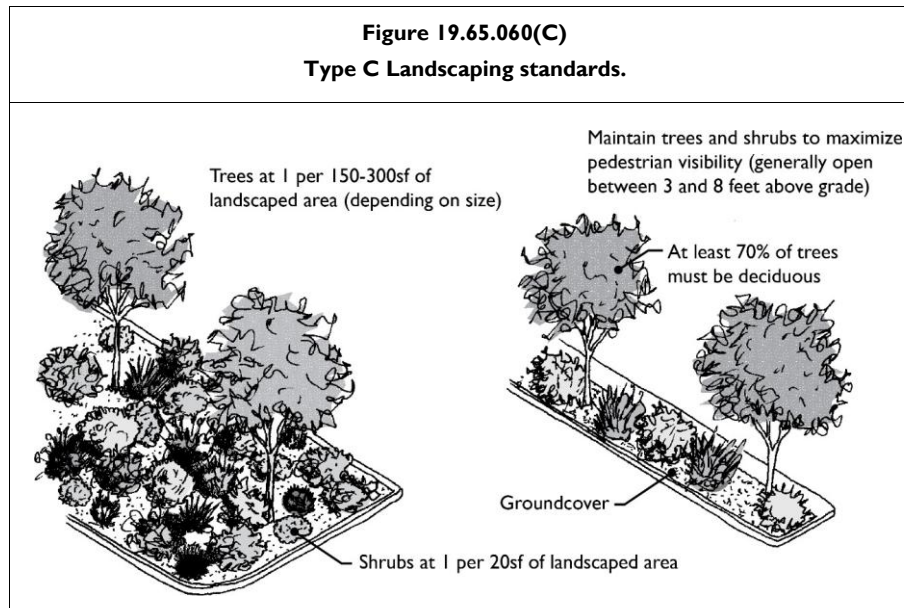
- d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
- e. The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.



C. Type C Landscaping.

1. Type C Landscaping is a "see-through screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along lot frontages or between multifamily developments.
2. Type C Landscaping must minimally consist of:
 - a. Trees: At least 70 percent deciduous trees at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.
 - (3) One small tree per 150 square feet or 15 linear feet
 At least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].
 - b. Shrubs: Provided at the rate of one shrub per 20 square feet of landscape strip and spaced no more than eight feet apart on center.
 - c. Groundcover: Planted at a density to cover the buffer within three years.
 - d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
 - e. Maintain trees and shrubs to maximize pedestrian visibility (generally between three and eight feet above grade).

- f. The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.



D. Type D Landscaping.

1. Type D Landscaping refers to all other landscaped areas that do not qualify as Type A, B, or C Landscaping, a hedge, or rain garden. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.
2. Type D Landscaping may include any combination of plant materials provided they comply with the plant materials standards in AMC 19.65.050.

E. Low hedge.

A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30 inches wide and 30 inches tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and 48 inches tall.

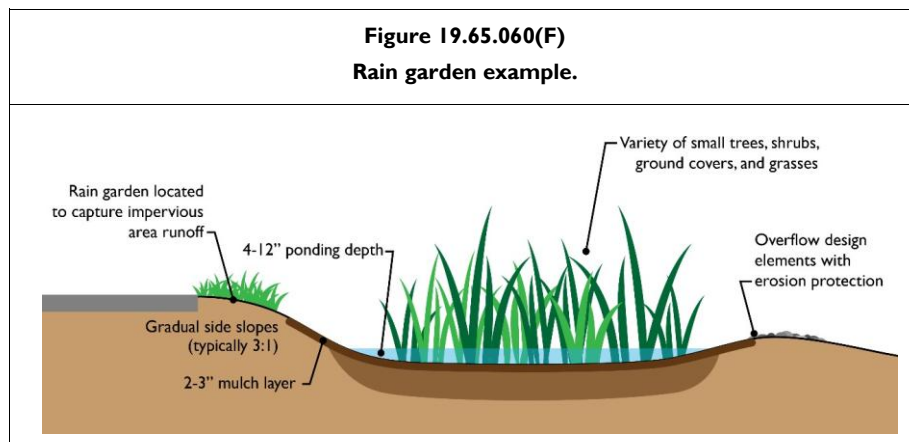
Figure 19.65.060(E)
Low hedge examples.



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F. Rain garden.

- I. A rain garden is a planted depression that allows rain water runoff from impervious areas to be absorbed. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:
 - a. Garden located and designed to capture impervious area runoff.
 - b. Four to 12 inch ponding depth.
 - c. Two to three inch mulch layer.
 - d. Gradual side slopes (typically 3:1).
 - e. Overflow design elements with measures to protect erosion.
 - f. Generous plantings of a variety of small trees, shrubs, ground covers, and grasses. Select plants suitable for the three planting zones within the garden and around the perimeter.
2. The applicability of rain gardens in site design will be determined by project size and flow control exemptions based upon Minimum Requirement #5 of the Western Washington Phase II municipal stormwater permit.



19.65.070 - Landscaping site design standards.

A. Required buffer standards. Screening between certain uses may be called for in Table 19.65.070(A) below or elsewhere in this title. Interpretation of Table 19.65.070(A):

1. Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may require any of the following to better ensure the survival of existing mature trees and vegetation:
 - a. Augment existing plantings with new plant materials to meet the purpose of the standards.
 - b. Require wider buffers to better ensure the survival of existing mature trees and vegetation. This must be accompanied by use of a buffer averaging approach in which the buffer may be reduced in other locations to achieve, on average, the minimum buffer width required in Table 19.65.070(A) or elsewhere in this title.
 - c. Other supplemental planting conditions.
2. The letters A, B, C, and D and terms "low hedge" and "rain garden" refer to the landscape types described in AMC 19.65.060. Where more than one buffer type is referenced in a cell, one of the subject buffer types is required. The term "All" means that any of the landscaping types may be used.
3. The term "Fence" refers to the requirement of a six-foot high sight-screening fence. Such fences must comply with the provisions of AMC Chapter 19.66 Fences, Walls, and Hedges.
4. Where the cells are empty, there are no landscaping buffer requirements for the particular situation.
5. The numbers refer to the minimum required width of the required landscaping buffer.
6. Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.

7. The screening elements must extend along the entire property line between the uses/properties except where precluded by structures, driveways, or similar obstructions.
8. Where the developing use is across the street from an existing abutting use or zone, only the buffer type listed for the abutting street is required.
9. DEPARTURES. Alternative buffer treatments may be approved per AMC 19.20.220 for any of the buffer types required below, provided they meet the purpose of this chapter.

Table 19.65.070(A)
Required buffer types.

Developing use	Existing abutting uses and zones					
	Street	R-1 & R-2 zones ¹	R-3 & R-4 zones or Multi-family use	C, CBD, MMU & CM zones ¹	HM, MS, CM2, I & LM zones	Park & trails
Multifamily	Note ²	Fence plus BC-5'	Fence or ABCDEF-5' or path ³	Fence or BC-5' or path ³	Fence plus ABC-10'	Fence or All-10' Note ⁴
Low intensity non-residential use ⁶	Note ²	Fence plus ABC-5'	Fence or AB-5'	See site planning standards in chapter 19.62		Note ⁵
Moderate intensity non-residential use ⁷	Note ²	Fence plus ABC-10'	Fence plus ABC-5'			Note ⁵
High intensity non-residential use ⁸	Note ²	Fence plus ABC-15'	Fence plus ABC-10'			Note ⁵
Outdoor storage	Note ² plus A-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence or A-5' or B-10'		Fence plus ABC-5' or A-10'
Heavy industry	Note ²	Fence plus ABC-20'	Fence plus ABC-20'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-10' or AB-20'

Notes:

1. Where the abutting use meets the definition of multifamily, the developing use is subject to the landscape buffer type under the multifamily use column.
2. For landscaping between developing uses and streets, see the applicable block frontage map for the property in AMC 19.61.040 and the corresponding block frontage standards in AMC Chapter 19.61 Block Frontage Standards. Multifamily uses in residential zones are subject to the landscape block frontage standards in AMC 19.61.070.
3. A paved or gravel pathway separating the properties/uses. Landscaping planters at least three feet wide separating the pathway from buildings (or other effective visual transitions between the pathway and building as determined by the director) is required.
4. For developing multifamily uses adjacent to parks and trails, the director may adjust requirements to emphasize buffer types that enhance visibility between the developing use or focus more on visual screening depending on the context of the park or trail and type of developing use.
5. See AMC 19.61.120 for trail block frontage standards.
6. "Low-intensity non-residential use" is a small scale commercial use or development (as defined in AMC Chapter 19.45). This includes uses and/or developments with less than 25,000 square feet of

gross floor area and containing no outdoor storage along site edge requiring a landscape buffer per AMC 19.65.040.

7. "Moderate-intensity non-residential use" includes uses and/or developments that are moderate in scale and intensity. This includes uses and/or developments that don't qualify as a low-intensity non-residential use (either they are too large or have some outdoor storage areas along the site edge requiring a landscape buffer per AMC 19.65.040) or a high-intensity non-residential use (not large enough or don't meet the use qualifications).
8. "High-intensity non-residential use" includes uses and/or developments with over 120,000 square feet of gross floor area or are classified as an industrial use per AMC Chapter 19.45 Industrial Uses.

B. Supplemental buffer standards.

1. For screening requirements for service areas and mechanical equipment for non-residential and multifamily development, see AMC 19.62.070.
2. Required buffer vegetation must be planted within the property boundaries. However, additional plantings above the minimum requirement may extend into the right-of-way per AMC 19.65.070(F).
3. The height of any screen material required by this chapter in the vicinity of a point of ingress and egress may not exceed 2-1/2 feet in height within the clear-vision triangle (AMC 19.69.070).

C. Trees and block frontage landscaping.

1. Non-residential and multifamily developments must include landscaping between the sidewalk and building or parking areas in conformance with this chapter. Exceptions are allowed for pedestrian and vehicular access, pedestrian-oriented space, utility elements, and permitted signage.
2. Where buildings are setback at least 15 feet from a street property line, trees must be planted at an average of thirty feet apart in such planting areas, with groundcover or shrubs used liberally. DEPARTURES may be considered provided alternative treatments meet the purposes of this chapter.
3. Trees utilized in these planting areas must minimize conflict with underground and overhead utilities. Trees to be utilized must be from the approved list of recommended plant materials or an approved equivalent.

D. Parking lot landscaping.

1. Purpose. The purpose of parking lot landscape development is to soften the visual effect created by large expanses of barren asphalt.
2. Required area. Planting areas in new parking areas with 20 or more spaces or in upgraded or improved parking areas with 20 or more spaces must constitute at least five percent of the parking area.
3. Minimum width and length. Planting areas must have a minimum average width of ten feet (measured inside the curb) and must be the same length as the parking stall or column.
4. Planting type: Type C Landscaping must be used in required planting areas. Rain gardens may be integrated into planting strips provided they integrate the same number of trees as for Type C Landscaping.
5. Distribution: Landscaped areas must be distributed throughout the parking lot.
6. Parking lot perimeters:

- a. For parking lots adjacent to public streets, use Type C Landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in AMC Chapter 19.61 Block Frontage Standards.

DEPARTURES to this standard will be considered via AMC 19.20.220 provided they meet the purpose of the standards noted above.

- b. For parking lots along internal lot lines, use Type A or B Landscaping at least ten feet deep, except where a greater buffer width is required per the standards in subsections (A) and (B).

DEPARTURES to this standard will be considered via AMC 19.20.220 provided they meet the purpose of the standards noted above. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, or landscaping with a trellis.

Figure 19.65.070(D)

Examples of alternative parking lot landscaping buffers.

▲
Mixture of low level landscaping. Small trees may be included provided they are maintained to allow eye-level visibility between the sidewalk and the parking area

Masonry, concrete, or other permanent material

Landscaping Type C

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E. Existing site vegetation.

1. General. Applicants are encouraged to retain significant existing vegetation on the subject property. Significant existing vegetation means deciduous and evergreen trees at least six inches in diameter at a point five feet above the ground.
2. Bonus for retention. For each significant tree as defined in subsection (E)(1) of this section, the applicant may measure the canopy of the tree and receive a bonus of 200 percent of the square footage of the canopy to count as landscaped area for the purpose of complying with the standards for the applicable zone in AMC Chapter 19.42 Form and Intensity Standards, provided

that the soil within the drip line of the tree is undisturbed, root systems are protected from damage, and approved methods are utilized to ensure proper irrigation.

3. Required review. The city will review the proposed retention of significant existing vegetation as part of the application for development. Any bonus for retention must be approved only after on-site inspection.
4. If any tree used for bonus credit is removed or lost, it must be replaced promptly with the same species or an approved substitute under AMC 19.65.080(C), at a ratio of three replacement trees at least 12 feet in height for each bonus tree lost.

F. Use of right-of-way.

In addition to the required planting areas above, landscaping of excess (unused) street and alley right-of-way and/or stormwater detention facilities is encouraged.

1. Excess right-of-way is defined as the area of an undeveloped alley or street right-of-way, or the area between the property line and the street pavement, whether or not it contains a sidewalk.
2. Up to 50 percent of the on-site landscaping requirement can be satisfied by landscaping excess street right-of-way or detention facilities, including open stormwater conveyance swales, if landscaped and maintained.
3. All landscaping materials proposed to be installed in the right-of-way must be reviewed to ensure that traffic safety considerations are met and future sidewalks can be added if they do not currently exist.
4. Irrigation or sprinkling systems are subject to the standards in AMC 19.65.090
5. Maintenance of landscaping in the right-of-way must be the responsibility of the adjacent property owner; provided, however, that nothing in this section must create or imply any interest of the property owner in the excess right-of-way, and provided further, that in the event the city must undertake to utilize the excess right-of-way, any landscaping must be removed by the property owner at their sole expense, or if not so removed may be destroyed by the city.

Comment [CR91]: This conflicts with requirement above that all landscaping must be on the subject property. Change one or the other.

G. Special Fire Department standards.

1. Landscaping in the vicinity of any fire hydrant, Fire Department sprinkler connection or standpipe connection should not prevent such equipment from being immediately discernible nor in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment. Subsections (H)(2) and (3) are guidelines for the landscaping around the equipment, with final approval from the city fire marshal.
2. Fire hydrants.
 - a. Fire hydrants must be free from obstruction on all sides by a minimum clearance of three feet.
 - b. Fire hydrants along streets, driveways, parking lots, fire access routes (fire lanes), or at intersections must be visible for at least 100 feet in all directions along such streets, driveways, access routes or intersections. No plants or shrubs with a height of over 18 inches and no tree with branches or foliage below five feet must be allowed in this sight visibility area.
3. Sprinkler and standpipe connections.
 - a. Fire Department connections for sprinklers and standpipes must be free from obstructions on all sides by a minimum clearance of three feet.

- b. When a Fire Department connection is over 25 feet from a street, driveway, parking lot or fire access route, there must be maintained a clear path with minimum width of three feet between the Fire Department connection and the street, driveway, parking lot or fire access route.

H. Stormwater detention ponds must have at least ten-foot setbacks from adjacent property lines and must be landscaped in compliance with this chapter.

19.65.080 - Maintenance.

- A. The owners of the property and their agents, heirs, or assigns must be responsible for maintaining all required landscaping and screening areas in a healthy, growing condition.
- B. All landscaping and screening areas must be maintained reasonably free of weeds and trash, must be treated for pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties.
- C. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in AMC 19.65.050, other applicable standards of this title, and the approved site and/or subdivision plan.
- D. Any engineered soil amendments must be maintained to continue the original function of stormwater best management practices.

19.65.090 - Irrigation standards.

The purpose of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering.

All required landscaped areas in the city must comply with at least one of the following:

- A. A permanent built-in irrigation system with an automatic controller will serve the proposed landscape area, and the system will be installed and operational before the city grants an occupancy permit or final inspection for the development.
- B. A temporary irrigation system will serve the proposed landscape area, provided the applicant can successfully demonstrate that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.
- C. A permanent or temporary irrigation system will not serve the proposed landscape area, provided:
 - 1. The director finds the landscape area otherwise fulfills the requirements of this section, and
 - 2. The applicant submits all of the following with the site plan application:
 - a. A statement from a Washington state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) certifying that the materials to be planted will survive without watering other than natural rainfall.
 - b. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the reviewing authority.

- c. A statement from the applicant agreeing to install an irrigation system if the reviewing authority finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

19.65.100 - Performance assurance/bonding.

In the event that landscaping improvements cannot be installed prior to formal certificate of occupancy, a cash deposit, letter of credit or other assurance acceptable to the city equal to 150 percent of the estimated construction costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

Chapter 19.66 - FENCES, WALLS & HEDGES

Sections:

- 19.66.010 - Purpose.
- 19.66.020 - Applicability.
- 19.66.030 - Fences, walls, and hedges for residential zones.
- 19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones
- 19.66.050 - Fence, wall, hedge, and rockery measurements.
- 19.66.060 - Fence and wall location and maintenance.
- 19.66.070 - Fence types prohibited.
- 19.66.080 - Retaining walls and rockeries.

19.66.010 - Purpose.

The purpose of this chapter is to:

- A. Protect life and secure property while protecting the public from hazardous fences and walls.
- B. Increase visibility in appropriate circumstances by using the principles of Crime Prevention Through Environmental Design (CPTED) to increase public safety and to deter crime.
- C. Promote and enhance Anacortes neighborhoods as walkable places and reduce impacts on the pedestrian experience that may result from taller fences and walls.

19.66.020 - Applicability.

This chapter applies to all fences, walls, and hedges, of whatever nature and wherever located, within the City.

19.66.030 - Fences, walls, and hedges for residential zones.

- A. **Height and design standards by location.** Table 19.66.030 provides height and transparency standards for fences, walls, and hedges for residential uses and zones. Figure 19.66.030(A) provides clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.

Figure 19.66.030(A)

Clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.

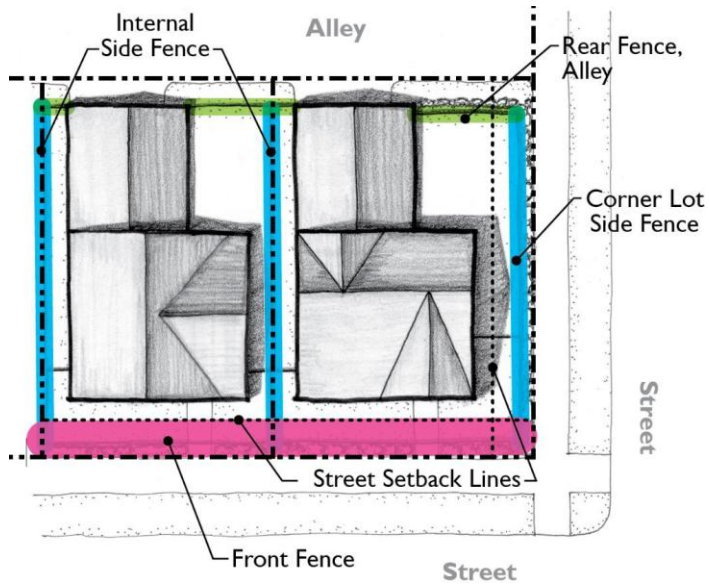


Table 19.66.030 Height standards for fences, walls, and hedges in residential zones by location.			
Location		Maximum height	Maximum height for homes with accessory daycare uses
Front	Within the street setback	42" 54", and any portion above 42" must be at least 50 percent transparent	54", and any portion above 42" must be at least 50 percent transparent
	Elsewhere between the façade and street property line	7'	7'
Side	Corner lot – side fence, within 5 feet of any street property line	42" 54", and any portion above 42" must be at least 50 percent transparent	54", and any portion above 42" must be at least 50 percent transparent
	Corner lot – side fence, more than 5 feet from any street property line	7'	7'
	Along/near any internal side property line	7'	7'
Rear	Along/near rear property line with or without an abutting alley	7'	7'
	Through lots – within 5' of a street property line	42" 54", and any portion above 42" must be at least 50 percent transparent	54" within 5' of the property line, and any portion above 42" must be at least 50 percent transparent
	Through lots – 5' or more from street property line	7'	7'

Comment [CR92]: Keep the same standards whether or not there is a daycare use. Otherwise, if daycare use is discontinued, the owner would have to replace or cut down the fence.

Figures 19.66.030(B) through (D) below provide acceptable and unacceptable examples of fences, walls, and hedges.

Figure 19.66.030(B)

Acceptable fences, walls, and hedges for the street setback for residential zones.



The left image uses a picket fence. The right image uses a low wrought iron fence.



The left image uses a low masonry retaining wall and the right image uses a low hedge.

Figure 19.66.030(C)

Unacceptable fences, walls, and hedges for the street setback for residential zones.



The fence and hedge are both taller than the maximum 42 inch height.

Figure 19.66.030(D)

Acceptable and unacceptable side fences on corner lots in residential zones or along through lots where the rear setback abuts a street.



nce. Taller fences like that in the middle image are acceptable along the side and rear in 5 feet of a property line. The right image shows an acceptable example where the setback from the sidewalk to allow space for landscaping.

B. Fences for accessory recreational uses and non-residential uses in a residential zone.

Fences or walls used in conjunction with an accessory to a residential use must meet the following requirements:

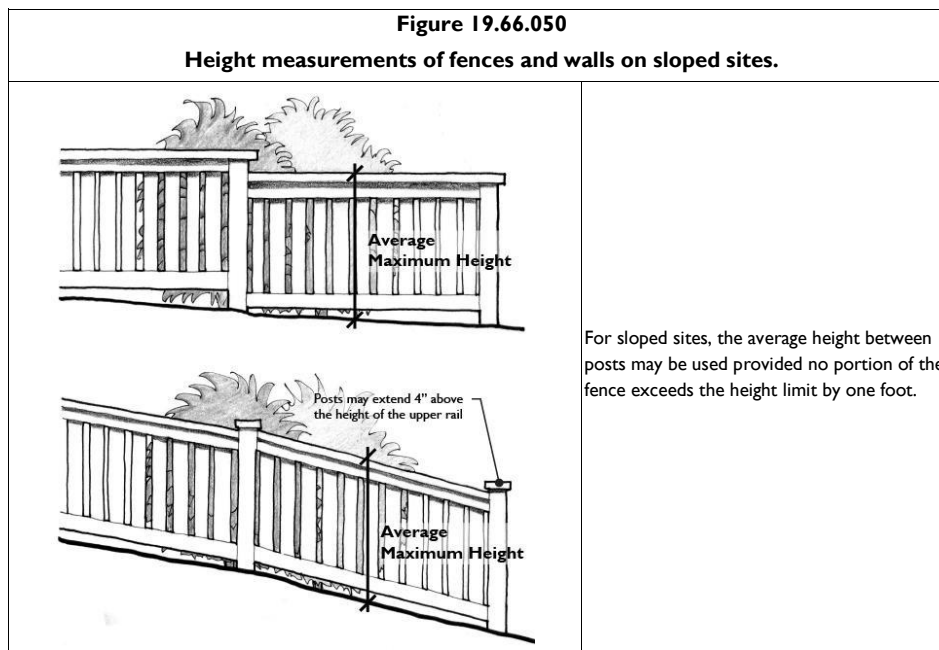
1. Fences that are used to enclose recreational facilities accessory to multi-family uses may be up to 12 feet in height provided they are not built within the minimum required setbacks.
2. The director may allow taller fences (than referenced in Table 19.66.030) for permitted non-residential uses in residential zones provided they are necessary for security purposes and the design of the fences meets the purposes of the standards.

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones.

- A. Fences within the street setback:
1. Fences within the street setback area are subject to the block frontage standards in AMC Chapter 19.61 Block Frontage Standards.
 2. Supplemental street setback standards: Fences less than 10 feet from a property line are limited to 42 inches in height. Day care uses are allowed fences up to 54 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent.
- B. Fences may be required along side and/or rear property lines as a required buffer feature depending on the proposed use and existing abutting uses and zone per Table 19.65.070(A).
- C. The maximum height for fences and walls is seven feet. The director may allow taller fences provided they are necessary for functional and security purposes and the design of the fences meets the purposes of the standards.

19.66.050 - Fence, wall, hedge, and rockery measurements.

Fence, wall, hedge, and rockery height must be measured from the finished grade to the top of the fence as shown in Figure 19.66.050. Where fence, walls or hedges feature varying heights of finished grade on opposite sides of the fence, wall or hedge, then the height must be measured from the side with the lower grade. Fence posts may exceed the height of the top rail by up to 12 inches. For sloped sites, the average height between posts may be used provided no portion of the fence exceeds the height limit by one foot.



19.66.060 - Fence and wall location and maintenance.

- A. No fence, wall, or other such structure, or hedge, over 36 inches in height may be placed within three feet of any dwelling unit where such fence, wall, or hedge substantially interferes with access to such dwelling unit for fire and public safety purposes or substantially impairs the ability of an occupant of a dwelling unit to use windows and doors, as emergency exits.
- B. Where a fence, wall, or hedge forms a complete enclosure of an area adjacent to a dwelling or dwelling unit, a gate must be provided for emergency egress.

19.66.070 - Fence types prohibited.

- A. Chain link fences are prohibited in the following areas:
 - 1. All **non-industrial** zones within ten feet of a street right-of-way.
 - 2. **Industrial zones when across the street from the CBD zone or residential zones and within ten feet of a street right-of-way.**
 - 3. Between a street right-of-way and the front of any residential building.

DEPARTURES to subsections (1) and (2) above per AMC 19.20.220 will be allowed where the design of the fence and landscape buffer treatment meets the purposes of the standards.
- B. Electric fences are prohibited in all zones except R1 zones and may be allowed only by the director for the purpose of containing animals in a permitted area. No electric fence may be allowed or maintained which does not conform to state electrical codes.
- C. Barbed wire and razor wire fences are prohibited in all zones. Exceptions may be granted in the following conditions:
 - 1. When barbed wire fences are pre-existing and are used to contain animals kept on a property continuously since 1999. In such cases at such time as animals are not kept in the fenced area for ninety days or more, the right to maintain these existing fences must be considered extinguished, and these fences must be removed within thirty days.
 - 2. For sensitive public facilities operated by public agencies. The facility operator must demonstrate security needs cannot be reasonably met with other fence types. The director must consider the facility's location, hours of operation, volume of public visitors, and neighboring uses. Higher visitor volumes and visibility to the general public warrant greater application of the prohibition.

19.66.080 - Retaining walls and rockeries.

- A. Building permit.** A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the International Building Code or the International Residential Code, AMC Chapter 19.14 International Codes.
- B. Drainage control.** Drainage control must be provided for the area behind retaining walls and rockeries.
- C. Retaining wall and rockery terracing standards.**
 - 1. This subsection (C) applies to **any combination of constructed retaining walls or constructed rockeries located within a required setback and used to protect a cut or cuts or used to raise grade and protect a fill slope.**

2. If the total height of the retaining wall or rockeries exceeds five feet, the retaining wall or rockery must be terraced as shown in Figure 19.66.080(C).

DEPARTURES for alternative terracing dimensions will be considered where natural topographic or geologic features make compliance with this section infeasible.

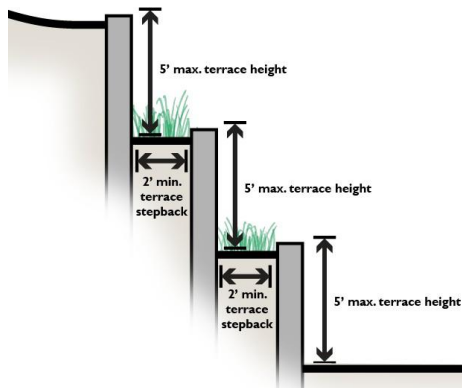
3. The director may require the retaining walls or rockeries to be designed by a structural engineer if drainage issues, unstable soils, or other structural concerns are present.

Figure 19.66.080(C)

Terracing standards for retaining walls and rockeries.



Terraced retaining wall example



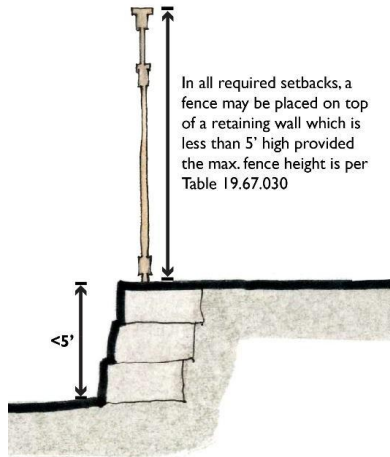
D. Standards for fences on and near retaining walls and rockeries.

1. Retaining walls or rockeries less than five feet in total height.
 - a. Fences may be located on top of retaining walls or rockeries provided the maximum fence height complies with Table 19.66.030.
2. Retaining walls or rockeries five feet in total height or greater.
 - a. In required rear and side setbacks only, a fence may be placed on top of retaining walls and rockeries provided the total combined height of the retaining wall or rockery and the fence is less than 12 feet.
 - b. In all required setbacks, the total combined height of the retaining wall or rockery and the fence may be 12 feet or greater provided the fence is setback at least five feet from the edge of the retaining wall rockery.

Figure 19.66.080(D)

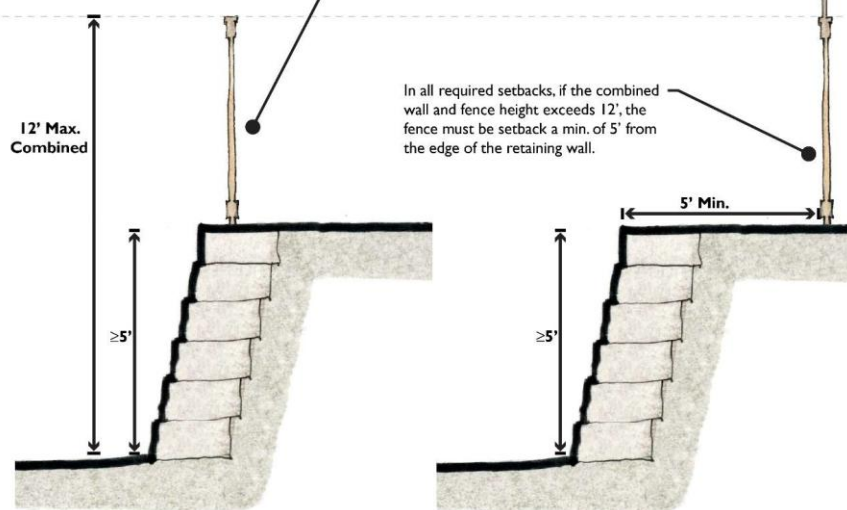
Standards for fences on and near retaining walls.

Retaining Wall Less Than 5' High



Retaining Wall 5' High or More

In required side and rear setbacks only, a fence may be on top of a retaining wall which is 5' high or greater, provided the max. height of the fence and wall combined is 12' or less.



E. Standards for large scale manufactured blocks used for retaining walls (e.g., ecology blocks or jersey barriers).

1. Such blocks are prohibited for construction of retaining walls in all residential zones, the CBD zone, and the C zone.
2. In all other zones, such blocks may be used for retaining walls provided retaining walls greater than four feet in height incorporate decorative materials, stamped patterns, or other treatments which create visual interest approved by the director.

Chapter 19.67 - SIGNS

Sections:

- 19.67.010 - Purpose.
- 19.67.020 - Applicability.
- 19.67.030 - Sign definitions.
- 19.67.040 - General requirements.
- 19.67.050 - Measurement of sign area.
- 19.67.060 - Signs types and standards.
- 19.67.070 - Signs types permitted by zone.
- 19.67.080 - Supplemental freestanding sign standards.
- 19.67.090 - Supplemental building-mounted sign standards.
- 19.67.100 - Noncommercial speech signs.
- 19.67.110 - Temporary sign standards.
- 19.67.120 - Supplemental sign setback requirements.
- 19.67.130 - Nonconforming signs.
- 19.67.140 - Violations.
- 19.67.150 - Severability.

19.67.010 - Purpose.

The purpose of this chapter is to:

- A. Regulate the number, size, placement and physical characteristics of signs and sign structures.
- B. Promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types.
- C. Promote economic development of the city's business districts and corridors.
- D. Ensure that signs are compatible with the desired character of Anacortes and its various districts and corridors.
- E. Enhance and protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape.
- F. Recognize free speech rights by regulating signs in a content neutral manner.
- G. Promote the free flow of vehicular traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegal signage.
- H. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials.
- I. Provide consistent sign design standards.

19.67.020 - Applicability.

A. Applicability. This chapter applies to all signs erected or altered after the effective date of this code, except for those signs provided in subsection (C).

B. Interpretation.

1. This chapter is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message.
2. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign owner, or otherwise, must also be interpreted to allow non-commercial speech on the sign.
3. No part of this chapter may be construed to favor commercial speech over non-commercial speech.
4. To the extent any provision of this chapter is ambiguous, the term must be interpreted not to regulate on the basis of the content of the message.

C. Exemptions. The following signs are exempted from the regulations of this chapter:

1. Traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority.
2. Public notices pertaining to public health or safety issues, or for notification of legal or legislative action erected by the City or other public authority.
3. Permanent commemorative or memorial plaques and building nameplates less than six square feet in size, cornerstones, and other building identification markings carved into the building materials and which are integral parts of the structure. Signs that advertise the name of the building and not associated with the name of any individual business are addressed in AMC 19.67.090(A)(6).
4. Signs within buildings, provided they are not legible from a distance of more than three feet beyond the building on which the sign is located.
5. Incidental signs intended for public information or convenience and which consist of no more than two square feet per sign face. These may include restroom signs, hours of operation signs, address numbers, help wanted, credit card signs, and similar.
6. The American flag, State of Washington flag, and other political or special purpose flags that are not intended to contribute to a commercial advertising display.
7. Wall graphics of an artistic nature and that do not conform to the definition of "sign."
8. Noncommercial speech signs meeting the provisions in AMC 19.67.100.
9. Signs not readable from public or private right-of-way or waterway.
10. Signs intended for general public information, such as bulletin board/kiosk, that accommodate changeable copy such as private or public notices, special event information, and other short-term messages, at a scale suitable for pedestrians and not intended to be read by passing motorists, and not for commercial advertising purposes.
11. Holiday and community special event decorations that do not display a commercial message.
12. Signs on athletic fields and scoreboards intended for on-premises viewing.

13. Signs located on public parks, public trails and designated public open space, including any such parks, trails and open space open to the public, whether owned and maintained by the City or by another entity.
14. Signs located on any other city-owned property not specifically addressed in this chapter.
15. Point-of-purchase advertising displays such as product dispensers.
16. Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited pursuant to AMC 19.67.040(A)(8).

19.67.030 - Sign definitions.

“A-board” means a temporary, portable, double-sided sign of basic self-supporting design. A-board signs may also be referred to as “A-frame” or “sandwich board” signs.

“Advertise” means to describe or draw attention to a product, service, or event in a public medium in order to promote sales or attendance.

“Building-mounted sign” means a sign affixed to a building, painted directly on a wall, or erected against the wall of a building.

“Conforming sign” means a sign which meets the specifications of this chapter.

“Copy” means the graphic content or message of a sign.

“Feather sign” means a temporary and portable sign made of light-weight materials that is prone to move in the wind, and that contains a harpoon-style pole or staff that is driven into the ground or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, and U-shaped.

“Freestanding sign” means a permanent sign anchored directly to the ground or supported by one or more posts, columns, or other vertical structures or supports, and not attached to or dependent for support from any building.

“Incidental sign” means sign depicting products, services, or activities directly related to the business within. These are permitted provided the incidental sign is not on an “A” board or a sign on the marquee or a sign under the marquee.

“Internal way-finding sign” means a type of freestanding sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types.

“Marquee/awning sign” means a type of building-mounted sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy.

“Monument sign” means a type of freestanding sign which is attached to the ground by means of a wide base of solid appearance.

“Permanent sign” means a stationary sign permanently attached to the ground or to a structure.

“Pole sign” means a type of freestanding sign supported by one vertical pylon, and subject to the same regulations as a freestanding sign.

“Portable sign” means a nonpermanent, easily movable sign.

“Post & arm sign” means a type of freestanding sign supported by a post and arm.

“Projecting sign” means a type of building-mounted sign extending outward from the face of the building.

“Pylon sign” means a type of freestanding sign mounted on two posts.

“Real estate signs” means signs used for the purpose of marketing real property as opposed to identifying place of business.

“Sign” means any communication device, structure, or fixture which is intended to identify a building, use, business, or event; or to promote the sale of products, goods or services; using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs.

“Sign copy” means any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

“Standing sign” means a double-sided, portable sign mounted on a pedestal.

“Temporary signs” means conforming signs permitted for a specified period of time.

“Under-canopy sign” means a type of building-mounted sign attached to the underside of an awning, canopy, balcony or arcade.

“Wall sign” means a type of building-mounted sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall.

“Window sign” means a sign that can be observed by the general public as displayed in or applied to the transparent or translucent window and door areas of a building.

19.67.040 - General requirements.

A. Sign location restrictions. Except where specifically authorized by this chapter, signs are prohibited in the locations described below. Prohibited signs are subject to removal (except nonconforming signs as defined by this chapter) by the city at the owner’s expense.

1. Any temporary or permanent freestanding sign located within or projecting over a city right-of-way or within five feet of a city right-of-way, unless otherwise noted in this chapter.
2. Any sign attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on city property or banner signs permitted by the city on light poles in certain zones within the city. Nothing in this section must be construed to prohibit a person from holding a sign while located on public property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.
3. Any sign, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device
4. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the building and/or fire code currently in effect.

5. Any commercial, advertising, or business sign that is not located on the premises of the business to which it refers.
6. No sign may be placed on the roof of any building.
7. No portable or temporary sign may be placed on the front or face of a building or on any premises except as authorized in AMC 19.67.110 Temporary sign standards.
8. Placement on private property for more than ten days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.

B. Sign display restrictions.

1. Purpose. The purpose of this subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the city.
2. Applicability. The display features described below are prohibited. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city at the owner's expense.
 - a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination.
 - b. Any sign with an exposed light source, except for neon incorporated into the design of the sign.
 - c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.
 - d. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means, except for:
 - i. Signs exempted from this chapter as established in AMC 19.67.020.
 - ii. Temporary signs as provided for in AMC 19.67.110.
 - e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means, except for signs exempted from this chapter as established in AMC 19.67.020.
 - f. Digital and other changeable copy signs, except as provided for in Table 19.67.040(C)(2) and AMC 19.67.080(D) for certain freestanding signs.
 - g. Mannequins holding a sign or displaying advertising, whether stationary or animated, except within a building as part of a window or interior display.

C. Sign illumination.

- I. General illumination standards.
 - a. Indirect sign illumination must be no further away from the sign than the height of the sign.
 - b. Externally illuminated signs must be arranged so that no direct rays of light are projected from such artificial source into residences, business or any street right-of-way.
 - c. External sign light fixtures must complement the design of the sign and building façades or structures associated with the sign.
 - d. External sign lighting must be “full cutoff” and must not result in direct illumination of the sky and adjacent properties and structures, and must be designed to minimize reflected glare to adjacent properties and structures.
2. Permitted sign illumination types. Table 19.67.040(C)(2) below specifies permitted sign illumination types by zone.

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Channel letter. Light is emitted through the front or face of the letters.		All mixed-use and industrial zones, except CBD	May be incorporated into a permitted wall, pole, or monument sign
Reverse channel letter. Letter faces are opaque and light source provides halo effect through backlighting.		All mixed-use and industrial zones and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign
Push-through. Letters are cut out of opaque sign face. Interior light shines through letter faces only.		All mixed-use and industrial zones and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Neon.		All mixed-use and industrial zones	May be incorporated into a permitted wall, projecting, window, pole, or monument sign
Internally-illuminated cabinet signs. Sign face is illuminated through translucent casing. This includes internally illuminated changeable copy signs.		LM, LMI, MS, I & HM	May be incorporated into a permitted wall, pole, pylon, or monument sign
Digital message signage.		All mixed-use and industrial zones, except CBD	Only allowed to be integrated on permitted monument and pole signs per AMC 19.67.080(D)
Internally-illuminated awning signs. Awning face is illuminated through awning material.		Not allowed in any zone	
Externally-illuminated sign.		All zones	Illumination techniques must focus the light on the sign and avoid glare to the sky, streets, sidewalks, and other public spaces, and adjacent uses.

E. Sign materials, structural, and electrical restrictions.

1. Except flags, temporary, and portable signs, and window signs conforming in all respects with the requirements of this ordinance, all signs must be constructed of durable materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
2. All attached signs and sign support frames must be mounted and attached to a building or the ground in a secure manner and must be maintained in good repair for safety and appearance.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs must be in accordance with the provisions of the National Electric Code or the local electric code in effect. All such signs require an electrical permit and inspection by state of Washington Department of Labor and Industry, Electrical Division or equivalent inspection.

F. Sign maintenance and inspection.

1. Maintenance. All signs, including signs heretofore installed must be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it is the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the director. The premises surrounding a free-standing sign must be free and clear of rubbish and the landscaping area must be maintained.
2. Inspection. All sign owners must permit the periodic inspection of their signs by the city upon city request.

19.67.050 - Measurement of sign area.

Sign area for all sign types is measured as follows:

- A. The area of painted signs, individual letter signs, and other indirectly illuminated signs is calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation must include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, which are intended to attract attention.
- B. Where signs are placed on a display board attached to a wall or weather protection feature, the entire display board must be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame must be included in the sign area calculations.
- C. For freestanding signs, the entire display board must be included in the sign area calculations. Where the display board includes a visible frame, only the area inside the frame must be included in the sign area calculations.
- D. Multiple-faced signs must have each face measured separately. The sign area allotment for each sign type applies to just one side of the sign. For example, if the maximum size for a certain monument sign is 25 square feet, then each face of the monument sign may be up to 25 square feet.
- E. Four or more faced signs, spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 19.67.050. Signs with greater than four polyhedron faces are prohibited.

Figure 19.67.050(1)
Clarifying sign area measurement.

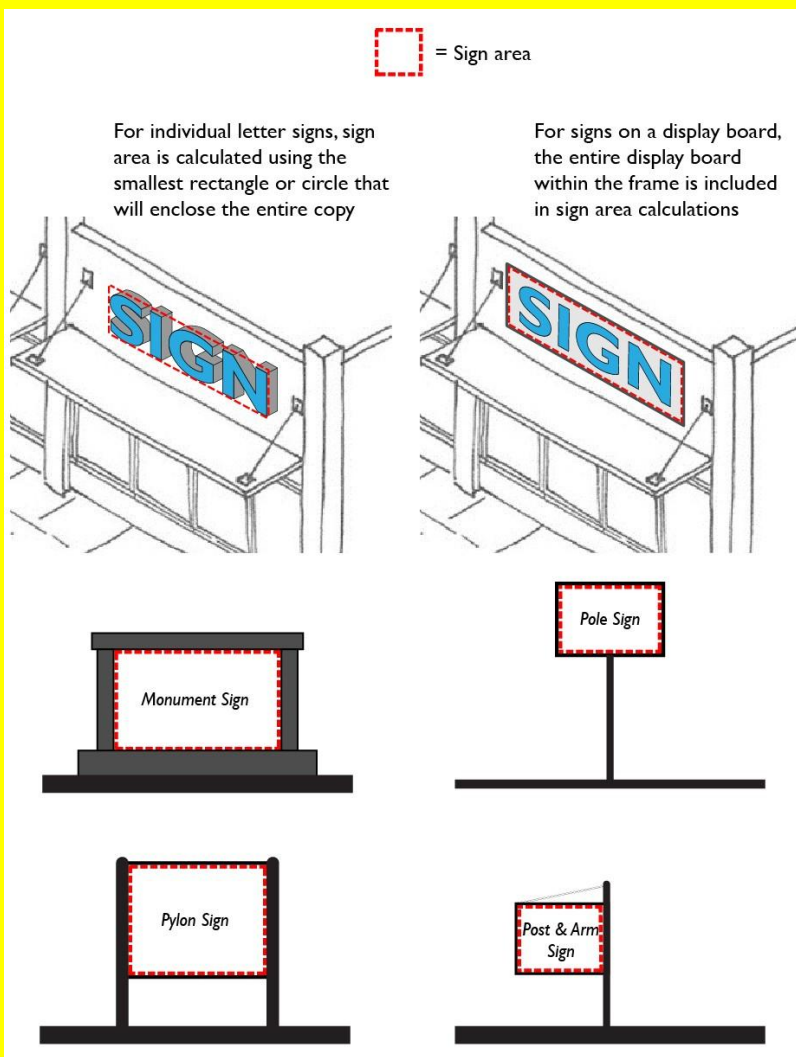
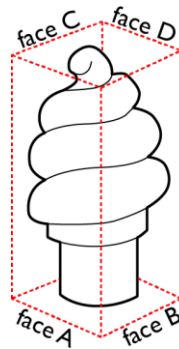


Figure 19.67.050(2)

Clarifying 3D sign area measurement.

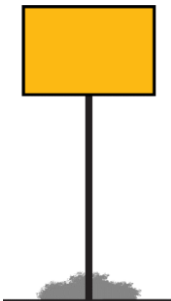


$$\text{Total sign area} = (A + B + C + D) \div 2$$

19.67.060 - Signs types and standards.

Table 19.67.060(A)

Freestanding sign types and standards.

Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Pole sign A sign supported by one vertical post. 	Only allowed in LMI and HM zones within 100' of SR-20 right-of-way 5' minimum setback	1 pole sign per 400' feet of SR-20 lot frontage <u>30' in LMI and HM zones.</u>	30' <u>in LMI and HM zones, 15' elsewhere</u>	1 sq. ft. per linear foot of SR-20 frontage, up to a maximum of 160 sq. ft.

Comment [CR93]: BAD IDEA to restrict to HM and LMI. Pole signs are the primary sign type along Commercial Ave. with over 50 existing signs that would become non-conforming if this restriction isn't changed. Pole signs are practical, less massive than monument signs, and should be allowed. Treat pole signs the same as other freestanding signs.

Table 19.67.060(A)
Freestanding sign types and standards.

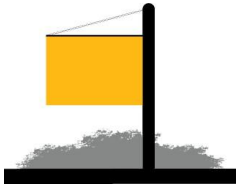
Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Monument sign A sign which is attached to the ground by means of a wide base of solid appearance. See AMC 19.67.080(B) for supplemental design standards. 	5' minimum street setback	1 pole , monument, pylon, or post & arm sign/ lot frontage, except: 1 such freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 such freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	See Table 19.67.080(B)(4) In LMI and HM zones within 100' of SR-20 right-of-way, maximum height is 30'	See Table 19.67.080(B)(4) In LMI and HM zones within 100' of SR-20 right-of-way, 1 sq. ft. per linear foot of SR-20 frontage, up to a maximum of 160 sq. ft.
Pylon sign A sign mounted on two posts. 	5' minimum street setback	1 pole , monument, pylon, or post & arm sign/ lot frontage, except: 1 such freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	Monument sign standards apply per Table 19.67.080(B)(4) except pylon signs are limited to 8' in height In LMI and HM zones within 100' of SR-20 right-of-way, maximum height is 30'	Monument sign standards apply per Table 19.67.080(B)(4) In LMI and HM zones within 100' of SR-20 right-of-way, 1sf per linear foot of SR-20 frontage, up to a maximum of 160sf
Post & arm sign A small sign supported by a post and arm. 	5' minimum street setback	1 such pole , monument, pylon, or post & arm sign/ lot frontage, except: 1 freestanding sign per 150' of lot frontage where speed limit less than 35 mph 1 freestanding sign per 200' of lot frontage where speed limit 35 mph or greater	5'	10 sq. ft.

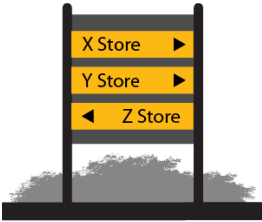
Table 19.67.060(A) Freestanding sign types and standards.				
Sign type	Location and street setback	Maximum quantity	Maximum height above existing grade	Maximum sign area
Internal way-finding sign A sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types. See AMC 19.67.080(C) for supplemental design standards. 	May be located in landscaped areas or on pathways provided the sign does not inhibit pedestrian movement. When such sign types are mounted on buildings, they must be oriented to a pathway.	Appropriate number of signs to provide directional assistance given size of site and circulation pattern as determined by the director.	5'	15 sq ft. When such sign types are mounted on buildings, they are limited to a maximum of 10sf

Table 19.67.060(B)
Building-mounted sign types and standards.

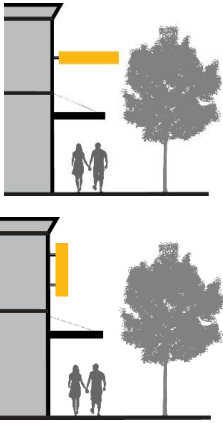
Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Wall sign A sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall. See AMC 19.67.090(A) for supplemental design standards. 	See AMC 19.67.090(A)(2)	1 sign per tenant façade that is visible from an adjacent street, customer parking lot, alley One wall sign is allowed per façade facing a waterfront provided the requirements of the Shoreline Master Program are met See 19.67.090(A) for additional quantity standards	See Table 19.67.080(A)(3)	Signs must not extend above the building parapet, soffit, or eave line of the building
Projecting sign A sign attached to and extending outward from the face of the building. See 19.67.090(B) for supplemental design standards. 	Minimum 8' vertical clearance above sidewalk or pathway, and minimum 14' minimum vertical clearance when within 5' of a roadway Must not be located directly over windows or in conflict with other signs or architectural features of the building	1 sign per façade that is visible from a street or customer parking lot	See AMC 19.67.080(B)(1)	Signs must not extend above the building parapet, soffit, or eave line of the building

Table 19.67.060(B)
Building-mounted sign types and standards.

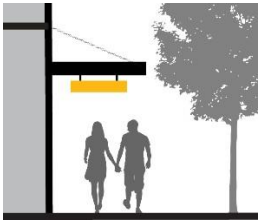
Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Marquee/awning sign A sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy. See 19.67.090(C) for supplemental design standards. 	Minimum 8' vertical clearance above sidewalk or pathway May be placed on the front, above, or below the marquee Signage must not exceed 2/3 of individual awning or marquee width	1 sign per marquee, awning, or canopy that is visible from a street or customer parking lot	Same as wall sign standards, see Table 19.67.080(A)(3)	See 19.67.080(C)(1)
Under-canopy sign A sign attached to the underside of an awning, canopy, balcony or arcade. See 19.67.090(D) for examples. 	Minimum 8' vertical clearance above sidewalk or pathway Minimum 1' horizontal clearance from the building and canopy edge	1 sign per entrance that is visible from a street or customer parking lot	None	2'

Table 19.67.060(B) Building-mounted sign types and standards.				
Sign type	Location	Maximum quantity	Maximum sign area	Maximum sign height
Window sign A sign that is applied to or attached to the exterior or interior of a window or located in such manner within a building that it is visible from the exterior of the building through a window, but excludes merchandise in a window display. See 19.67.090(E) for window sign examples. 	Windows include glass doors	None	30% of total tenant window area/ façade	None

19.67.070 - Signs types permitted by zone.

A. In mixed-use and industrial zones, all sign types are permitted unless otherwise noted in AMC 19.67.060.

B. Table 19.67.070 illustrates the types of signs that are allowed for different development/use types in residential zones. The letter “P” indicates permitted sign types. A blank cell indicates the particular sign type is not permitted.

Table 19.67.070 Signs permitted in residential zones.					
Sign Type	Development or use type				
	Single family subdivision	Mixed-residential or multifamily complex	Home occupation	Public use	Other non-residential use
Freestanding signs (AMC 19.67.080)					
Pole sign					
Monument sign	P ¹	P ¹		P	P ³
Pylon sign				P	P ³
Post & arm sign				P	P ³
Internal wayfinding sign					
Building-mounted signs (19.67.090)					
Wall sign			P ²		P
Projecting sign					
Marquee/awning sign					P
Under-canopy sign					P
Window sign			P ²		P

Conditions:

1. Single-family subdivisions and mixed-residential or multifamily complex. One monument sign is permitted per entrance from an access street, provided said signs do not exceed 18 square feet in sign area each and five feet in height. Such signs can be low profile monument or fence mounted and can be placed anywhere on the property along access streets, not necessarily at entrances.
2. One non-illuminated wall sign or window sign up to two square feet is permitted for a home occupation.
3. Other non-residential uses:
 - a. Monument signs are permitted for those permitted non-residential uses that exceed 10,000 in gross floor area. One monument sign is permitted per lot frontage, provided said sign does not exceed 18 square feet in sign area each and five feet in height. Such signs can be low profile monument or fence-mounted and can be placed anywhere on the property along access streets (not only at entrances).
 - b. Pylon and post and arm signs are limited to six feet in height and 16 square feet in area.

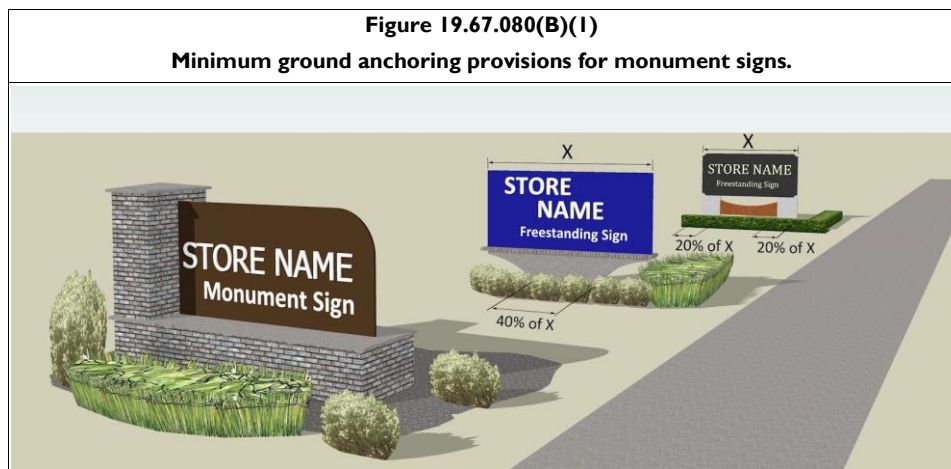
19.67.080 - Supplemental freestanding sign design standards.

A. Location and landscaping.

1. Freestanding signs are prohibited on block frontages that are designated Storefront per maps in AMC 19.61.040. All business signs along such frontages must be building-mounted (see AMC 19.67.090).
2. Landscaping. The base of all freestanding signs must be enhanced with one square foot of landscaped area per one square foot of sign area.

B. Monument signs.

1. Sign form. At least 40 percent of the total sign width must meet the ground plane.



2. Materials and design. Monument signs located in the CBD, C, MMU, CM, and residential zones must be designed as an integrated architectural feature of the site. Specifically:
 - a. Framing. Monument signs must include design elements that effectively frame the sign on both faces. Alternatively, signs that have a substantial framing element on one side will meet this provision. To limit the massive appearance of the whole sign including its framing, the total area of all framing elements shall not exceed 100% of the allowable area of the face of the sign.

DEPARTURES per AMC 19.20.220 will be considered provided the design meets other provisions herein, integrates a distinctive, one-of-a-kind design that contributes to the visual character of the area.

Comment [CR94]: Should be limits on the area of base, top, and framing elements or they can become massive and be a significant sight barrier as well as dominating the streetscape.

Figure 19.67.080(B)(2)(a)

Good examples of monument signs with framing elements on one side.

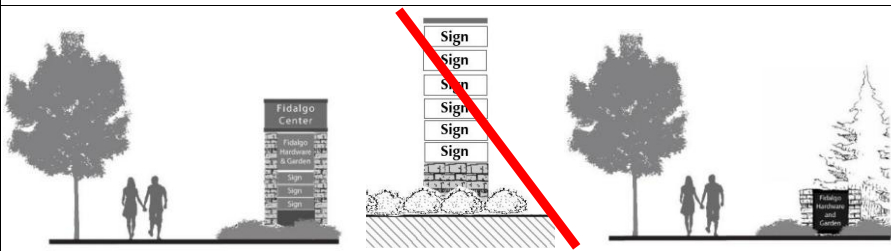


- b. Materials and design. Monument signs must include durable high-quality materials such as stone, brick, concrete, or steel and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, way-finding signs).
- c. Top/middle/bottom. Monument signs must integrate a top, middle, and bottom element. The top could include a distinctive sign cap and/or include the name of a multi-tenant center. The middle can include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom could include a distinctive base design with special materials and/or design. See the figures below for examples that meet this requirement.

Signs less than six feet tall are exempt from this provision.

Figure 19.67.080(B)(2)(c-1)

Acceptable and unacceptable monument sign examples.



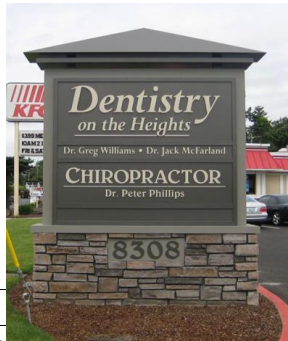
The left image utilizes a clearly identifiable top, middle, and bottom elements and meets the framing provision. The middle image includes a base, but insufficient top or framing element. The shorter sign to the right includes framing but is exempt from the top, middle, and bottom elements.

Figure 19.67.080(B)(2)(c-2)

Good examples of monument signs with top-middle-bottom elements.

Each of these three signs includes a frame, top/middle/bottom components, and feature high quality materials that relate to and/or complement the design of on-site buildings and/or is coordinated with other site design elements.

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Unacceptable examples of monument signs.



3. Minimum base height. The copy of all signage must be at least one foot above grade

Figure 19.67.070(B)(3)
Minimum base height for sign copy.



4. Maximum size and height. Table 19.67.080(A)(5) illustrates the maximum allowable sign area and height for all monument signs.

Table 19.67.080(B)(4)
Maximum allowable sign area and height for monument signs.

Total ROW Frontage of Parcel (on each streets)	Allowable Sign Area	Maximum Height
Less than 120 Feet	24 sq. ft.	6 feet
120-199 Feet	30 sq. ft.	7 feet
200 - 299 Feet	40 sq. ft.	8 feet
300 - 399 Feet	50 sq. ft.	9 feet
400 Feet or More	70 sq. ft.	10 feet

C. Internal wayfinding signs.

1. Purpose. To aid visitors in finding the location of a business, use, or building on large commercial development sites.
2. Sign content. Signs may include only the name of the business, use, or building together with the directional guidance information.
4. Sign types. Internal way findings signs may come in the form of monument, pylon, or post & arm sign types, except that signs placed along pathways may be placed on buildings.
6. Design. Signs must designed in a uniform manner (within individual subdivision or center) using consistent background color typeface colors. Dark background colors with light colored text are required. See Figure 19.67.080(C) for an example.

Figure 19.67.080(C)
Internal wayfinding sign examples.



Note the consistent design themes using dark backgrounds with light colored text.

D. Digital and changeable copy signage integration.

Digital and changeable copy signage elements may be integrated into any pole or monument sign permitted in this section, subject to the following provisions:

1. Up to 50 percent of allowed sign copy area may be used for digital or changeable copy directory purposes.
2. Up to 33 percent of allowed sign copy area may be used for changing message purposes. For single tenant signs, up to 50 percent of the allowed sign copy area may be used for changing message purposes.
3. Where both a digital directory and changing message signage is included on one freestanding sign, such elements may collectively be used for up to 67 percent of the total allowed sign copy area.
4. Digital or internally lit changeable copy signs are not allowed in residential zones.

Figure 19.67.080(D)
Example of integrating digital signage.

The sign above features digital directory and digital signage that features changeable copy. The combined digital signage represents the maximum 67% of the total sign copy.



The combined digital signage occupies the middle 33% of the sign copy).

4. Any form of technology may be used for the sign elements described herein, provided they meet the following provisions:
 - a. Maintain a 10 second minimum dwell time for the directory and any images. Changes in directory and images must be instantaneous and not faded. Animation, movement, or video imaging is prohibited.
 - b. Brightness limits:
 - i. Integrate automatic dimming capability that adjusts to the brightness of ambient light at all times of the day and night.
 - ii. Daytime: 5,000 maximum nits.
 - iii. Nighttime: 150 maximum nits.
 - c. Light trespass standard. Maximum 0.1 foot-candles at the property line of any park or residential property.

19.67.090 - Supplemental building-mounted sign standards.

Building-mounted signs include wall signs, projecting signs, marquee/awning signs, under-canopy signs, and window signs.

A. Wall signs.

- I. Permitted number of signs. See Table 19.67.060(B). Supplemental standards:
 - a. In multi-story buildings, businesses above the ground floor are limited to one sign per business, except that a business with frontage on more than one street may have one sign

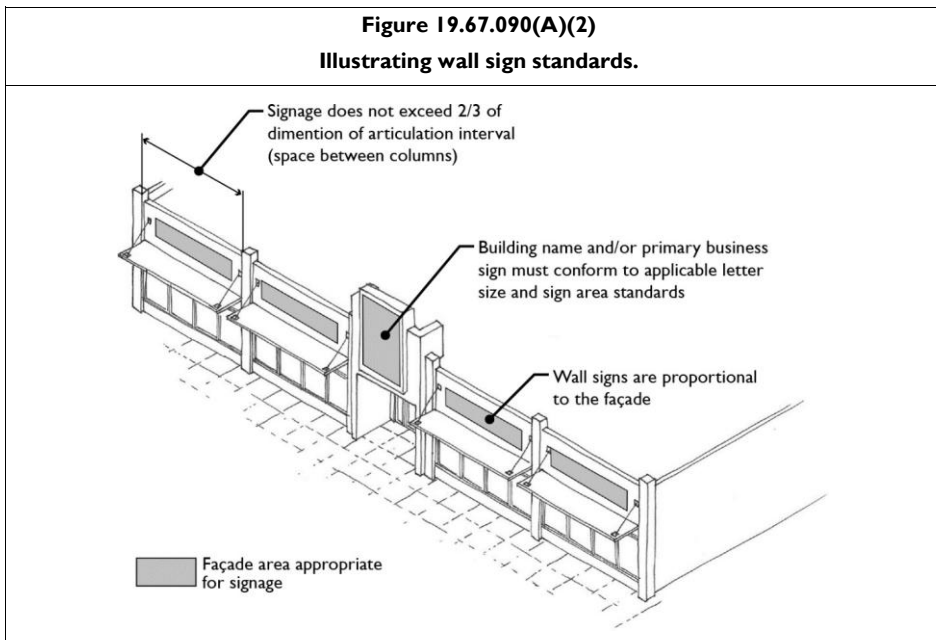
facing each street. Each sign must consist only of lettering and/or a logo painted on or applied to the surface of one window in a manner that allows light to pass between and around the individual letters. The area of the sign may not exceed 12 square feet.

- b. In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street façade on which to place a sign, a building directory listing businesses in the building, and not exceeding 12 square feet, may be located on the building wall at each primary entrance. This directory may be in addition to the sign area permitted for the building.

2. Location and design.

- a. Wall signs must be proportional to the façade and are limited to 2/3 of individual façade width dimension. This standard also applies to upper level businesses.
- b. Wall signs may not cover windows, building trim, an existing building name sign, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above marquees, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
- c. Stacked words on wall signs are permitted. Generally, the primary business name is encouraged to be provided on one line, with additional text on rows above and/or below providing supporting information about the business in smaller fonts.

Figure 19.67.090(A)(2)
Illustrating wall sign standards.



3. Maximum size for individual tenants that occupy space on the building façade. Table 19.67.090(A)(3) below provides standards for the maximum amount of wall, canopy, or awning signage on each tenant's façade. For building elevations that include signage for upper level businesses, the standards apply to the entire building elevation.

Table 19.67.090(A)(3)		
Sign area standards for wall, canopy, or awning signs for each tenant's façade.		
Tenant façade area	Maximum sign area (for tenant's façade)	
	Sign with internal lighting	Sign without internal lighting
Below 200 sf	15% of the façade	25% of the façade
200 - 349 sf	14% of the façade	22.5% of the façade
350 - 499 sf	13% of the façade	20% of the façade
500 - 999 sf	12% of the façade	17.5% of the façade
999 - 1499 sf	11% of the façade	15% of the façade
1500-1999 sf	10% of the façade	12.5% of the façade
Over 2000 sf	10% of the façade	10% of the façade

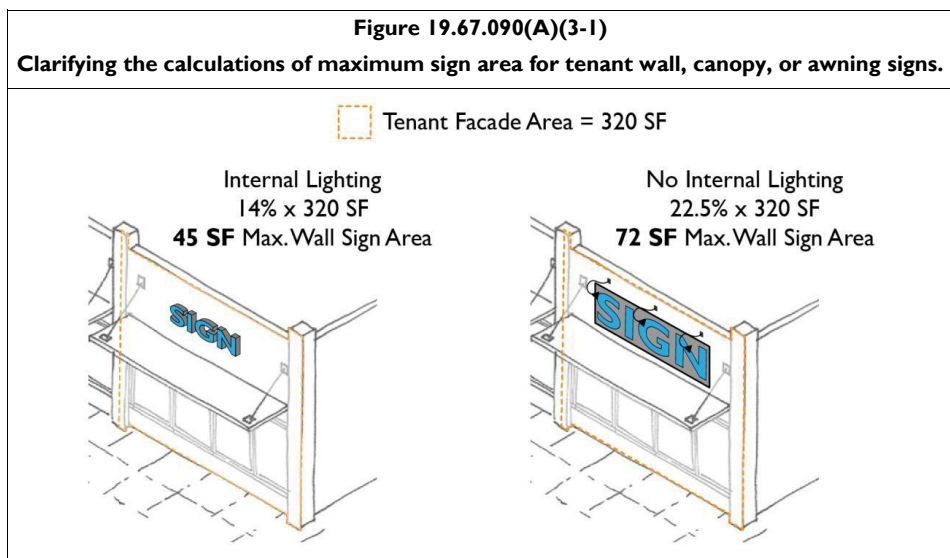


Figure 19.67.090(A)(3-2)
Acceptable wall sign examples.

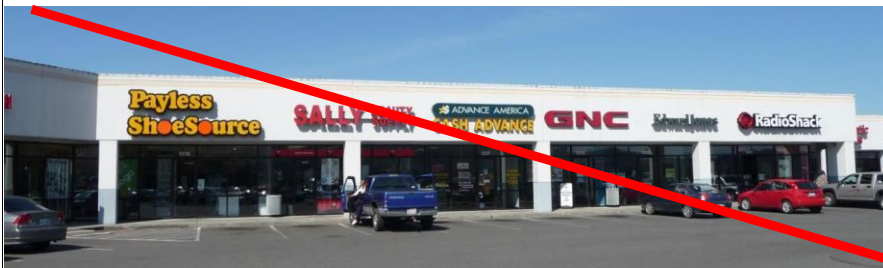


Note the different styles of signs and use of stacked (both left images) and supplemental text (lower left).



More acceptable wall sign examples. In the right image, the signs are centered on the articulation elements of the façade.

Figure 19.67.090(A)(3-3)
Unacceptable wall sign example.



Most or all of these signs clearly exceed 2/3's of the width of their respective individual storefronts.

4. Mounting.

- a. Wall signs should be mounted plumb with the building, with a maximum protrusion of one-foot plus a four-inch mounting, unless the sign incorporates sculptural elements or architectural devices.
- b. The sign frame must be concealed or integrated into the building's architectural character in terms of form, color, and materials.

5. Building name signs.

- a. Signs that advertise the name of the building and not associated with the name of any individual business are exempt from the sign area standards in Table 19.67.090(A)(3) above, provided they are designed and sized in proportion to the façade [see Figure 19.67.090(A)(5) for an example].
- b. Signs must be placed near the top of the façade and generally centered on the architectural features of the building.
- c. DEPARTURES per AMC 19.20.220 will be considered provided the sign is located in a place that is independent from individual businesses on the building and helps to provide identity for the particular building.

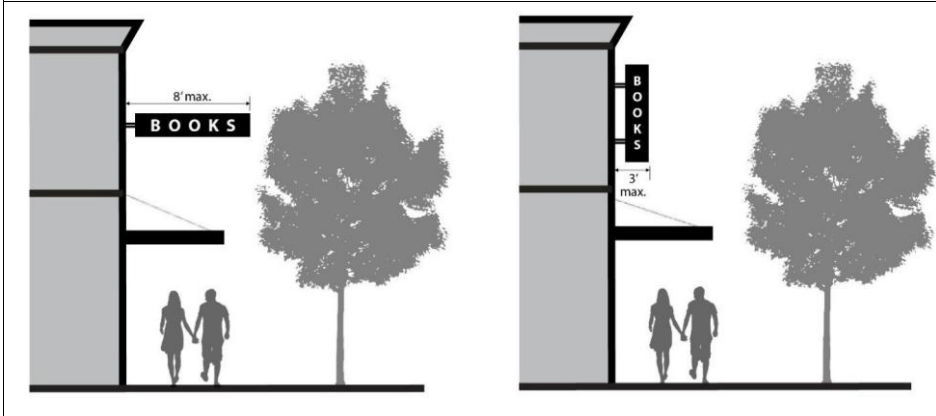
Figure 19.67.090(A)(5)
Acceptable building name sign.



- B. Projecting signs.** Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street. They may be used in addition to wall, marquee, and/or awning signs provided they meet the applicable standards below.
- I. Sign area. Projecting signs are not based on sign area standards, but on the dimensional standards below. Projecting signs may be either vertical or horizontal oriented. Projecting banner signs must all be vertically oriented.
 - a. Projection:
 - i. Horizontally oriented signs: No more than eight feet.
 - ii. Square or vertically oriented signs: No more than three feet.
 - iii. Signs may project into public right-of-way for storefront buildings, but must not extend over the curb into the travel lane.
 - b. Height:
 - i. Horizontally oriented signs: No more than three feet.
 - ii. Vertically oriented signs: Must not extend above the building parapet, soffit, the eave line or the roof of the building.

Figure 19.67.090(B)(1)

Dimensional standards for horizontal (left) and vertically-oriented (right) projecting signs.



- c. DEPARTURES per AMC 19.20.220 to the provisions in subsection (a) and (b) above will be considered provided the sign design is compatible with the design of the building in terms of location, scale, and design elements, doesn't create a public safety hazard, and provides a positive contribution to the streetscape.

Figure 19.67.080(B)(4)

Acceptable and unacceptable projecting sign examples.



The example on the right includes two complementary projecting signs that are separated enough that they don't conflict or cause visual clutter. The second sign is smaller and advertises the lounge that's within the restaurant.



Both examples include signs that project over the roofline. In the right example there are far too many signs that visually conflict and create unwanted sign clutter.

C. Marquee/awning signs. Marquee or awning signs may be used in place of permitted wall signs provided they meet the following conditions:

I. Sign form and size.

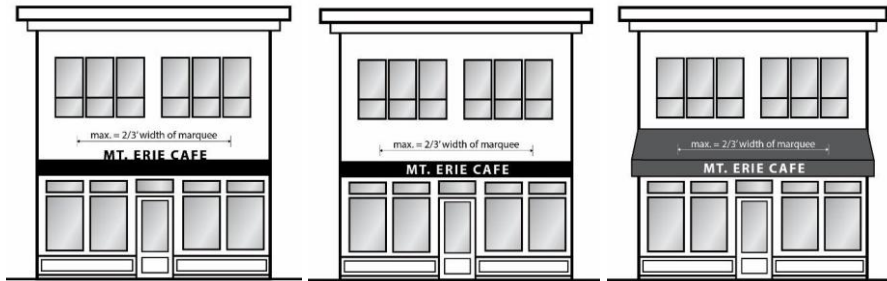
- a. Signs consisting of individual letters placed on the outside edge of the marquee or above the marquee are limited in 200 percent of the height of the vertical dimension of the marquee. For example, if the vertical dimension of the marquee is 12 inches, the letters may be up to 24 inches high. Such signs are limited to 2/3 of individual marquee width dimension or no more than 20 feet, whichever is less.
- b. Sign boards may be placed on vertical edge of a canopy provided the height of the sign board is no more than 200 percent the height of the vertical dimension of the marquee. For example, if the vertical dimension of the marquee is 12 inches, the sign board may be up to

24 inches high. Such signs are limited to 2/3 of individual marquee width dimension or no more than 20 feet, whichever is less.

- c. Signs placed on the vertical edge of awnings are limited to 80 percent the height of the vertical edge of the awning. Where signs are placed on sloping portion of the awning, they must be sized proportional to the architectural features of the building and are limited to two feet in height. The width of awning signs are limited to 2/3 of individual awning width dimension or no more than 20 feet, whichever is less.
2. **Number of signs:** For individual **façades** that include multiple awnings or marquees, secondary business signage may be included on the additional signs. For example, where the primary sign might advertise the name of a bakery, the secondary signs could advertise coffee, ice cream or other types of products sold by the business.

Figure 19.67.090(C)

Marquee and awning sign examples & standards.



D. Under-canopy signs. Under canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal pathway.

Figure 19.67.090(D)
Under canopy standards and example.



E. Window signs.

Figure 19.67.090(A)(2)
Window sign standards and examples.

Signs in windows are limited to 30 percent of the total tenant window area. The coffee shop in the upper right image uses a variety of window signs, but meets the 30% limit. The lower right image clearly exceeds the 30% limit and effectively minimizes the transparency of this storefront.



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Comment [CR95]: Draw a red line through the wax and spa image.

19.67.100 - Noncommercial speech signs.

Noncommercial speech signs express noncommercial speech such as public community events, religious, political, social, or other philosophical messages.

Noncommercial speech signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

- A. The sign area of noncommercial speech signs must not exceed 32 square feet.
- B. The maximum height is limited to six feet.
- C. Noncommercial speech signs that do not comply with the requirements of this section must be subject to the permit requirements, sign area, setback and other provisions of this chapter. All noncommercial speech signs must comply with general sign requirements per AMC 19.67.040 General requirements.

19.67.110 - Temporary sign standards.

- A. Applicability.** All temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements in the underlying zone. Additionally, the following requirements apply.
- B. Permitting.** A sign permit is not required for temporary signs.
- C. Location requirements.**
 - I. Generally.**
 - a. Temporary signs may be located on private property with the property owner's permission.
 - b. Temporary signs attached to building walls must not be placed in a manner that obstructs any door, Fire Department sprinkler connection, or street number sign.
 - c. Temporary signs must not be placed on the roof of a building, or affixed to a permanent sign or its structure, tree, utility pole, or street sign.
 - d. No part of a temporary sign may overhang a paved roadway, bicycle path, parking space, driveway, loading area, or wheelchair access.
 - e. Temporary signs must not be permanently attached to the ground, a building, or to any other structure, other than what is necessary to secure the sign to prevent theft, wind damage, or safety problems.
 - f. Temporary signs must not be placed in any public park, trail, open space, or other public space, except for those signs placed by the City.
 - 2. Only Type 4 temporary signs may be placed within the public right-of-way. Such signs are subject to the standards in AMC 19.67.110(H).**
 - 3. Only Type 4 temporary signs may be placed on a sidewalk or other pedestrian pathway. Such signs are subject to the standards in AMC 19.67.110(H).**
- D. Materials.** Temporary signs may be made of any durable material, and the sign face may be of rigid or flexible construction.
- E. Illumination prohibited.** Temporary signs may not be directly illuminated or be provided with any electric service.

F. Noncommercial temporary signs. Noncommercial signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

1. Noncommercial temporary signs are subject to the requirements of Table 19.67.110(F).

Figure 19.67.110(F) Size and duration of noncommercial temporary signs.			
	Non-A-board sign in the public right-of-way	A-board sign in the public right-of-way	Any temporary sign on private property
Sign area, maximum	4 square feet	See subsection (H)(4) for A-board (Type 4 temporary sign) standards	12 square feet
Height above grade, maximum	3 feet		8 feet
Duration, maximum	180 days per calendar year unless otherwise limited by the temporary sign type		180 days per calendar year unless otherwise limited by the temporary sign type
Location requirements	See AMC 19.67.110(H)(4)(f)		See AMC 19.67.110(C)(1)

2. Community banner signs up to 100 square feet in size and 20 feet above grade in height may only be located on public banner poles erected by the City for that use. Community banner signs may not be illuminated.

3. Signs advertising a public event. Maximum duration must be from one month before the event to five days after the event.

G. Commercial temporary signs.

1. Construction signs. On properties with active construction, temporary signs must meet the following requirements:
 - a. *Number.* One non-illuminated, double-faced temporary sign is permitted for each lot frontage.
 - b. *Sign area.* Maximum size of 24 square feet.
 - c. *Height.* Maximum height of eight feet above grade.
 - d. *Permitted sign types.* Types 2-3.
 - e. *Duration.* Temporary signs must be removed by the date of first occupancy of the property or one year after placement of the sign, whichever occurs first.
2. Exterior event signs, such as grand opening signs, sale signs, promotional signs, exhibitions, quitting business signs, and other nonpermanent exterior signs used to advertise an event.
 - a. *Number.* There is no limit to the number of exterior event signs that may be displayed at any one time for any one business or tenant.
 - b. *Applicability/location.* Businesses in mixed-use and industrial zones may display exterior event signs.
 - c. *Sign area.* Exterior event signs are limited to 20 square feet in size, except for building-mounted Type 2 temporary signs, which are subject to the area standards in subsection (H)(2) below.
 - d. *Height.* Based on height limits of allowed temporary sign types in subsection (H) below.

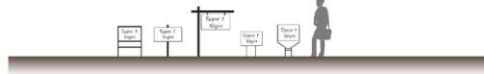
- e. *Permitted sign types.* Types 1-5.
 - f. *Duration.* Exterior event signs (individual signs and/or groups of signs) may be displayed for no more than 60 cumulative days per calendar year per business or tenant.
3. Residential real estate. Signs associated with residential properties for sale or rent must comply with the following:
- a. On-site residential "For Sale," "For Rent" and "Sold" signs.
 - i. *Number.* Limited to one sign per lot frontage on the subject property.
 - ii. *Sign area.* Maximum size of six square feet.
 - iii. *Height.* Maximum height of six feet above grade.
 - iv. *Permitted sign types:* Type 1.
 - iv. *Duration.* Must be removed within five days of the final sale or rental.
 - b. Off-site residential "For Sale" and "For Rent" signs.
 - i. *Location.* No further from the subject property than the nearest arterial street intersection.
 - ii. *Quantity.* No more than one "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller or owner.
 - iii. *Sign area.* Maximum size of two square feet.
 - iv. *Height.* Maximum height of six feet above grade.
 - v. *Permitted sign types:* Type 1.
 - vi. *Duration.* Must be removed within five days of the final sale or rental.
4. Commercial and industrial real estate. Signs associated with commercial and industrial properties for sale or rent must comply with the following:
- a. *Location and quantity.* Limited to one sign per lot frontage on the subject property.
 - b. *Sign area.* Maximum size of 16 square feet.
 - c. *Height.* Maximum height of eight feet above grade for properties adjacent to State Route 20 in the LMI or HM zones and six feet above grade in all other areas.
 - d. *Permitted sign types:* Types 1-3.
 - e. *Duration.* Must be removed within five days of the final sale or rental.
5. Commercial temporary signs in a residential zone. Permitted commercial temporary signs in residential zones are limited to:
- a. Residential real estate signs as established in subsection (3) above.
 - b. Home occupation signs as established in Table 19.67.070(A).
 - c. Signs associated with permitted non-residential uses are subject to the standards of this section.

H. Temporary sign requirements by sign type.

Below are standards for a wide variety of temporary sign types that may be allowed based on the site's zoning, land use, or context. Where the provisions of subsection (F) or (G) conflict with the provisions of this subsection (H), the provisions of subsection (F) or (G) apply.

Figure 19.67.110(H)
Summary of temporary sign types.

Type 1 Sign Examples



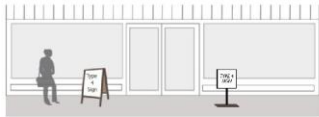
Type 2 Sign Examples



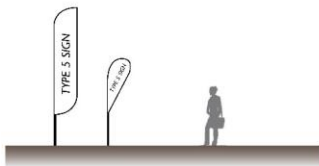
Type 3 Sign Examples



Type 4 Sign Examples



Type 5 Sign Examples



I. Type I temporary signs. Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and event announcements.

a. Location. Type I temporary signs may be located in any zone.

b. Quantity.

i. For developed property, one sign may be displayed per dwelling unit and per business. For undeveloped and vacant property, one sign may be displayed per 0.25 acres of land.

ii. The provisions of subsection (i) are suspended during the 60 day period before any primary or general election scheduled by Skagit County. Following the end of such period, the provisions of subsection (i) are in force until the following period of suspension.

- c. Size. Maximum sign area is six square feet (per side if dual sided) per sign. Signs placed in windows are subject the size standards of AMC 19.67.090(E).
- d. Height. Maximum height of the sign, including supports, is six feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).
- e. Material. If outdoors, the sign face must be composed of a rigid material.
- f. Mounting. Outdoor signs may be only mounted and supported by posts or stakes which are attached to the ground.
- g. Duration. No limit unless otherwise specified in this section for the particular location, use, or context.

2. Type 2 temporary signs. Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community events. These may be freestanding (supported by posts on either end) or building mounted signs.

- a. Location. Type 2 temporary signs are permitted in the mixed-use and industrial zones, on any property owned by a public agency, and on any property owned by a nonprofit corporation organized under Section 501(c)(3) of the United States Internal Revenue Code.
- b. Quantity. One sign may be displayed per property.
- c. Size. Maximum sign area for freestanding Type 2 signs is 18 square feet (per face of dual sided signs). The maximum sign area for Type 2 signs attached to buildings is the same as sign area for wall signs (with internal lighting) as established in Table 19.67.090(A)(3) based on the size of the façade. Exception: Lesser maximum sign area may be allowed for the particular use per subsection (F) or (G)
- d. Height. Maximum height of any freestanding signs, including supports, is six feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)). Type 2 signs attached to a building must not be placed on or above the roof of a building and must not be placed over any windows.
- e. Material. The sign face must be composed of a flexible material.
- f. Mounting. Freestanding signs may be only mounted and supported by posts or stakes which are attached to the ground.
- g. Duration. For each property, Type 2 signs may be displayed for a maximum 30 calendar days per year. A maximum of six separate displays are permitted each year, with a minimum of ten calendar days of separation between displays.

3. Type 3 temporary signs. Signs in this category are large signs typically associated with (but not limited to) the advertisement of land sales, construction activity, and commercial and industrial buildings for rent.

- a. Location. Type 3 temporary signs may be located in any zone under the following conditions:
 - i. The parcel upon which the sign is displayed has a minimum of 100 feet of lot frontage.
 - ii. The parcel does not contain a permanent freestanding sign with digital or changeable copy.
- b. Quantity. One sign may be displayed per property.
- c. Size. Maximum sign area is 24 square feet (per face of dual sided signs) unless lesser maximum sign area applies for the particular use per subsection (F) or (G).

d. Height. Maximum height of the sign, including supports, is eight feet above grade unless lesser maximum height applies for the particular use per subsection (F) or (G).

e. Material. The sign face must be composed of a rigid material.

f. Mounting. Signs may be only mounted and supported by posts or stakes which are attached to the ground.

g. Duration. Unless otherwise specified in this section for the particular location, use, or context:

i. Type 3 temporary signs may be displayed without limit to duration on properties that undeveloped or vacant.

ii. In all other cases, signs may be displayed a maximum of one year, with a minimum of 60 calendar days of separation between displays. The minimum separation period applies regardless of whether the previous display reached the maximum duration of display.

4. Type 4 temporary signs. Signs in this category must only include A-board and standing signs as defined by AMC 19.67.030. Signs in this category are typically associated with (but not limited to) the advertisement of retail businesses and announcement of public events.

a. Location. Type 4 temporary signs may only be displayed in the mixed-use, industrial, and overlay designations provided they comply with the standards herein.

b. Quantity.

i. Commercial use. One sign may be displayed per customer entrance, and no more than two signs may be displayed per business.

ii. Noncommercial use. Two signs per lot may be displayed for each single noncommercial purpose.

c. Size. Maximum sign area is six square feet (per face of dual sided signs).

d. Height. Maximum height of the sign when placed in its display position, including supports, is four feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).

e. Material. The sign face must be composed of a rigid material.

f. Placement standards:

i. Signs for a commercial use must be located within 15 feet of a customer entrance.

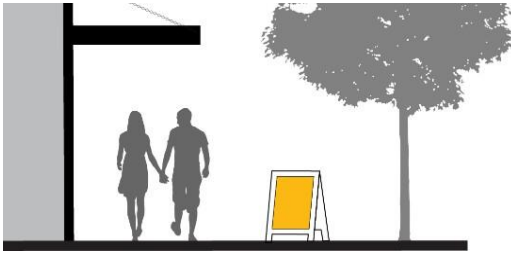
ii. Signs must maintain at least 25 feet of separation from other Type 4 temporary signs.

iii. Signs placed on a pathway or sidewalk must be placed to one side of the sidewalk or pathway and provide a minimum of four feet of unobstructed sidewalk or pathway width. Signs must not be placed on sidewalks or pathways less than four feet in width.

iv. Signs must not be located within center medians, traffic circles, traffic islands, and roundabouts.

g. Duration. Signs may only be displayed during the period beginning 30 minutes prior to the daily opening and ending 30 minutes following the daily closing of the business displaying the sign.

Figure 19.67.110(H)(4)
Examples of Type 4 temporary signs.



The sign above illustrates a proper location for a Type 4 temporary sign, whereas the sign(s) below are placed in the middle of the sidewalk where it obstructs pedestrian traffic.



Type 4 temporary signs may come in the A-board form (upper left example) or in a standing form (as above).



5. Type 5 temporary signs. Signs in this category are feather signs. Feather signs are prohibited except where used for an exterior event sign [see subsection (G)(2)] or for multi-tenant centers meeting the criteria below.

- a. Location. Type 5 temporary signs may only be displayed in properties in a mixed-use or industrial zone.
- b. Quantity. One sign may be displayed per site/property. For site/properties with more than 100 feet of block frontage, multiple signs are allowed provided there's at least 100 feet of separation between signs.
- c. Size. Maximum height of feather signs is 13 feet.
- d. Design. Signs must designed in a uniform manner, including consistent size and shape, where more than one sign is permitted.
- e. Duration. Type 5 temporary signs associated with an exterior event are subject to the duration provisions of subsection (G)(2) above. Type 5 temporary signs associated with an existing on-site tenant may be displayed without limit to duration.

6. Type 6 temporary signs. Signs in this category include fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means. Such signs are prohibited except where used for an exterior event sign [see subsection (G)(2)].

H. Special community event signage. The purpose of this provision to provide for a periodic increase in the number of temporary signs that may be displayed for special community events which promote economic activity in Anacortes.

1. Qualifying events. Events sponsored by the city, non-profit agency, and/or multiple Anacortes' based businesses that are intended to attract tourism activity in Anacortes.
2. Period of applicability. Beginning 10 days prior to the date of the event (or beginning date of a multi-day event) and ending 24 hours following the conclusion of the event.
3. Additional temporary signs permitted. An unlimited number of temporary signs may be displayed in the CBD, C, CM, I and LMI zones during the period of applicability.
4. Other regulations remain in effect. During the period of applicability, all other temporary sign regulations remain in effect.

19.67.120 - Supplemental sign setback requirements.

A. Side and rear setbacks. Signs and advertising structures where permitted must be erected or placed in conformity with the side and rear setbacks requirements of the district in which located except that no sign or advertising structure in a nonresidential zone must be erected or placed closer than 50 feet of a side or rear lot line in any adjacent residential zone.

B. Industrial zone. In the I-zone east of "R" Avenue and between 22nd and 34th Streets, the sign setback must be 30 feet from the curb at the east side of "R" Avenue.

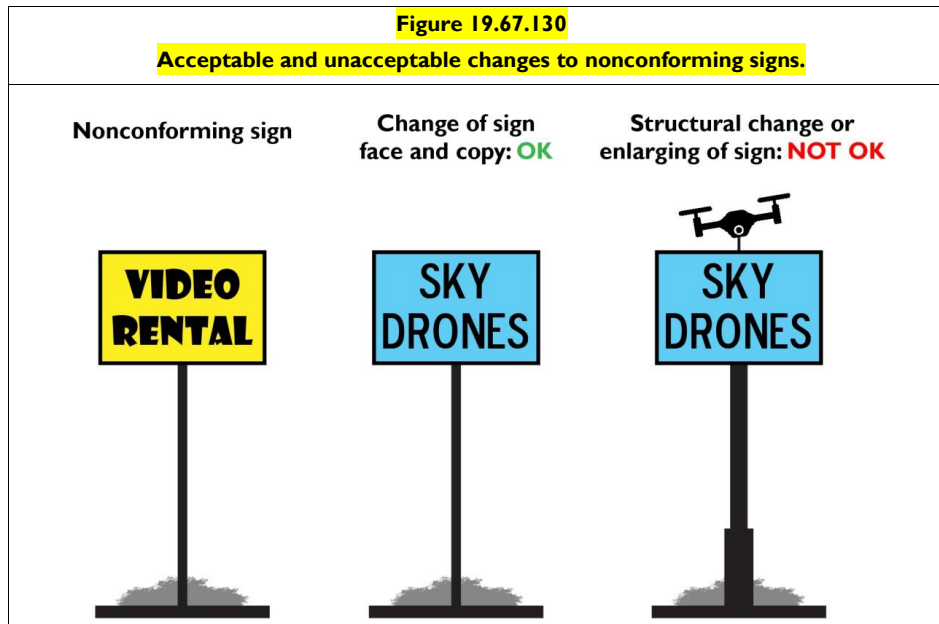
19.67.130 - Nonconforming signs.

A nonconforming sign is a sign that was validly installed under laws or ordinances in effect prior to the effective date of this chapter or subsequent revisions, but is in conflict with the provisions of this chapter. Nonconforming signs may remain in use only under the following conditions:

- A. No such sign may be changed in any manner that increases the nonconformance of any such sign.
- B. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.
- C. Changes to the sign copy or the replacement of a sign face on a nonconforming sign are permitted.
- D. When a sign is structurally altered, it ceases to be a nonconforming sign and must conform with the provisions of this chapter. Structural alteration means any action that changes the height, size, or shape of the sign or any action that affects the base or support(s) of the sign.
- E. When the footprint of a building containing a business or activity associated with a nonconforming sign is enlarged 200 percent or more, then such sign must be brought into conformity with this chapter.
- F. ~~When a business or activity containing a nonconforming sign changes the type of the business, then such sign must be brought into conformance with this chapter.~~

Comment [CR96]: The type of business should not matter as long as it is a legal use in that location. A new business should be allowed to keep the sign and simply change the sign copy as in C.

G.E. Such signs may be removed for maintenance for periods not to exceed 60 days. If removed for a longer period they must comply with provisions of this chapter upon reinstallation. This does not apply to existing billboards, but once removed for more than 60 days billboards cannot be replaced.



19.67.140 - Violations.

In case any sign must be installed, erected, constructed or maintained in violation of any of the terms of this title, the director must notify in writing the owner or lessee thereof to alter such sign so as to comply with this title. Failure to comply with any of the provisions of this chapter must be deemed a violation and must be punishable under AMC Title 20.

Signs on public property and in public right-of-way deemed to be in violation of this title may be removed by the city upon notice of the violation.

19.67.150 - Severability.

- A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision must not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision.
- B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction must not affect the application of such Section,

sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

Chapter 19.68 - WIRELESS TELECOMMUNICATIONS TOWERS & ANTENNAS

Reserved.

Chapter 19.69 - STANDARDS, GENERALLY

Sections:

- 19.69.010 - Purpose of this division and adoption by reference.
- 19.69.020 - Noise.
- 19.69.030 - Air pollution.
- 19.69.040 - Exterior lighting.
- 19.69.050 - Glare or heat.
- 19.69.060 - Special standards for the I, LM, HM, and AZ zones.
- 19.69.070 - Clear-vision triangle requirements.

19.69.010 - Purpose of this division and adoption by reference.

The following sections of Chapter [173-60](#) of the Washington Administrative Code as they now exist or may hereafter be amended or recodified are hereby adopted by reference as a part of the Anacortes Municipal Code which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein must not affect the validity of the adoption by reference of the section so adopted:

WAC

- [173-60-010](#) Authority and purpose.
- [173-60-020](#) Definitions.
- [173-60-030](#) Identification of environments.
- [173-60-040](#) Maximum permissible environmental noise levels.
- [173-60-050](#) Exemptions.
- [173-60-060](#) Nuisance regulations not prohibited.
- [173-60-070](#) Reserved.
- [173-60-080](#) Variances and implementation schedules.
- [173-60-090](#) Enforcement policy.
- [173-60-100](#) Appeals.
- [173-60-110](#) Cooperation with local government.
- [173-60-120](#) Effective date.

19.69.020 - Noise.

Noise levels are not to exceed those standards as established by the state pursuant to Chapter [70.107](#) RCW, and contained in Chapter [173-60](#) Washington Administrative Code (WAC).

19.69.030 - Air pollution.

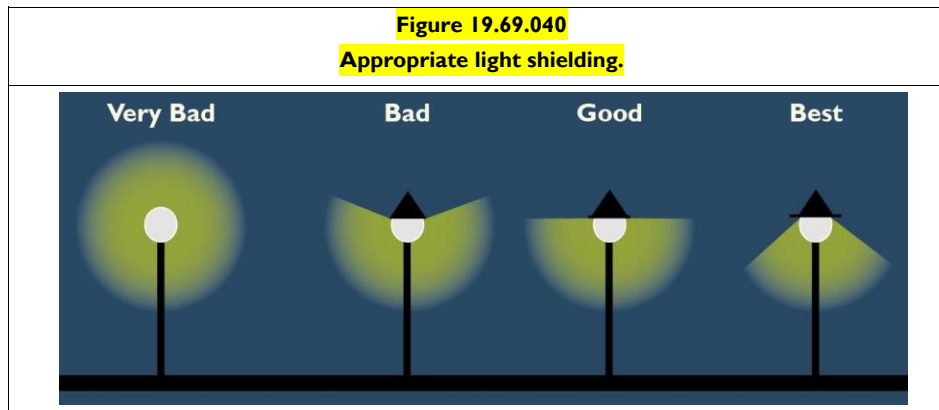
The following types of air pollutants must be subject to the provisions of applicable Northwest Air Pollution Authority regulations, regulating:

- A. Smoke and gas.
- B. Dust, dirt, or fly ash.
- C. Noxious and odorous matter.

D. Other pollutants that may subsequently be added by state law.

19.69.040 - Exterior lighting.

Exterior lighting in all zones must be installed so that the light is directed downward onto the property upon which it is located. All light sources must be shielded to direct light away from the sky and from residential uses. See Figure 19.69.040 for an illustration of appropriate light shielding.



19.69.050 - Glare or heat.

Any operation producing intense glare or heat must be performed within an enclosure so as to completely obscure such operation from view from adjacent residential property.

19.69.060 - Special standards for the I, LM, HM, MS and AZ zones.

Uses, processes, equipment employed, and goods stored or sold must not inflict upon neighboring zones smoke, cinders, fumes, dirt, noise, vibrations, odor, refuse matter, water-carried waste, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones above that which is allowed by local, state, and federal standards.

Comment [CR97]: The MS zone is adjacent to residential zones and CBD, where impacts to residents, hotel guests, etc. should be mitigated.

19.69.070 - Clear-vision triangle requirements.

- A. A clear-vision triangle must be maintained at the intersections of streets, alleys, and commercial driveways, with the following requirements:
1. A clear-vision triangle must contain no plantings, fences, walls, other structures, or visual obstructions within a vertical area extending from three feet to eight feet above the ground, measured from the established centerline of the street, alley or driveway.
 2. The clear-vision triangle is determined by one of the following methods:
 - a. Measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle is a line connecting the endpoints of the first two sides of the triangle; or

- b. Measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle is a line connecting the endpoints of the first two sides of each triangle.
- 2. Subsection (I) does not apply to:
 - a. A tree trimmed to the trunk within the three to eight feet clear area.
 - b. Other plant species that are so planted and trimmed as to leave a clear and unobstructed cross-view in all seasons.
 - c. A supporting member or appurtenance to a permanent building lawfully existing on the site.
- B. Exemptions. A clear-vision triangle is not required where maximum building setbacks would otherwise conflict with this section.
- C. At the discretion of the City Engineer, additional clear-vision area may be required to meet transportation safety requirements.

DIVISION 7 - ENVIRONMENT

Division 7 - ENVIRONMENT 378

Chapter 19.70 - CRITICAL AREAS 378

Chapter 19.72 - SHORELINES..... 378

Chapter 19.76 - STORMWATER..... 378

Chapter 19.78 - CLEARING & GRADING 378

Chapter 19.70 - CRITICAL AREAS

Reserved.

Chapter 19.72 - SHORELINES

Reserved.

Chapter 19.76 - STORMWATER

Adopted by ordinance 2991.

Chapter 19.78 - CLEARING & GRADING

Adopted by ordinance 2991.

DIVISION 8 - DEVELOPMENT AGREEMENTS

Division 8 - DEVELOPMENT AGREEMENTS 379

Chapter 19.80 - DEVELOPMENT AGREEMENTS 379

Chapter 19.82 - DEVELOPMENT AGREEMENT WITH PORT 379

Chapter 19.80 - DEVELOPMENT AGREEMENTS

Reserved.

Chapter 19.82 - DEVELOPMENT AGREEMENT WITH PORT

AMC Chapter 17.74 is recodified as AMC Chapter 19.82 Development Agreement with Port. The code reviser is directed to include the date of adoption of the development agreement, March 29, 2005, in recodified AMC 17.17.250, and to update the cross-references in existing AMC 17.74.060.C to new AMC Chapter 19.38 Variances and new AMC Chapter 19.20 Application Procedures.

From: [Cynthia Richardson](#)
To: [Grage, Libby](#)
Subject: comments on Draft 3
Date: Friday, January 4, 2019 1:48:14 PM
Attachments: [3rd Draft zoning code CR edits.pdf](#)

Libby,

Attached is a copy of draft 3 of the zoning code update, with my suggested changes and comments.

In general, I would like to commend the staff and consultant team for incorporating many of the changes from the previous draft that were requested by the Planning Commission or suggested by citizens. The sign section is much simpler, and many specific concerns have been addressed.

Putting illustrations such as setback diagrams right in the definitions section so they're easy to find is helpful. Site Plan Review is a good addition to the code to assist early planning of a project. Tables that have a column telling specifically which section to refer to for details and exceptions are VERY useful. This saves a lot of searching around for the correct reference.

Following are comments on specific code issues that still remain unresolved or need fine tuning:

As you know from my previous comments, I am very concerned about "getting it right" with regard to the new MMU zone. Why is this zone so important?

- The Comprehensive Plan specifics that "The primary uses are commercial, hospitality, cultural, and recreational uses" but does not specify how to determine what constitutes "primary uses" in terms of percentage of the zone or other criteria.
- Unlike other zones, which are primarily occupied by existing uses which establish the zone character, the MMU zone is a blank slate and it is important to define its future character.
- Change will occur in established zones gradually over time, but it is likely that the entire MMU zone will be developed all at once, so it is critical to define the parameters for development to guide the developers.

It is very important to include the following words from the Comprehensive Plan to clarify that residential uses are not included in "primary uses". Adding these words to 19.40.040.C. is an appropriate place to do so.

"The primary uses are commercial, hospitality, cultural, and recreational uses. Residential uses are encouraged in mixed-use structures and allowed in single purpose structures provided developments include a horizontal mix of uses."

There are two key issues affecting this zone which must be clearly articulated in the code: **Amount of Residential Uses** and **Bonus Height**, and they must be considered separately.

MMU Amount of Residential Uses

The only reference in draft 3 to the percentage of residential uses in the MMU zone is obscurely buried in the zone-specific standards for Townhouses, Multifamily and Assisted Living residential types. These requirements must be in a more prominent location related to the MMU zone, not just in the residential standards.

It is important to keep the calculation of “primary uses” simple. I propose the following two methods, to give the developer the option of calculating the allowable percentage of residential uses either by percentage of the site area or by percentage of the floor area of the uses in the buildings.

19.42.080 Add the following:

C. Mixed-use Requirements: To comply with the Comprehensive Plan requirement for the primary uses to be commercial, hospitality, cultural, and recreational uses, residential uses must be limited to a maximum of 49% of the MMU zone by one of the following methods:

1. Site area method: Up to 49% of the site area is developed with single-purpose residential uses, and an equal amount of the site area (or more) is developed with non-residential uses, and the remaining site area is developed with mixed-use buildings in which not more than 49% of the total floor area of those buildings (added together) is residential uses.
2. Floor area method: The entire site area is developed with residential and non-residential uses in both single-purpose and mixed-use buildings, and the total floor area of residential uses throughout the site does not exceed 49% of the total floor area of all uses.

MMU Bonus Height

The Bonus Height section offers some flexibility, but some features are not appropriate, and the scale is variable. Small buildings should be able to utilize the additional height bonus by providing more modest bonus features.

Suggest adding the following wording:

The bonus feature(s) must be proportional to the amount of space gained with the additional floor(s). For larger buildings, the bonus feature(s) must be more substantial than for smaller buildings to qualify for the additional floor area gained with the added height. The director may limit the added floors(s) to only a portion of a larger building, to be proportional to a more modest bonus feature.

Requiring a developer to provide certain features in exchange for the opportunity to build an

additional story or two is a good strategy. To qualify for the bonus height, a feature should **meet two criteria:**

- A. Be of benefit to the general public** (not just the occupants of the project)
- B. Be a permanent amenity**, not easily removed in the future

Some of the proposed bonus features meet those criteria (good idea) and others do not (bad idea). Here is a list of the proposed bonus features with my comments:

1. Vertical Mixed Use ground floor uses.

Good idea but bad formula for size of the space.

It has been clearly shown that a 20' depth is NOT sufficient for normal modest retail or restaurant or office uses. If the "primary" facade of a 50'x150' building is on the 50' side, at 20' depth that would be 500 sf of ground level space earns 7,500 sf of an additional floor. By designating a narrow strip for commercial use, a developer could build 15 times as much space on the bonus floor. That's not a fair trade-off.

Instead of a percentage of building facade, which varies depending on size and orientation of the building, why not have a formula that relates to the actual bonus area earned?

For example, say that this ground floor area must be suitable for commercial uses, on or within 40 ft. of a primary building facade, minimum dimension of 50 ft., and total area equal to at least 20 percent of the area of the bonus floor. In other words, the developer would get a bonus area of 5x the area set aside on the ground floor.

Keep in mind that this space is not lost - it is a community asset in trade for extra developable area, and the developer still gets to use that space for many revenue-producing business types.

2. Additional ground level pedestrian-oriented space

Good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

3. Space for a public park

Good idea. It gives a clearly beneficial permanent community asset in exchange for the bonus developable area.

4. Ornamental stormwater management features.

Bad idea.

Stormwater management science and related code requirements have changed significantly in the past decade, and will continue to change as state-of-the-art evolves,

so the "bonus" feature will be out of date or even illegal then. If not maintained these can get overgrown with weeds. This is not a permanent amenity. Bad examples: An "artistic" downspout or gutter should not earn the right to build thousands of square feet of added space. .

5. Plants on walls and roofs.

Bad idea.

Plants are meant to grow in the ground. Artificially created planting areas on walls or roofs require extensive maintenance, can die off in winter and turn brown, will require significant quantities in summer to stay green (which goes against water conservation goals), and are not a permanent amenity of benefit to the community. The rooftop gardens, in particular, would probably not even be visible to the public.

6. Upper floor setbacks.

Good idea, needs refinement.

This reduces the perception of height and bulk and is a permanent feature. However, if a short side faces an internal street and a long side is visible from other viewpoints, it won't have the desired effect. Requiring at least a portion of ALL facades over 50' long to be set back would incorporate this bulk-reducing feature regardless of which direction one is viewing from. Or perhaps require setbacks on more sides for greater size of floor area to be gained in the extra story.

7. Integration of public art.

Bad idea.

Art is too subjective, and tastes change over the years. Spending 1% of the development cost on something that is not permanent and could be moved or sold negates the public benefit.

Developer could choose one big ugly thing (as worded, administrator only has to agree that it's clearly recognizable as public art, but has no say over what is chosen).

If this option is allowed, it should specify that the Anacortes Arts Commission would conduct a public process to invite submittals and select the art. Distributing several smaller art pieces throughout the area should be encouraged, rather than giving a windfall to one artist (\$500,000 on a \$50 million project).

Public art should be encouraged, but perhaps as trade-offs for other departures, or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

8. Exceptional landscaping display

Good idea.

This creates permanent open space that can be enjoyed by all as a public benefit.

9. Integrating brick as the primary cladding material

Bad idea.

Brick is attractive and gives a sense of permanence, but does not necessarily create an attractive building. Allowing an ugly building to be taller just because of the cladding material on half of the street facades just means it will be a taller ugly building.

Brick cladding should be encouraged, but perhaps as trade-offs for other departures, or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

-
-

10. Provide freely accessible public restrooms.

Good idea but too small.

Public restrooms are important in any area intended to attract the general public, but are relatively inexpensive to provide and shouldn't qualify for adding another whole story.

Public restrooms should be encouraged, but perhaps as trade-offs for other departures or for an extra floor on a small building, not as allowing an entire extra floor on a large building.

11. Provide indoor meeting space and/or performance space

Good idea.

Must include public restrooms.

12. Other similar features

Good idea.

Flexibility is good for both the developer and the community to meet changing needs. Amenities to qualify for the added height must be permanent, provide a public benefit, and be proportional to the magnitude of the increased square footage gained on the added floor(s).

Among the various comments that I have made on the attached copy of the 3rd Draft, here are some topics that I particularly want to bring to your attention:

The City cannot assure compliance with **ALL** other laws. To say this puts the City in an

untenable liability situation.

Recording. All short subdivisions must be recorded in compliance with the following:

Prior to recording, the applicant must submit the final short plat map to the city for signatures per AMC 19.32.050(C) and 19.32.060.

Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city. If the short subdivision is not recorded within 60 days of approval, the approval must expire.

Do you think the folks in Skyline realize that there could be 50' tall buildings all along the waterfront? No problem, a tsunami will take care of that.

Lot coverage percentages. These percentages result in some odd inequities. **Why should a person with a 6,000 sf lot in the R3 zone be able to build a house with a 900 sf larger footprint than THE SAME SIZE LOT in the R2 zone?** Where in the Comp Plan does it say people should build smaller houses in the lower density zones? Or if you happen to have a 9,000 sf lot (3 of the 30-foot lots) in R3 you could cover 4,500 sf, but 1,350 sf less on the same size lot in R2. That just seems backwards.

Street Frontage Maps:

The Planning Commission agreed that ALL STREET FRONTAGES SOUTH OF 17th should be UNDESIGNATED. Why do some still have other designations?

Why was Map I changed to bring the mixed designation all the way to the corner instead of wrapping the storefront around (as in draft I)? It would be odd to allow landscaped frontages to come to the corner (and the landscaped designation allows parking there). Since ground level spaces must be 50' deep, wrapping the storefront designation around the corner for 50' so the building must come to the sidewalk makes sense.

Landscaping. Requiring landscaping DOES NOT MAKE SENSE FOR COMMERCIAL AVE IN CBD. Storefront designation requires 0 setback, and other sides allow 0 setback. A landscaped area between or behind these buildings would not be seen or used.

Pole signs. Table 19.67.060(A) restricts pole signs to HM and LMI. This must be changed. Pole signs are the primary sign type along Commercial Ave. with over 50 existing signs that would become non-conforming if this restriction isn't changed. Pole signs are practical, less massive than monument signs, and should be allowed. Treat pole signs the same as other freestanding signs. Restricting the height and size may be appropriate in some zones, but please give small businesses the option to have inexpensive pole signs visible to motorists.

R3A rezone area. I am dismayed that one of the concepts that was very important in the development of the Comprehensive Plan has been left out of the current draft of the zoning

map. The R3 area generally between 12th and 22nd was intended to be a key part of the change to smaller lots because it is an area that historically has many houses on smaller lots, which has established the character of the neighborhood. It was understood that the exact boundaries would be designated on the final map as part of this update process. That has not been done, and I was told by staff that it would be done “later” as part of a separate process. It should be done now, to complete the transition of key areas to smaller lot sizes as specified in the Comprehensive Plan.

Thank you for considering my comments.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221
360-299-9081

From: [John McGee](#)
To: [Grage, Libby](#)
Subject: Notice of Public Hearing and DNS
Date: Thursday, January 3, 2019 6:50:54 PM

Libby,

My name is John McGee, and I live at 1520 38th St. here in Anacortes. I received the subject notice (regarding Project File PLN-2016-1017) in the mail a couple of weeks ago. I have some questions that I hope you may answer.

- 1) Is the only impact for me the fact that the new zoning assignment for my street goes from R2 to R2A? Is this just an administrative change that requires no further code compliance issues on my end?
- 2) I take it that this zoning change effectively shrinks the minimum lot size for properties in my area from 7,500 sq. ft. to 6,000 sq. ft. Is that a correct reading of the posted online draft?
- 3) My only concern with this zoning change is that, should someone buy a large lot on my street, for example, then divide that lot per new zoning allowances, effectively making two (or more) properties where previously there was only one, the resident population could rise to a point where other city infrastructure would not be able to cope with the increase, specifically the street width may not be sufficient to manage the increased automobile presence (like on my 38th street, for example). I'd guess that there are many such narrow-ish roads in the "new" zoned area that might also potentially fall victim to this issue. If the city is not willing or able to widen the roads in areas where it is willing to allow more residential capacity, that sets the road infrastructure up for traffic failures (blockages, in particular). As of right now on 38th St., if only one car is parked on the side of the street it represents a traffic obstruction. If cars are parked on both sides of the street, then effectively you'd have a one-way street (and possibly a blocked street altogether, if the vehicles are large trucks). I would strongly recommend against such a situation that the new zoning proposal may make manifest.
- 4) Has the city considered this road infrastructure capacity issue alongside the potential for denser residential populations on existing streets?
- 5) Does this email constitute written public commentary as described in the Notice? If not, what do public comments mean to the City council (if anything)? If so, then what happens with this public comment? Does it go to the Council for consideration?
- 6) What is the purpose of the public hearing on 9 Jan? Are the comments contained herein germane to that hearing, and should they be expressed in that forum to the Council?

I also left a voice message today at the phone number provided in the notice. This note is what that message is about.

I look forward to a reply (in whatever medium you find most convenient). Thanks.

Very Respectfully,
John McGee
360-720-4279 (c)

360-257-9104 (w; no voicemail)
angus.macgillicuddy@gmail.com
1520 38th St.
Anacortes, WA 98221

January 4th, 2019

Anacortes Planning Commission
Anacortes City Council
Anacortes, WA 98221

Re: Lack of Affordable Housing

To: Chairman McNett and Planning Commissioners

I would like to address the final draft of the proposed Development Code and the **surprising** lack of affordable housing options defined or supported in this draft.

Paraphrasing Mayor Gere's address in the September 2018 A-Town magazine, I believe she addressed the correct issues and need in our community relating to affordable housing in her essay:

- "...Anacortes has focused on affordable housing options for all residents."
- "...Adopting the Affordable Housing Strategic Plan. The plan was to develop affordable housing options."
- "...Providing a wide range of housing opportunities."
- "...Development regulations to implement goals and policies of the 2016 Comprehensive Plan that would provide for a variety of housing types and incentives."
- "Without safe affordable housing comes a lack of workforce development."

I do not believe the current development code draft represents the ideals Mayor Gere laid out in her September essay (copy attached), relating to providing options, a wide range, and a variety of affordable housing approaches in our community.

I attended the Affordable Housing Study group sessions with the City with other local developers and builders. The feedback to the City from this group was clear, their current proposal for addressing investment in affordable housing using "subsidized housing" model as their basis was unappealing and would not likely generate meaningful local investment. This proposal is a singular approach. To generate real multi-family investment the City needs to endorse the vision Mayor Gere proposed above and do more. What is clear is that the City's current regulations are not working, changes must be made to see progress in achieving our mutual goal to provide quality housing.

In addition to the 'subsidized housing' model proposed that requires intense and expensive ongoing governmental involvement and reporting, the City should address changes that would encourage free market solutions.

- Increase the building height limit in specific areas to encourage density and lower the average housing unit cost, which directly affects monthly rent rates.
- Encourage the option to provide smaller dwelling units by relaxing parking requirements in buildings near commercial areas and with access to public transport.
- Consider that the loss of an extra 15' of building height eliminates 1+ floors of workforce affordable housing that will never be recovered in buildings that are built, especially in CBD & C zones.
- Review what has been built in the past five years in Anacortes. If it does not match our community's aspirations for housing, please make meaningful changes.

I do not believe government programs and subsidized housing alone will solve the challenges we face.

We have motivated builders and developers locally that want to invest in our in our community. Through minor zoning enhancements the City can release these resources and we can work together to provide solutions. We are encouraging you to add more options for market rate housing. For multi-family housing, don't restrict the height bonus to just the one type of subsidized affordable housing. The height bonus could also be used to encourage smaller square footage market rate units as another workforce or senior housing solution.

Thank you for your consideration of our comments.

Respectfully,

A handwritten signature in dark ink, appearing to read 'T Allen', with a stylized, cursive script.

Tom Allen

Allen Family Investments, LLC
P.O. box 817, Anacortes, WA 98221
allencollectables@yahoo.com



AFFORDABLE HOUSING

An Essay by Mayor Laurie Gere, City of Anacortes
September 2018

The City of Anacortes has focused on Affordable Housing options for all residents. The Council and I believe all community members should be able to live, work, and thrive in Anacortes to raise your children and grow old in a place we call home. The present real estate market and lack of multifamily and affordable housing built in the last decade have put an extreme burden on all Northwest communities.

In 2016, the City Council formed a new committee to focus on housing affordability and community services.

By November of 2017, the City Council adopted Resolution 2001, adopting the Affordable Housing Strategic Plan. The plan was to develop affordable housing options. Councilmembers Liz Lovelett, Erica Pickett (who retired in December 2017) and Eric Johnson served on this committee and the plan was developed with a rich mix of public participation. The goals of the plan include:

- Housing Affordability- Providing a wide range of housing opportunities to address all economic segments of the community.
- Special Needs- Providing housing options for special needs populations, including independent living for seniors, assisted living, memory care, drug & alcohol rehab and mental health facilities.
- Regional Collaboration- Actively participating and coordinating with other agencies in efforts to meet regional housing needs.
- Monitoring- Implementing Housing Element goals in a manner that is efficient and transparent.

We also realized that during this process, that the construction community are willing partners in building affordable housing. In February 2018, the City Council adopted Ordinance 3017, an Affordable Housing Demonstration Program to incentivize and allow

construction of affordable housing units on an expedited basis prior to adoption of city wide code amendments. In May 2018, the City Council adopted Ordinance 3022 regarding impact fees, essentially having impact fees and general facility charges reduced for affordable housing projects resulting in significant savings.

City staff is currently working on Development regulations to implement goals and policies of the 2016 comprehensive plan that would provide for a variety of housing types and incentives. We also recognize that this is an issue for economic development. Affordable housing and homelessness are issues impacting all residents of Skagit County, including families, businesses large and small. Without safe affordable housing comes a lack of workforce development, business expansion and new businesses are unable to find housing for employees. We are committed to continue our work for the present and future well-being of our County.



Donate by December 31st to double your gift!

DONATE NOW



SHAREABLE

Donate

11 Affordable Housing Alternatives for City Dwellers



Share on Facebook



Share on Twitter



By

[Cat Johnson](#)

July 7, 2014

Donate by December 31st to double your gift!

DONATE NOW



SHaReaBLe

Donate



Tiny apartments offer an affordable housing option. Photo: TinyHouseTalk

Tiny apartments allow for incredible housing density in cities. Generally falling in the 100 to 200 square foot range, there are, however, some extreme examples that test the limits of tiny. In Tokyo, for instance, there are apartments that are aptly [described as coffin-sized](#). A [recent street art project](#) parodying the high cost of housing in San Francisco saw trash cans and planter boxes going several thousand dollars each. For those who can embrace minimalism, tiny apartments offer an affordable alternative to expensive urban housing.

8. Senior Community Housing

Donate by December 31st to double your gift!

[DONATE NOW](#)**SHaReABLE**[Donate](#)

6. Micro Houses



Micro housing offers interesting solutions to the housing crisis, including a tiny house village in Austin, Texas.

Micro houses—including tiny houses, cottages, shipping containers, mobile homes and more—offer affordable housing for those who can live in small spaces. Small homes are less expensive and more energy efficient than larger houses and they can be built or wheeled into lots that can't accommodate larger homes. And micro houses are small and customizable enough to lend themselves to innovative housing solutions. For instance, there's a tiny house village for [the homeless](#) in Austin, Texas.

7. Tiny Apartments

From: [Frank Jeretzky](#)
To: [Cynthia Richardson](#)
Cc: [Grage, Libby](#); [Brian Allen](#); [Tom and Pam Allen](#); [Measamer, Don](#)
Subject: Re: Affordable Housing
Date: Monday, January 7, 2019 5:33:14 PM

Great comments. I plan to mention two examples of people looking for affordable housing / both don't qualify for low income housing. A recently divorced father who works in anacortes and has kids here. Good income but starting over and doesn't to leave town. Another example - new teacher or nurse.....too much income and wants their own place without roommates. Just 2 examples who would love a 500 sq foot apartment

Sent from my iPhone

On Jan 7, 2019, at 5:10 PM, Cynthia Richardson <richrson@cnw.com> wrote:

Libby,

I definitely agree with Tom and Pam Allen's perspective on affordable housing. To the extent that the code can encourage smaller units they will add to the affordable housing stock because in a free market smaller units rent or sell for less. To the extent that developers and owners of those units are burdened with complying with the minutiae of government-monitored programs they will have to rent or sell for more because someone will have to pay for the ongoing compliance effort for many years.

Keep it simple.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

From: Tom and Pam Allen [<mailto:allencollectables@yahoo.com>]
Sent: Monday, January 07, 2019 9:03 AM
To: 'Measamer, Don'; libbyb@cityofanacortes.org
Cc: richrson@cnw.com; Frank Jeretzky; 'Brian Allen'
Subject: Affordable Housing

Hi Don and Libby, Please include the attached letter and info packet for commissioners for the Wednesday meeting....Thanks, Tom
Allen

From: [Cynthia Richardson](#)
To: [Grage, Libby](#)
Cc: ["Frank Jeretzky"](#); ["Brian Allen"](#); ["Tom and Pam Allen"](#); [Measamer, Don](#)
Subject: RE: Affordable Housing
Date: Monday, January 7, 2019 5:10:47 PM

Libby,

I definitely agree with Tom and Pam Allen's perspective on affordable housing. To the extent that the code can encourage smaller units they will add to the affordable housing stock because in a free market smaller units rent or sell for less. To the extent that developers and owners of those units are burdened with complying with the minutiae of government-monitored programs they will have to rent or sell for more because someone will have to pay for the ongoing compliance effort for many years.

Keep it simple.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

From: Tom and Pam Allen [mailto:allencollectables@yahoo.com]
Sent: Monday, January 07, 2019 9:03 AM
To: 'Measamer, Don'; libbyb@cityofanacortes.org
Cc: richrson@cnw.com; Frank Jeretzky; 'Brian Allen'
Subject: Affordable Housing

Hi Don and Libby, Please include the attached letter and info packet for commissioners for the Wednesday meeting....Thanks, Tom
Allen

From: [Cynthia Richardson](#)
To: [Grage, Libby](#)
Subject: added comments on Draft 3
Date: Tuesday, January 8, 2019 8:34:51 PM

Libby,

I'd like to add to my previous comments regarding the uses in the MMU zone.

The floor area method and site area method suggested below are useful and appropriate ways to achieve the Comprehensive Plan goal for primary uses in the development of a large parcel with many buildings. But for a small parcel with a small buildable area it is not reasonable to require the complexity of meeting the required percentage on the single site. The code should make an exception for a small site, and allow residential or non-residential or mixed-use buildings, with any percentage of uses. Adding the **highlighted** words below would achieve this.

Here is my previous comment with proposed added wording for small sites:

MMU Amount of Residential Uses

19.42.080 Add the following:

- C. Mixed-use Requirements:** To comply with the Comprehensive Plan requirement for the primary uses to be commercial, hospitality, cultural, and recreational uses, residential uses must be limited to a maximum of 49% of the MMU zone by one of the following methods:
1. Site area method: Up to 49% of the site area is developed with single-purpose residential uses, and an equal amount of the site area (or more) is developed with non-residential uses, and the remaining site area is developed with mixed-use buildings in which not more than 49% of the total floor area of those buildings (added together) is residential uses.
 2. Floor area method: The entire site area is developed with residential and non-residential uses in both single-purpose and mixed-use buildings, and the total floor area of residential uses throughout the site does not exceed 49% of the total floor area of all uses.
 3. Small site exception: A site of two acres or less is exempt from the residential percentage requirement, and the buildings may be single purpose residential, single purpose non-residential, or mixed-use with any percentage of residential, provided that the site was in separate ownership as of the effective date of this code.

In addition, I would like to retract my comment #93 suggesting that pole signs should have a maximum ht. of 15' outside the HM and LM1 zones.

Driving down south Commercial Ave. today, I observed that nearly all of the existing pole signs are quite a bit more than 15' tall and they seem in reasonable scale with the existing small buildings. Future buildings are likely to be even taller.

I suggest that all pole signs be allowed to be 30' tall - or if measurements of the existing signs can be made, establish a limit that would allow at least 90% of the existing signs to be within the legal limit.

Thank you for considering my comments.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221
360-299-9081

LANDED GENTRY

HOMES AND COMMUNITIES

504 East Fairhaven Avenue, Burlington, WA 98233

Phone (360) 755-9021 • Fax: (360) 755-9029

January 9, 2019

Planning Commission
City of Anacortes
PO Box 547
Anacortes, WA 98221

RE: Development Regulations & Design Standards Update – Comments on 3rd Draft Update Document

Dear Planning Commissioners,

Thank you for your consideration of our prior comment letters. As noted in our earlier letters, Landed Gentry has been building homes and neighborhoods in the Pacific Northwest since 1979, with a focus on lasting quality, extended customer service, and community involvement. Many of these homes are located in Anacortes, including individual single family and duplex infill lots and the 48 North community that is currently under construction. As we plan to continue providing homes in Anacortes, we are invested in the outcome of Update and request that you consider these comments during your final deliberations and your recommendation to the City Council.

DIVISION 4 – ZONING AND LAND USE

19.41 Allowed Uses

- **Permit Triplex in R3 Zone**

The City housing stock is lacking in attached and detached housing suitable for small households, singles and retirees. These zones provide the best opportunity for infill housing. The requirement for a Conditional Use Permit imposes additional cost and permit review delays. Permitting a triplex outright, like a duplex or a triplex in an R3A zone, can help to incentivize infill housing that is compatible with existing development.

From Comprehensive Plan

Residential Medium Density

Purpose: This designation provides for moderate density residential neighborhoods on lands that are suitable for urban development. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.

R3
R3a

Principal uses & density: Single-family detached dwellings are the predominant dwelling type. Other dwelling types, such as accessory dwellings, cottage housing, and low density multi-family may be allowed under certain circumstances. The permitted density is 7-14 dwelling units per gross acre, depending on the particular housing types used and established development pattern and character of the area.

- **Useable Open Space for Small-Alley-Loaded Lots**

[illegible]

A photograph of a single-story house with a covered front porch supported by stone pillars. A dark wooden fence is visible in the background.

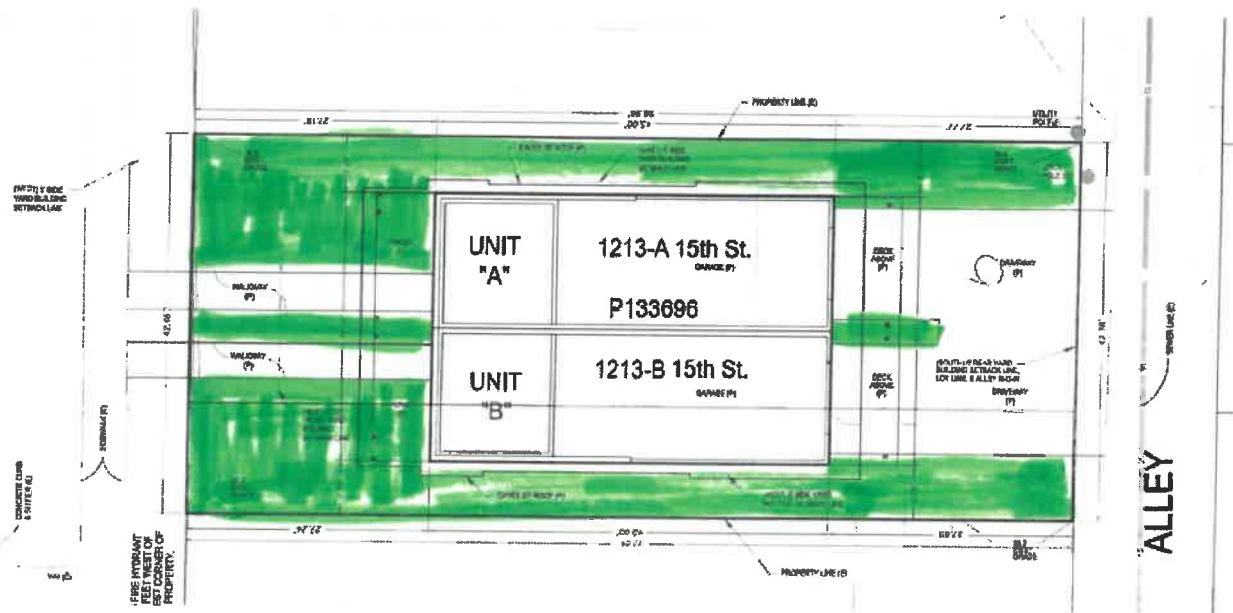
[illegible]

Page 2 of 3

- **Useable Open Space for Duplex and Triplex**

The revised provisions for Duplex and Triplex usable open space remain problematic and will limit the creation of less-expensive housing. Duplex and Triplex buildings should not be expected to provide open space that is more like single family housing, particularly as a larger percentage of the lot is often dedicated to garage access as shown below.

These home types appeal to a different demographic that is seeking housing options with less yard maintenance, but still with access to a garage. More importantly, this is not a current code requirement and will only serve to deter the limited duplex development that is occurring in the City. The duplex below meets the current code and was recently constructed. These homes could not have been built with this requirement. The recommended open space standards will serve as a disincentive to providing a different, more affordable housing option. We encourage the Planning Commission to direct deletion of this requirement.



Alternatively, the Townhouse usable open space standards are more akin to these building types. These proposed standards (AMC 19.43.010(G)(10)) also merit revision to encourage development. A minimum dimension of 10 feet (vs. 12 feet) is appropriate and will allow for more flexible design of the space. Any fencing requirement for use of the street setback should be deleted. The space can be clearly defined by the adjacent sidewalk. A fencing requirement adds to maintenance costs and may not be desirable to all homeowners.

We believe that these amendments achieve the intent of the Comprehensive Plan and will ensure that we can continue to provide for a variety of new housing choices for current and future Anacortes citizens.

Sincerely,

Brian Gentry, President
& Anacortes resident

Garage Setbacks 19.42.020

- **Recommendation:** leave garage setbacks the same as the underlying building setback in that zoning, there is no reason to further restrict setbacks with this new “Garage Setback condition”.

Or

Alt. Recommendation: If the intent of the code is to modulate the front façade on new homes, then allow a 15ft front yard setback and in R2-R3A, and a 20ft garage setback. I would then increase the backyard setback to 25ft. Same buildable area and but useable space is increased.

- At minimum differentiate between setback for “Garage Doors” and Garage walls.
 - What if the Garage is side loaded does the new increased setback to still apply?
 - What if the structure is a multi family building with the entire lower floor as a “parking garage” does the NEW increased garage setback apply to the entire building, as written I believe it would? Or just the garage door?

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
SETBACKS (feet)									
NOTE: The setbacks below apply to principal and accessory structures, except where accessory structure setbacks are modified by 19.47.020.B.									
Street setback, minimum	20	20	20	20	20	10	10	10	AMC 19.42.150.B
Street setback - garage, minimum	25	25	25	25	25	20	20	20	AMC 19.42.150.B
Side street setback, minimum	20	10	10	10	10	10	10	10	AMC 19.42.150.B
Interior side setback, minimum	10	5	5	5	5	5	5	5	AMC 19.42.150.C
Interior side setback - second floor, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5	AMC 19.42.150.D
Rear setback, minimum	20	20	20	20	20	10	10	10	AMC 19.42.150.E

Lot Coverage R2 and R2A

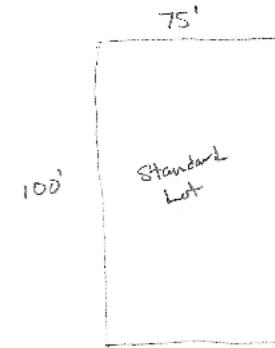
19.42.020

- **Recommendation:** Increase lot coverage by 5% to 40% in R2A, this would allow for a 2400 sq ft of lot coverage.
- This would allow for a 1700 sq ft home, with a 500 sq ft garage and a 200 sq ft deck all on one level.

Table 19.42.020
Form and intensity standards for residential zones.

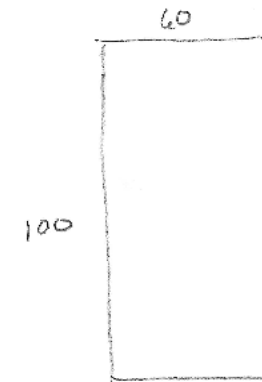
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
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Interior side setback - second floor, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5	AMC 19.42.150.D
Rear setback, minimum	20	20	20	20	20	10	10	10	AMC 19.42.150.E

R2



$$7500 \times .35\% = 2625 \text{ sq ft}$$

R2A



$$6000 \times .35 = 2100 \text{ Sq ft}$$

Recommended $\rightarrow$
 $6000 \times .40 = 2400 \text{ Sq ft}$
 - Garage (500)
 - Deck (200)
 - 1st Floor (1700)

Lot Coverage, calc, exception and modifications

19.42.130

- 19.42.130 “I” and “#2. states that lot coverage in R4 can be increased to 75%, if 50% of the parking is under or with in structure.
- **Recommendation:** If the intent is to incent developers to build underground parking, **please include R4A.**
- Why exclude just R4A?

3. For the purpose of meeting maximum density requirements for subdivisions in applicable zones, final plats must specify the maximum number of dwelling units per lot.

C. **How to calculate density.** Minimum and maximum density for an individual site must be calculated by multiplying the total acreage based on subsections (A) and/or (B) above by the applicable number of dwelling units. When calculation results in a fraction, the fraction must be rounded to the nearest whole number as follows:

1. Fractions of 0.50 and above must be rounded up.
2. Fractions below 0.50 must be rounded down.

D. **Prohibited reduction.** Any portion of a lot that was used to calculate minimum compliance with the standards and regulations of this title must not be subsequently subdivided or segregated from such lot.

19.42.130 - Lot coverage calculations, exceptions, and modifications.

Lot coverage refers to the area of a lot which is covered by buildings and structures. Lot coverage calculation details and clarifications:

A. The area covered must be measured from the outside of external walls of enclosed spaces, from the outer edge of the floor of open decks and porches and from the supporting members of structures such as a carport which are not enclosed by walls.

B. The roof overhang must not be included in the lot coverage unless it exceeds three feet, in which case the portion of the roof overhang extending beyond three feet must count as part of the lot coverage.

C. Open beams and lattice work without a roof are not considered part of the lot coverage.

D. Minor appurtenances such as bay windows, chimneys and trim not extending more than two feet from the primary wall, and not extending the enclosed floor area must not count in lot coverage.

E. Decks or patios on grade within an average of 18 inches above grade must not count in lot coverage.

F. For unusual structures, for example, communication towers, the director must determine the extent of lot coverage.

H. Modification for all residential zones, except for R-1: One detached accessory structure not exceeding 144 square feet is permitted without counting as part of the lot coverage. The lot coverage of any additional accessory structures, or of any accessory structure exceeding 144 square feet shall count as part of the percentage of lot coverage permitted in these zones.

I. Modifications for townhouse and multifamily development in the R4 zone.

1. Townhouses: Maximum lot coverage is 60 percent.

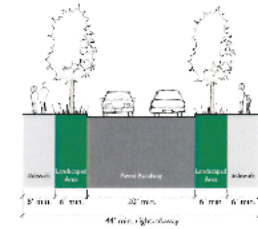
2. Multifamily: Maximum lot coverage is 75 percent when at least 50 percent of the required parking is accommodated within and/or below the structure.

Street Design?

- Where is the Curb a curb is 18" wide on both sides of road. It is not calculated or shown and very necessary.
- When we add parking which will have to happen, do we just eliminate the 6ft landscape area? Or do we increase the ROW?
- Why 6ft sidewalks, standards are 5ft.
- Why 6ft planting area's, 3 to 4ft is plenty.
- If you install parking on one side of road, and add for curb and gutter your ROW width is now plus 9ft or 53 ft or 3ft larger then current standard. If you install two sides of parking your ROW is now 61ft, with a paving width of 36ft?
- The current road standard has 50ft ROW with two lanes of parking, sidewalk both sides, and a 3ft planter. This new design is not saving any space in my opinion, helping reduce stormwater, or saving any trees.
- **In my opinion these street standards need much more thought.**

6. Bike lanes. Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system.
- Bike lanes must connect to and align with the Anacortes Bikes/Walks Plan and bike lanes on abutting property. Dimensional standards for bike route signage must comply with the Manual on Uniform Control Devices (MUTCD).

Table 19.52.040(A) Low-volume local street standards.	
For rules of interpretation, see subsection (C).	
Right-of-way width	44 ft. minimum
Landscaped area width	6 ft. minimum on each side
Pavement width	20 ft. except where parking lane(s) are included
Grade	12% maximum
Sidewalk width	6 ft. minimum
Bike lanes	NA



Note: All residential subdivisions must accommodate provisions for guest parking [AMC 19.64.030(B)] and applicable service deliveries and activities typical to the size, type, and density of the proposed development. Guest parking may be accommodated by integrating on-street parking lanes and/or pockets, off-street parking areas, or other methods to the satisfaction of the public works director.