

ANACORTES PLANNING COMMISSION



June 27, 2018

Municipal Building Council Chambers

6th Street and "Q" Avenue

AGENDA

6 P.M.

[VIEW PACKET MATERIALS HERE](#)

1. **Roll Call**
2. **Minutes of April 25, 2018, May 9, 2018, and June 13, 2018**
3. **Correspondence**
4. **New Business**
Development Regulations Update: Review and Discuss Title 19 Division 1 – General and Legislative Provisions; Division 2 – Procedures; and Division 3 – Permits

The City of Anacortes encourages people with disabilities to participate in public meetings. For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Planning Commission Meeting Minutes for – April 25, 2018

Chair McNett called the meeting of April 25, 2018 to order at approximately 6:00 p.m.

Roll Call

Members Present: Commissioners McNett, MacKenzie, Graf, Cleland McGrath, Doll, Mount & Moffitt

Minutes

Minutes of March 14, 2018 approved as read

Correspondence

None

New Business

Pre-Decision Open Record Public Hearing – Shoreline Substantial Development Permit (SSDP)

Kevin Cricchio, Associate Planner, presented the Port of Anacortes's proposal to replace the "A" dock, increasing the over water coverage, upgrading access, removing creosote pilings, adding a covered shelter, and other upgrades.

Commissioners questioned what impacts there may be from increasing the over water coverage. Don Measamer, Planning Director, explained the mitigation actions determined by scientists to offset any impact.

Jenkins Dossen, Port of Anacortes, explained the permits necessary through other agencies like Army Corps of Engineers, Department of Fish and Wildlife, and Department of Ecology.

With no further comment, Chair McNett closed the public hearing

Commissioner Cleland McGrath made a motion to recommend approval of the Shoreline Substantial Development permit to City Council with staff's recommended conditions. Commissioner Moffitt seconded. The vote was unanimous.

Chair McNett called the meeting to a close at approximately 6:30 p.m.



Joint Planning Commission & City Council Meeting Minutes for – May 9, 2018

Chair McNett called the joint meeting of May 9, 2018 to order at approximately 6:00 p.m.

Roll Call

Members Present: Commissioners McNett, MacKenzie, Cleland-McGrath, Doll, Moffitt and Council Members Adams, Johnson, Miller, Lovelett, & Young

Members Absent: Commissioners Mount and Graf & Council Members McDougall and Walters

Minutes

No minutes were presented

Correspondence

None

New Business

Public Meeting – Development Regulations Update, Second Draft

Libby Grage, Planning Manager, provided the link to the draft Development Regulations which includes all comments to date and summarized a timeline of future meetings. Bob Bengford and Scott Bonjukian, MAKERS, presented an overview of the second draft.

Commissioners and Council Members discussed Floor Area Ratio (FAR), banning plants in the landscape code, tracking code, receiving key highlights from public comment, the moratorium on Planned Unit Developments (PUDs), reducing Conditional Use Permits (CUPs), updating the zoning map, the city's population growth projections, feasibility of Accessory Dwelling Units (ADUs), case studies of affordable housing bonuses, implementation of Departures, utilizing a Hearing Examiner for Departures, classification of streets, Framework Development Plans, and prohibition of formula retailers.

MAKERS and city staff provided input on the development of the codes including landscape code, tracked code changes and where a summary of public comments are listed; PUDs have been replaced with more flexible design provisions, CUPs reductions are proposed, the zoning map will be updated with the development regulations, more research will be completed on ADU permitting, case studies for affordable housing will be researched, Departures will be reviewed extensively, a Hearing Examiner or Design Review Board may be used to review departures, street classifications are identified in the Comprehensive Transportation plan, a framework development plan is a flexible way of developing a site, and formula retailers must follow architectural guidelines but are not currently proposed to be prohibited.

Chair McNett called the meeting to a close at approximately 8:05 p.m.



Planning Commission Meeting Minutes for – June 13, 2018

Chair McNett called the meeting of June 13, 2018 to order at approximately 6:00 p.m.

Roll Call

Members Present: Commissioners McNett, MacKenzie, Graf, Cleland-McGrath, and Doll

Absent: Commissioners Moffitt and Mount

Minutes

No Minutes were presented.

Correspondence

None

New Business

Public Meeting – Phase V of Rock Ridge South Final Subdivision

Kevin Cricchio, Associate Planner, presented the Final Subdivision and how conditions have been met.

Chair McNett opened the public meeting for comment. No comments were received.

Commissioner Cleland-McGrath made a motion to recommend approval of the final subdivision to City Council. Commissioner MacKenzie seconded. The vote was unanimous.

New Business

Public Meeting – Haddon Road Planned Unit Development (PUD)

Mr. Cricchio presented the Final PUD and how conditions have been met.

Chair McNett opened the public meeting for comment. No comments were received.

Commissioner Doll questioned the location of the open space. Mr. Cricchio clarified that the open space has been dedicated within the Native Growth Protection Area (NGPA) designated on the plat map.

Commissioner Cleland-McGrath made a motion to recommend approval of the final plat of the Planned Unit Development to City Council. Commissioner MacKenzie seconded. The vote was unanimous.

Chair McNett called the meeting to a close at approximately 6:15 p.m.



Planning Commission/City Council Agenda Bill

Meeting Date: 6/27/2018 **Agenda Item:** 1

Subject: Development Regulations Update: Div. 1-3

Staff Contact: Don Measamer, Libby Grage

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

Action Type	
	Public Hearing
	Staff Report
x	Discussion

Summary Statement: At the 6/27/18 Planning Commission meeting, staff will present proposed updates to the development regulations contained in Divisions 1-3 of AMC Title 19 *Unified Development Code*. It is anticipated that the Planning Commission will ask questions, provide feedback, and that time for community member comments will be provided.

Background: Over the next few months, the Planning Commission will be reviewing and discussing proposed updates to the development regulations contained in the Anacortes Municipal Code (AMC) Title 19. The goals of the proposed amendments are to provide clear, user-friendly development regulations and to implement key goals and policies of the 2016 Comprehensive Plan.

The full 2nd Draft and additional project background information can be viewed on the [project website](https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards). (<https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards>)

On May 9, 2018 a joint meeting was held by the Planning Commission and City Council to introduce the 2nd Draft of the proposed updates to the Development Regulations. A [summary of that meeting](#) is attached. Since then, a [schedule](#) of anticipated upcoming Planning Commission meetings and topics has been published. The plan is to break Title 19 into Divisions for review and discussion by Planning Commission over the series of meetings. Staff anticipates that some Divisions will require more time than others to get through.

For each Division, a staff report will be provided prior to the applicable meeting date, which will summarize key proposed changes and provide links to the Comprehensive Policy guidance, when applicable.

Previous Council/Committee/Commission Action: None.

Competing Viewpoints Considered: Public comments have been submitted over the last 1.5 years and have contributed to the development of the 2nd Draft. Members of the public may provide comments at upcoming Planning Commission meetings during the PC's review of the draft, and may also submit written comments to Libby Grage, Planning Manager, libbyb@cityofanacortes.org at any time. A formal public comment period and public hearing will be advertised in the coming months. All comments received prior to the end of the advertised public comment period will be considered, summarized and responded to in a comment matrix, and forwarded on to the PC and CC during the review process.

Recommended Motion: None

Alternative Actions: N/A

Attachments:

Staff report for Divisions 1-3, dated June 20, 2018

Planning Commission upcoming meeting schedule

Summary of 5/9/18 Joint PC/CC meeting

2nd Draft public comments, as of 6/19/18

Summary of 1st Draft public comments and responses

1st Draft public comments



Planning, Community, & Economic Development Department

Don Measamer, Director

Staff Report

Date: June 20, 2018
From: Libby Grage, Planning Manager
Subject: Development Regulations Update
Divisions 1-3, AMC Title 19 Unified Development Code
Key Proposed Changes and Policy Links

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INTRODUCTION

The purpose of this document is to identify key updates that are proposed to the development regulations within the Anacortes Municipal Code. This report covers Divisions 1 – 3 of Title 19 Unified Development Code; future reports will cover the remaining Divisions and will be provided prior to Planning Commission meetings covering each Division. The 2nd Draft of the Development Regulations Update and meeting/topic schedule can be found on the project website located at: <https://www.anacorteswa.gov/202/Development-Regulations-Design-Standards>.

Below, sections are provided summarizing the overall code reorganization and proposed updates within Divisions 1, 2 and 3. Each section includes a summary of key proposed changes, guiding Comprehensive Plan goals and policies (when applicable), and clarifying comments. The document is intended to provide a general overview of proposed updates and identify key issues that may warrant Planning Commission review and discussion.

KEY PROPOSED CHANGES & POLICY LINKS

Title 19 - Unified Development Code

The City of Anacortes has been in the process of transitioning to a Unified Development Code (UDC) format for several years. In contrast to traditional zoning and subdivision regulations which can be spread throughout multiple titles with different definitions, procedures, and rules, a UDC combines all regulations that apply to development into one locations and provide a consistent set of procedures and standards. The format is intended to streamline regulations and reduce inconsistencies.

Title Organization

Title 19 includes the following divisions:

1. General & legislative provisions (*purpose, administration, definitions & legislative actions*).
2. Procedures (*updates review procedures & approval criteria*).
3. Permits (*review procedures & approval criteria for land divisions, boundary line adjustments, conditional use permits & variances*).
4. Zoning & land uses (*introduces zones, allowed uses, form & intensity standards, and use definitions & standards*).
5. Community design (*includes standards related to public and larger scale community design issues such as streets & access and subdivision design & block structure*).
6. Project design (*includes standards to apply to the design of individual developments, including development frontages, site planning, building design, parking, landscaping, fences & signs*).
7. Environment (*includes standards for critical areas, shorelines, stormwater & grading*).
8. Development agreements.

These are broad enough that future UDC amendments should easily be able to fit within one of eight divisions (without having to add another division at the end).

The chart below compares the long list of Title 17 chapters on the left and the the UDC's simplified division organization on the right. For each existing chapter, there's a reference to what division (D#) the relevant content of the particular chapter is addressed in the UDC. Chapters with an (X) after the name refer to sections that will be deleted in the UDC because they are addressed in other titles or no longer necessary.

Existing Code (Title 17)

Chapter 17.04 - GENERAL PROVISIONS - (D1)
Chapter 17.05 - CONCURRENCY - (D2)
Chapter 17.06 - DEFINITIONS - (D1)
Chapter 17.08 - ADMINISTRATION - (D1)
Chapter 17.10 - BOARD OF ADJUSTMENT, PLANNING COMMISSION, AND CONDITIONAL USES - (D1 & D3)
Chapter 17.12 - ZONES, MAPS, AND BOUNDARIES - (D4)
Chapter 17.14 - AMENDMENTS AND REZONES - (D1)
Chapter 17.15 - HEAVY MANUFACTURING USE DISTRICT (HM) - (D4)
Chapter 17.17 - MANUFACTURING AND SHIPPING DISTRICT (MS) - (D4)
Chapter 17.18 - LIGHT MANUFACTURING USE DISTRICT (LM) - (D4)
Chapter 17.19 - LIGHT MANUFACTURING USE DISTRICT (LM1) - (D4)
Chapter 17.20 - CENTRAL BUSINESS USE DISTRICT (CBD) - (D4)
Chapter 17.21 - COMMERCIAL MARINE DISTRICT (CM) - (D4)
Chapter 17.22 - COMMERCIAL MARINE 1 DISTRICT (CM1) - (D4)
Chapter 17.23 - COMMERCIAL MARINE 2 DISTRICT (CM2) - (D4)
Chapter 17.24 - COMMERCIAL DISTRICT (C) - (D4)
Chapter 17.25 - PUBLIC USE DISTRICT (P) - (D4)
Chapter 17.27 - OLD TOWN OVERLAY DISTRICT - (D4)
Chapter 17.28 - RESIDENTIAL HIGH DENSITY DISTRICT (RH) - (D4)
Chapter 17.30 - RESIDENTIAL HIGH DENSITY A DISTRICT (RAA) - (D4)
Chapter 17.32 - RESIDENTIAL HIGH DENSITY B DISTRICT (RAB) - (D4)
Chapter 17.34 - RESIDENTIAL MEDIUM DENSITY DISTRICT (RM) - (D4)
Chapter 17.36 - RESIDENTIAL DISTRICT (R) - (D4)
Chapter 17.38 - RESIDENTIAL DISTRICT (R1) - (D4)
Chapter 17.39 - AERONAUTICAL ZONE DISTRICT (AZ) - (D4)
Chapter 17.40 - SIGNS - (D6)
Chapter 17.41 - LANDSCAPING REQUIREMENTS - (D6)
Chapter 17.42 - SUBDIVISIONS AND RESLOTS - (D7 and D5)
Chapter 17.44 - PLANNED UNIT DEVELOPMENT (PUD) AND COTTAGE HOUSING - (D6)
Chapter 17.46 - PARKING - (D6)
Chapter 17.48 - ACCESSORY BUILDINGS, STORAGE, AND DOCKS - (D4)
Chapter 17.49 - HAZARDOUS WASTE TREATMENT AND STORAGE FACILITIES - (D4)
Chapter 17.50 - EXCAVATIONS - (D4)
Chapter 17.52 - FENCES, WALLS, AND HEDGES - (D6)
Chapter 17.54 - STANDARDS - GENERALLY - (D4)
Chapter 17.56 - ANNEXATION - (D4)
Chapter 17.58 - UNZONED LAND - (D4)
Chapter 17.60 - NONCONFORMING USES - (D4)
Chapter 17.62 - PUBLIC HEARINGS - (D2)
Chapter 17.63 - WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS - (D4)
Chapter 17.64 - SPECIAL USES - (D4)
Chapter 17.66 - PENALTIES FOR VIOLATION - (X)
Chapter 17.67 - APPENDICES - (X)
Chapter 17.70 - CRITICAL AREA REGULATIONS - (D7)
Chapter 17.74 - DEVELOPMENT AGREEMENT FOR PORT-OWNED PROPERTY - (D6)
Chapter 17.75 - ESSENTIAL PUBLIC FACILITIES - (D4)

New UDC (Title 19)

Division 1 – General Provisions

Division 2 – Procedures

Division 3 – Permits

Division 4 – Zoning & Land Uses

Division 5 – Community Design

Division 6 – Project Design

Division 7 – Environment

Division 8 – Development Agreements

The (D#) reference and shading show what division the current chapter will be located in.

Updated Code Hierarchy

The pyramid to the right identifies the updated hierarchy of the reorganized code starting with Title, and then Division, Chapter, Section, and lastly, sub-section.



Other User-Friendly Changes

- Emphasize clear tables to simplify and consolidate information
- Employ graphics to illustrate the text language and clarify the interpretation and intent of standards
- Utilize cross references to avoid repeating standards and minimizing the potential for inconsistencies during future amendments
- Emphasize clear language over vague terms to clarify minimum standards
- Using a logical and adaptable organization to enhance readability and ease of later amendments

Division 1 – General and Legislative Provisions

Division 1 contains general provisions for administration of Title 19, definitions, interpretations, adopted international codes and local amendments, and procedures for legislative actions. The majority of Division 1 was adopted in 2016 (Ord. 2992) and has been effective since January 1, 2017. As part of this update, the only chapter within in this Division receiving major updates is AMC Ch. 19.12 Definitions and Interpretation.

Below is a summary of the contents and proposed updates of each Division 1 chapter, along with more detailed discussion of key topics.

Contents & Update Summary

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
19.10	General Provisions	Ord. 2992	Various	No changes currently proposed.
19.12	Definitions and Interpretation	Ord. 2992	17.06; 16.04	See Key Topics Discussion below.
19.14	International Codes	Ord. 2992	None	No changes currently proposed.
19.16	Legislative Actions	Ord. 2992; 3004	None	Minor updates to grammar, sentence structure and mechanics.

Key Topics Discussion

Summary of proposed updates	Key Comp. Plan Policies	Comments
19.12 Definitions and Interpretations		
Updates to definitions		• Add new terms and cross references to applicable standards • Remove unused terms and consolidate multiple definitions for the same term • Eliminate development regulations within definitions • Relocate use definitions to Division 4 • Relocate sign definitions to Division 6

Division 2 - Procedures

Division 2 contains land use permit application procedures, including the type of review, decision and appeal process for each permit type. It also includes permit revision and expiration provisions, and will include concurrency review provisions once AMC Ch. 17.05 Concurrency has been updated. Most of the elements within Division 2 were adopted with Ordinance 2992 and have been in effect since January 2017.

Below is a summary of the contents and proposed updates of each chapter, along with more detailed discussion of key topics.

Contents & Update Summary

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
19.20	Application Procedures	Ord. 2992	None	See Key Topics Discussion below.
19.22	Concurrency	Ord. 2992 (Reserved)	17.05	No changes currently proposed.
19.24	Public Improvements	Ord. 2992	None	Repeal; this is replaced by Div. 5.
19.28	Permit Revision and Expiration	Ord. 2992	None	Updates to grammar, sentence structure and mechanics.

Key Topics Discussion

Summary of proposed updates	Key Comp. Plan Policies	Comments
19.20 Application Procedures		
Table 19.20.030(1)		
Add assessment of impact fees as Type 1		This has already been accomplished via Ord. 3022 , adopted 5/14/18.
Add sign permits as Type 1	ED-7.1	Sign permit requirements are currently scattered throughout AMC 17.40 section titles.
Add fence permits as Type 1	ED-7.1	Fences that are 7' or less in height do not currently require a permit. It may be beneficial to establish a permit procedure for fences to assist in enforcing new proposed maximum height and setback requirements.
Move boundary line adjustments from Type 2 to Type 1	ED-7.1	In 2016, BLA's were moved to a type 2 permit as an interim measure while new regulations could be developed to address concerns expressed by some in the community about how they were being used. The proposed changes would add some new review criteria.

Summary of proposed updates	Key Comp. Plan Policies	Comments
Add a zone boundary determination as Type 2 or Type 3-HE	ED-7.1	AMC 19.42.010 establishes rules for interpretation of zone boundaries. Where uncertainty exists, this procedure could be used to resolve it.
Remove Manufactured Home subdivisions from the table		A manufactured home subdivision could be reviewed under the provisions for a regular subdivision or a binding site plan, which already have applicable procedures identified in the table.
Add Framework development plans as Type 4	ED-7.2	Framework development plans are established in AMC 19.20.260.
Remove Modifications & exceptions per AMC Ch. 16.24.	ED-7.1; ED-7.2	New Division 5 Community Design provides opportunities for waivers and modifications to street improvement requirements and certain design elements based on specific criteria. The approval process for these modifications would follow that of the underlying permit type (subdivision, etc.).
19.20.250 Departures		
Add 19.20.250 Departures	LU-2.1.E; LU11.2.C	Provides a method to propose alternative approaches to meeting certain design standards as long as the purposes of the standards are met. Further information regarding departures will be provided when Division 4, 5 and 6 are discussed, including a list summarizing all proposed departure opportunities and associated criteria.
19.20.260 Framework development plans		
Add 19.20.260 Framework development plans	LU-8.2; LU-11.2, ED-7.2	Provides an opportunity for large or phased development proposals to obtain City preliminary approval for major project circulation and infrastructure systems, open space and block frontage designations, and use elements.
19.24 Public Improvements		
Repeal this section.		New Division 5 Community Design addresses the issues contained in this Chapter.
Key Supporting Comprehensive Plan Policies		
1. Policy LU2.1.E. Integrate opportunities for flexibility in the design guidelines by allowing multiple ways of achieving standards and allowing strategic design departures provided the project meets the design intent.		

Summary of proposed updates	Key Comp. Plan Policies	Comments
2. Policy LU-8.2 Encourage public/private partnerships to facilitate coordinated development that balances economic, public amenity, environmental, and historical/cultural preservation goals.		
3. Policy LU-11.2. Adopt user-friendly and coordinated development regulations that facilitate Anacortes's preferred land use pattern (e.g., allowed density, uses, and site provisions.....)		
4. Policy LU11.2.C. Integrate an appropriate balance of predictability and flexibility when updating development regulations that allow ease of administration and interpretation and offer optional ways of meeting requirements when possible.		
5. Policy ED-7.1. Provide an efficient, clear and economical permitting process as a means of enhancing the City's goal for quality customer service.		
6. Policy ED-7.2. Craft land use and development regulations that offer a balance of predictability and flexibility.		

Division 3 – Permits

Division 3 contains purpose, applicability, and review criteria for different permit types, including land divisions, boundary line adjustments, conditional uses, and variances.

Below is a summary of the contents and proposed updates of each chapter, along with more detailed discussion of key topics.

Contents & Update Summary

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
19.32	Land Divisions	Ord. 2992 (Reserved)	16.04 – 16.32	See Key Topics Discussion below.
19.34	Boundary Line Adjustments	New	16.08	See Key Topics Discussion below.
19.36	Conditional Uses	Ord. 2992	None	Updates to grammar, sentence structure and mechanics.
19.38	Variances	Ord. 2992	None	Updates to grammar, sentence structure and mechanics.

Key Topics Discussion

Summary of proposed updates	Key Comp. Plan Policies	Comments
19.32 Land Divisions		
19.32.010 Purpose. Consolidate purpose statements	LU-11.2.A	Most of the purpose statements are addressed within other Chapters where specific development regulations are located.

Summary of proposed updates	Key Comp. Plan Policies	Comments
19.32.020 Applicability. Add exemptions for certain divisions related to leasing land for electric utility facilities and personal wireless service facilities, and certain dedications to the public.		Addresses newer exemptions added under RCW 58.17.040, and makes it less burdensome to dedicate lands for public purposes.
19.32.030 Preliminary land division approval – submittal requirements. Reorganization and consolidation of submittal requirements to apply to all types of land divisions.	ED-7.1	Reduces repetitive language and consolidates requirements to one location.
19.32.050 Preliminary land division approval – Criteria for decision Adds specific chapter reference(s) with which the subdivision must comply to be approved. Adds new requirements for phasing.	ED-7.1	Makes a link between required subdivision approval criteria in the statute with the development regulations that address each criteria. Phasing language provides direction for applicants to consider phasing plans early in project planning and to ensure each phase meets subdivision requirements.
19.32.070.D Add a "Unit Lot Subdivision" option	H-1.6, H-1.8, H-3.4	Would allow certain development types (townhouse/ cottage housing) to be subdivided into individual fee simple lots if the development as a whole meets the site development standards otherwise applicable to the type of development, and access easements and joint use/ maintenance agreements are executed for common elements. In the past, townhouse and cottage developments were typically developed through a condominium plat process but construction defect litigation concerns have made that option not attractive to developers.
19.32.050 Updated final plat submittal requirements to improve detail.	ED-7.1	Provides consistent, detailed standards for applicants.
19.32.060 add review criteria for approval of final subdivisions.	ED-7.1	Clarifies final plat elements to be reviewed and the procedure.

Summary of proposed updates	Key Comp. Plan Policies	Comments
19.34 Boundary Line Adjustments		
19.34.020 adds new review criteria for BLA applications.		The proposed review criteria would limit a property owner's ability to use a BLA in certain circumstances, including where a BLA would change lot access, require creation of new streets, dedication of ROW or new access easements. City staff is evaluating the proposed language to determine consistency with a WA state supreme court ruling regarding this issue. (City of Seattle v. Crispin)
Key Supporting Comprehensive Plan Policies 1. Policy LU-11.2.A. Refine the land use code on an ongoing basis to make it easier to use by employing simple language, easy to read charts, and illustrative graphics. 2. Policy H-1.6. Evaluate barriers to achieving increased density in multifamily residential and mixed use zones and revise regulations if appropriate. 3. Policy H-1.8. Provide for flexibility in subdivision development in order to promote environmental protection, encourage infill development, enhance neighborhood character, employ low impact development techniques, and other similar goals. 4. Policy H-3.4. Support both rental and ownership forms of affordable housing in a variety of types and sizes. 5. Policy ED-7.1. Provide an efficient, clear and economical permitting process as a means of enhancing the City's goal for quality customer service.		

City of Anacortes
Development Regulations Update
Planning Commission Study Session Schedule
Updated 6/1/18

DATE	AMC TITLE 19 TOPIC
JUNE 27	Division 1 – General and Legislative Provisions; Division 2 – Procedures; Division 3 – Permits
JULY 11	Division 4 – Zoning and Land Uses
JULY 25	Division 4 – Zoning and Land Uses
AUGUST 8	Division 5 – Community Design
AUGUST 22	Division 6 – Project Design
SEPTEMBER 12	Division 6 – Project Design

Please note:

- All meetings begin at 6pm in the City Hall Council Chambers – 904 6th Street.
- All meetings are open to the public.
- All meetings will be study session format; however, there will be time at each meeting for community members to provide feedback.
- Written comments may be provided to the project contact below.

Project contact:

Libby Grage, Planning Manager
Planning, Community & Economic Development Department
libbyb@cityofanacortes.org
360-299-1986

SECOND DRAFT CODE MEETING SUMMARY

May 9, 2018
6:00 PM - 8:00 PM

Agenda:

6:00 - 6:45 / Presentation
6:45 - 8:00 / Discussion



Presentation

MAKERS updated the City Council and Planning Commission on major changes in the second draft development regulations since the first draft and supplemental chapters were released late 2017 to early 2018. The purpose of the meeting was to solicit feedback from the decision-makers on the direction and implementation of the draft code. City staff noted that comments from the general public will be formally accepted at multiple subsequent Planning Commission meetings in mid-2018.

MAKERS summarized public outreach and stakeholder engagement to-date, explained why the development regulations update is occurring, and how to read the second draft text. Specific chapters and sections reviewed included:

- New definitions
- Zoning code updates, including the draft zoning map, allowed use tables and use criteria, how height is measured, residential side setbacks, floor area ratio (FAR), and bonus incentives
- Community design standards, focusing on proposed street standards for residential development and new standards for lot designs with shared driveways
- Block frontage standards and citywide designation maps, including minor updates to the Downtown and Central Waterfront maps
- Site planning standards - only major update is new screening requirements for drive-through lanes
- Building design standards (no major updates)
- Parking quantitative standards updated to match land use tables
- Landscape standards have minor updates to define landscaped area

- Sign chapter updated with more clear definitions, exemptions, simplified monument sign standards, and temporary signs section

Discussion

Question/Comment: Can the city ban certain plants in the landscaping code?

Response: Yes, staff and MAKERS can discuss if that is needed. Current Section 19.65.050 emphasizes that new plants must be native, hardy to the region, waterwise, and non-invasive.

Question/Comment: How will Planning Commission decisions on the draft code be made?

Response: Staff will help by providing a “crosswalk” that tracks changes between existing code and the new draft development regulations, and which identifies how key code sections are consistent with the Comprehensive Plan.

Question/Comment: Can staff provide the Planning Commission a summary of public sentiment on key provisions?

Response: Yes, Staff, with MAKERS help, can draft a summary. Staff noted that the residential and commercial surveys provided useful public feedback on key provisions, and staff will soon be releasing a comment matrix of all comments received to date. The updated draft includes numerous changes in response to comments received.

Question/Comment: How does the draft development regulations handle the Planned Unit Development (PUD) moratorium?

Response: The PUD model is “obsolete” and replaced by new flexible design provisions for subdivisions and cottage housing.

Question/Comment: The frequency of the Conditional Use Permit (CUP) process should be limited.

Response: With the new design standards, the land use tables have been updated to reduce reliance on conditional uses. However, the conditional use provisions are still a good tool for special uses that might only be appropriate if special conditions are met appropriate for the particular site. This allows the City the ability to add conditions they feel are necessary to mitigate impacts from the use.

Question/Comment: How will the zoning map be updated?

Response: The map will be updated as part of a package with the development regulations.

Question/Comment: What are the city’s population growth projections?

Response: Per the Comprehensive Plan Volume 2: “The initial 20 year growth target (2016 – 2036) identified for planning purposes is 5,895 new residents and 2,076 new jobs.” With an average household size of 2.25 persons, this translate to a need for 2,620 additional homes. Projected growth rates are one of the factors influencing the types of development regulations updates. Staff noted that goals and policies emphasizing a greater mixture of housing types and more affordable forms of housing were major drivers of proposed updates.

Question/Comment: More details are needed on where Accessory Dwelling Units (ADUs) are allowed, as they are not shown in the land use tables.

Response: They are allowed wherever a single family dwelling is allowed and addressed in Chapter 19.47 (Accessory Uses). Staff/MAKERS will coordinate to see if updates to clarify standards are needed.

Question/Comment: Case studies of the multifamily affordable housing height bonuses, factoring in costs, parking, and transit access, would be helpful for Planning Commission review.

Response: While one such case study is already illustrated in the draft (Figure 19.42.060), MAKERS can provide more case studies to share with Planning Commission at future meetings to help illustrate how the proposal would work and how concepts in other communities have been developed.

Question/Comment: There is some concern about how departures work and how staff implement them.

Response: A lengthy discussion about departures followed. MAKERS provided a specific departure example about façade articulation standards, and emphasized the departures work best when decisions are recorded for future reference. This “record” builds clarity and expectations for all participants. Additional comments:

- Departures are a good tool to offer flexibility while giving staff the ability to say “no” if the design solution doesn’t meet the intent.
- Having a good staff with design skills helps.
- MAKERS noted that there are now between 20-30 departure opportunities in the draft and staff clarified that zoning standards such as height limits and setbacks don’t have departure opportunities
- Many departures also include supplemental approval criteria: MAKERS cited sub-section 19.61.060.D (departure criteria) as an example of departure criteria for retail space depth, transparency, and parking location for storefront block frontages.
- MAKERS noted that you can make the departure criteria as loose or specific as you feel is appropriate – and that it will be important to closely review all departure provisions to make sure that you’re comfortable with the level of flexibility/specificity that’s offered.
- MAKERS noted that good and bad photo examples have been provided (of departure opportunities) and more could be added if desired.

Question/Comment: Section 19.20.250 should explain how departure opportunities are identified.

Response: Subsection 19.20.250(C) clarifies that departure opportunities are available only to those specific standards that allow for departures. Again, MAKERS noted that there are 20-30 departure instances in the draft and that the ➡ symbol within certain tables is used to indicate where departure opportunities exist. MAKERS/Staff will discuss whether updates to section 19.20.250 are needed to clarify the applicability of departures. MAKERS/Staff also promised to provide a list of all current departure opportunities.

Question/Comment: Should the Hearing Examiner be the “keeper” and interpreter of departures (meeting the intent statements)?

Response: Staff said this is a possibility. Another option is to establish a Design Review Board like many other communities have. MAKERS suggested that this code review process is critical to make sure that Planning Commissioners and City Council are comfortable with the departure provisions and that planning for a 1-2 year evaluation of departures might be a good idea (provide a summary report of all departures that have been applied for, approved, and why?).

Question/Comment: Who determines street classifications (e.g., arterial, collector)?

Response: The Public Works Department and the comprehensive transportation plan.

Question/Comment: Please clarify what a “Framework Development Plan” is.

Response: MAKERS clarified that it applies to the Central Waterfront Area – to allow some flexibility in how the site could be developed provided the intent, goals and policies are met. Staff also noted that it could apply to newly annexed and rezoned sites as well. Such plans would also need to be approved by City Council.

Question/Comment: Can/should we prohibit formula retail stores?

Response: MAKERS noted that subsection 19.63.030(B) prohibits architecture that is defined predominantly by corporate identity features – a provision that many other communities have been adopted. The discussion

continued about whether such formula retail uses should be allowed at all in some areas like downtown, regardless of design.

Other Comments:

- *A brief code summary is needed for the general public*
- *Need to look at how all of the regulations work together to avoid unintended consequences*
- *Consider the definitions of “intent”, “purpose”, and “equivalency” as they apply to determining departure criteria compliance*
- *Examples of departures in other cities, particular ones MAKERS has worked in, are needed*
- *Departures that are rejected also need to be recorded (not just departures that are approved)*
- *The City may be well-served by a comprehensive evaluation/audit of how the design standards are working after 2-3 years of implementation, and changes could be made if needed*
- *Clarify when and how street improvement requirements apply to project applicants*
- *The design standards for Victoria, B.C. have examples of effective illustrations*

Next Steps

MAKERS and staff and concluded by reiterating the next steps will be detailed Planning Commission review with City Council review and adoption anticipated in the fall. MAKERS will attend key Planning Commission meetings and conduct further research and tasks requested by the Planning Commission, including case studies, further code edits. and assisting staff with public outreach materials.

Development Regulations Update
2nd Draft

Public Comments
as of June 20, 2018

Development Regulations Update – 2nd Draft

Public comments index

As of June 20, 2018

[illegible]

From: [Keith Love](#)
To: [Grage, Libby](#)
Cc: dlove19@frontier.com
Subject: Keith L. 2418 28th St
Date: Friday, April 27, 2018 8:35:36 PM

Good evening,

Weve communicated a bit about the proposed B ave project behind our home, this past year or so.

I'm reviewing the 2nd Draft of the Comp Plan.

It appears our home lands in the R2A area. Page 101 notes, this area is innapropriate for more intensive urban development, due to the established character. I totally agree with that.

Page 111, the table puts cottage housing and duplexes as permitted uses in R2A. The established character in our neighborhood does not represent those two uses in a VAST majority.

Page 122, adjusting the min lot size from 7500 sq ft to 6000 sq ft, to allow for more density. Once again this is not the established character in our neighborhood.

The established character for our R2A is single family homes, max two story, on 7500 sq ft lots, with all of the correct setbacks.

Duplexes and cottage housing should not be a permitted use in the R2A.

Im trying to preserve all the good reasons why we chose Anacortes to settle and start a family. The neighborhood is such a significant way of life, the push on density devalues the quality of life. I understand the need for affordable housing, but cottages and duplexes that land in the 450k plus isnt the answer. The island is a limited resource, again through this push for density, its depleting a lifestyle that the entire community enjoys. Thanks for considering my thoughts.

BTW, is there any information available on the B Ave development behind our home.

Thanks, Im sure this Comp Plan project is very involved.

Sent from my Verizon 4G LTE Tablet

From: [Arlene French](#)
To: [Grage, Libby](#); [Arlene French](#)
Cc: [Hal Rooks](#); [Susan Rooks](#); [Lonny Heiner](#); [Bunny Heiner](#); [David Ridgway](#); [dstorwick@hotmail.com](#); [eggfooyoung@comcast.net](#); [anywho@comcast.net](#); [Measamer, Don](#)
Subject: RE: Second Draft Development Regulations COMMENTS
Date: Monday, April 30, 2018 3:15:41 PM

Thank you Libby,

The problem with this type of approach someone could always argue that the alley is not good enough to use as the alternative. It was my expectation that an Old Town Zone would have its own particular codes. **So I think that the language still needs to be put into the Old Town code.** The excuse given for not having an Overlay code for Old Town was that Overlays were “too difficult to interpret”. Now I notice that you’ve added 2 more zones with Overlays. I was also told that Old Town would have its own code incorporating all that was in the original Overlay.

From: Grage, Libby [mailto:LibbyB@cityofanacortes.org]
Sent: Monday, April 30, 2018 2:46 PM
To: 'Arlene French'
Cc: Hal Rooks; Susan Rooks; Lonny Heiner; Bunny Heiner; David Ridgway; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net; Measamer, Don
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Hello Arlene,

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From: [Hal Rooks](#)
To: [Measamer, Don](#); [Grage, Libby](#); [Walters, Ryan \(Anacortes City Council\)](#)
Cc: ["Susan Rooks"](#); ["Lonny Heiner"](#); ["Bunny Heiner"](#); ["David Ridgway"](#); [dstorwick@hotmail.com](#); [eggfooyoung@comcast.net](#); [anywho@comcast.net](#); ["Arlene French"](#)
Subject: RE: Second Draft Development Regulations COMMENTS
Date: Monday, April 30, 2018 3:26:53 PM

Don and Libby:

I wholeheartedly concur with Arlene's concerns and comments on this topic.

Hal Rooks

From: Measamer, Don [mailto:don@cityofanacortes.org]
Sent: Monday, April 30, 2018 2:00 PM
To: 'Arlene French'; Grage, Libby
Cc: Hal Rooks; Susan Rooks; Lonny Heiner; Bunny Heiner; David Ridgway; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net
Subject: RE: Second Draft Development Regulations COMMENTS

Hello Arlene,

Thank you for the email and your comments. The alley access was moved to 19.53.030, by cc to Libby I am asking she send you the section.

Best regards,

Don Measamer, Director | Planning, Community & Economic Development Department
P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
360.299.1942 (work) don@cityofanacortes.org

From: Arlene French [mailto:a_bfrench@msn.com]
Sent: Monday, April 30, 2018 1:50 PM
To: Measamer, Don <don@cityofanacortes.org>
Cc: Hal Rooks <hsredfield@frontier.com>; Susan Rooks <sgr@frontier.com>; Lonny Heiner <leheiner@gmail.com>; Bunny Heiner <bunnyheiner@gmail.com>; David Ridgway <davenancyr@gmail.com>; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net
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I was quite distressed to see the strike out for 19.42.170 , Old Town Supplemental form and Intensity Standards, Line D.

Line D provides that "No new curb cuts shall be permitted on a number street serviced by an alley; existing curb cuts may be maintained."

I object to the replacement language, "Detached garages must be set back a minimum of 50 feet from the street property line on a numbered street."

As a former member of the group of 42 residents who worked on the Overlay District language, I feel that I must remind you of why that was written into the code. If you remember there was a one year moratorium on building in Old Town so that we could perfect these conditions.

My hope is that you and whoever thought this was a good change will understand our perspective and revert back to the original 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." One of the **most prominent characteristics of Old Town is the absence of driveways on the numbered streets!** 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.

The character and gracefulness of Old Town enhances our City. There are very few cities that have an intact Old Town such as ours. I often see visitors strolling down our street enjoying the variety of architectural styles, shapes and sizes of homes and gardens. We are a breath of fresh air from the cookie cutter monotony of newer developments.

It is my hope that remodels and new construction in the future , will recognize the responsibility and value of maintaining the character and scale of Old Town.

Thank you for your consideration,

Arlene French
1411 8th Street
Anacortes WA 98221



Virus-free, www.avast.com

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.

- i. **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.
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 - ii. The property is located in a non-residential or multi-family 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.

Please let me know if you have additional questions or if this does not address your concern.

Thank you,

Libby Grage | City of Anacortes
 Planning, Community & Economic Development Department
 Planning Manager
 P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
 360.299.1986 (work) | libbyb@cityofanacortes.org | www.cityofanacortes.org

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From: Measamer, Don
Sent: Monday, April 30, 2018 2:00 PM
To: 'Arlene French' <a_bfrench@msn.com>; Grage, Libby <LibbyB@cityofanacortes.org>
Cc: Hal Rooks <hsredfield@frontier.com>; Susan Rooks <sgr@frontier.com>; Lonny Heiner <leheiner@gmail.com>; Bunny Heiner <bunnyheiner@gmail.com>; David Ridgway <davenancyr@gmail.com>; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net
Subject: RE: Second Draft Development Regulations COMMENTS

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P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
360.299.1942 (work) don@cityofanacortes.org

From: Arlene French [mailto:a_bfrench@msn.com]

Sent: Monday, April 30, 2018 1:50 PM

To: Measamer, Don <don@cityofanacortes.org>

Cc: Hal Rooks <hsredfield@frontier.com>; Susan Rooks <sgr@frontier.com>; Lonny Heiner <leheiner@gmail.com>; Bunny Heiner <bunnyheiner@gmail.com>; David Ridgway <davenancyr@gmail.com>; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net

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Arlene French
1411 8th Street
Anacortes WA 98221

From: [Bunny Heiner](#)
To: ["Hal Rooks"](#); [Grage, Libby](#); ["Arlene French"](#)
Cc: ["Susan Rooks"](#); ["Lonny Heiner"](#); ["David Ridgway"](#); [dstorwick@hotmail.com](#); [eggfooyoung@comcast.net](#); [anywho@comcast.net](#); [Measamer, Don](#)
Subject: RE: Second Draft Development Regulations COMMENTS
Date: Tuesday, May 1, 2018 4:41:38 PM

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.

Virginia E. (Bunny) Heiner

From: Hal Rooks <hsredfield@frontier.com>
Sent: Monday, April 30, 2018 4:16 PM
To: 'Grage, Libby' <LibbyB@cityofanacortes.org>; 'Arlene French' <a_bfrench@msn.com>
Cc: 'Susan Rooks' <sgr@frontier.com>; 'Lonny Heiner' <leheiner@gmail.com>; 'Bunny Heiner' <bunnyheiner@gmail.com>; 'David Ridgway' <davenancyr@gmail.com>; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net; 'Measamer, Don' <don@cityofanacortes.org>
Subject: RE: Second Draft Development Regulations COMMENTS

Hi Libby – Good idea and offer. I'd happy to meet and talk. Three days a week, I work full days, but I can adjust which days I don't work—and therefore could meet with you—if I have several days' notice. Hope that makes sense – basically, with a few days' notice, I can probably meet at whatever time works for others.

Hal Rooks
 360-391-8400

From: Grage, Libby [<mailto:LibbyB@cityofanacortes.org>]
Sent: Monday, April 30, 2018 3:33 PM
To: Arlene French; Hal Rooks
Cc: Hal Rooks; Susan Rooks; Lonny Heiner; Bunny Heiner; David Ridgway; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net; Measamer, Don
Subject: RE: Second Draft Development Regulations COMMENTS

Thank you Arlene and Hal. We can certainly look at tightening the language up to address the alley access concern and addressing any potential loopholes.

Would you be interested in meeting in person with us to talk about the draft code and old town? I think it might be helpful to have a discussion with you about the thought process regarding the reorganization and would love to hear from you in person about other questions and concerns you may have. If so, please let me know when you might be available.

Thanks!

Libby Grage | City of Anacortes
 Planning, Community & Economic Development Department
 Planning Manager
 P.O. Box 547 | 904 6th Street | Anacortes, WA 98221

360.299.1986 (work) | libbyb@cityofanacortes.org | www.cityofanacortes.org

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Sent: Monday, April 30, 2018 3:15 PM
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Thank you for your consideration,

Arlene French
1411 8th Street
Anacortes WA 98221



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Libby,

Below is the code were talking about, 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 Land-fill 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

THANKS!

Russ

17.26.040 Conditional uses.

It is not feasible to itemize all potential public uses which may be applied for, therefore, use classifications are provided to define those general uses which are to be considered. The planning department shall review applications to determine whether or not the use applied for meets the public use criteria as follows:

- A. *Uses commonly known as public use such as public schools, public libraries and museums, fire halls, hospitals, funeral homes, cemeteries, meeting and conference facilities, and other public facilities and buildings;*
- B. *Uses common to activities of public nonprofit organizations such as meeting halls and churches;*
- C. *Public utility facilities (except for offices) such as telephone exchanges, gas and water regulation stations, transmission lines and towers, electrical substations, water reservoirs and pumping stations, and water and sewage treatment plants. **Note: Power generation is not a permitted use;***
- D. *Single-family residences which are related to a primary use, such as a church rectory or a park manager's residence;*
- E. *Commercial parking;*
- F. *Public parking;*
- G. *Private parking;*
- H. *If upon review of an application for a public use, the planning director is uncertain whether or not the use meets the criteria for public use outlined above, a determination on use classification shall be requested from the planning commission. The planning commission's determination shall be appealable to the city council within ten days of the decision of the planning commission. (Ord. 2812 § 1 (Att. A), 2010; Ord. 2794 § 1 (Att. A), 2008; Ord. 2482 Att. A § 5 (part), 1999; Ord. 2316 (part), 1994)*

From: [Patricia Young](#)
To: [Grage, Libby](#); [Measamer, Don](#); [Gere, Laurie](#); [Walters, Ryan \(Anacortes City Council\)](#); [Bruce McDougall](#); [Adams, Brad](#); [Lovelett, Liz](#); [Johnson, Eric](#); [Miller, Matt](#); [Young, Anthony](#)
Subject: Anacortes Tree Preservation
Date: Friday, May 4, 2018 12:00:08 PM

Libby,

Several weeks ago, when I inquired about Tree Preservation Ordinance 16.50, I understood that the existing tree preservation provisions would be transferred into the new development regulations. You indicated the current provisions would be included either unchanged or with minor changes. 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.

Sincerely,

Patricia Young

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 11, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St. Anacortes, WA 98221

Dear Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere,

We are writing in response to changes that have been proposed in the newest Draft 2 Document for Development Regulations Section 19 for Affordable Housing. Here are some of our thoughts:

AFFORDABLE HOUSING

AMC 19.42.060

To date the Planning Department, Makers and some members of the public seem to have only one type of affordable housing in mind for allowing the Density Height Incentive Bonus.

The Planning Department is putting forward only one proposal under AMC 19.42.060 as to the definition of Affordable Housing. I will summarize the draft proposal in the following list:

- D. Income & Affordability Limits
- E. Duration for 50 years
- F. Tenure
- G. Affordability Agreement as a covenant. City can charge monitoring fees for oversight and audits.
- H. Location of Units
- I. Size of Bedrooms
- J. Square footage of Units
- K. Design of Units
- L. Timing/Phasing of Units

Some portions of the above criteria appear to be copied right out of the King County Affordable Housing Manual. The market conditions and needs of King County do not directly translate to Anacortes, nor has King County solved their affordability challenges.

AFI has multiple properties in Anacortes that could provide additional cost effective housing if an additional height incentive bonus was applied. We would not be willing to invest in providing this type of development the way the current draft is proposed.

As a developer, we will not invest in new housing with the anticipated cost issues relating to continuous city oversight, city fees, city audits, hiring staff to review tenant tax returns, in order to meet “area medium income” – all of which we assume would be involved with the proposed new regulations. My experience as a 9 year member of the Anacortes Housing Board tells me the additional density gained is not worth risks involved.

We believe you should consider an alternative market based affordable housing height incentive bonus that helps solve the needs in Anacortes with less direct government involvement. See a simplified version of our proposal for a height bonus incentive below:

Height Bonus Provisions for Construction of Small Affordable Workforce Multi-Family Units:

- 1) 15' (feet) may be added to the height restriction limit in R4, C, CBD, MMU subject to the following:
 - a. The Developer provide the equivalent of 1 (one) entire floor of these small sized units mixed throughout the building.
 - b. Unit sizes are not to exceed the following:
 - Studios..... 500 sq. ft. (or less)
 - 1 Bedroom..... 550 sq. ft. (or less)
 - 2 Bedroom..... 650 sq. ft. (or less)
 - c. The Developer may not connect Affordable Housing units into larger units.

We believe that the above alternative proposal will work because:

- This adds more units to Anacortes, increasing density
- Effectively this provides more market based priced affordable units
- 3 floors become 4 floors, or 5 with a flat roof. 40' in R4 & C Zoning become 55'.
- Requires no direct investment or continuing costs by the City

Our alternative proposal above follows the Anacortes Affordable Housing Strategies listed and paraphrased below:

Goal H-3	Housing Affordability.: Provide a range of housing opportunities (small-sized units)
Policy H-3.1	Encourage Energy Efficiency.: Smaller size units
Policy H-3.2	Develop Innovative Strategies & Programs.: Small size units increase market based inventory reducing pricing pressure on rental market.
Policy H-3.4	Support Both Rental & Ownership Forms of Affordable Housing in a Variety of Types & Sizes.: Increase in small size units.
Policy H-3.5	Locate Affordable Housing Throughout the City with good access to transit, shopping, etc.: our multi-family property locations with small size units would accomplish this.

The proposed regulations appear to be directed to assisted, voucher, Section 8, HUD type housing. Building small market based units is just another type of affordable housing based on square footage. Anacortes needs studios and 1 bedrooms for single people and workforce housing.

Why restrict or refuse the Incentive Height Bonus on small size apartments? Once a builder/developer builds 3 floors and not the 4th floor, the City loses the opportunity for those additional apartment units for generations.

We will follow up with additional information and input on Title 19 in a separate a letter.

Thank you for your thoughtful consideration of my comments.

Sincerely,

Thomas L. Allen
Allen Family Investments, LLC

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 12, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St. Anacortes, WA 98221

Re: Comment on Proposed Changes to Title 19, F.A.R.s

Dear Mayor Gere, Planning Commission and Members of the City Council,

I am writing in response to changes that have been proposed in the newest Draft 2 Document for Development Regulations Section 19 for F.A.R.s (Floor Area Ratios).

F.A.R. (Floor Area Ratio)

AMC 19.42.020

The COA Planning Department has proposed new development regulation for F.A.R.s (Floor Area Ratios) under AMC 19.42.020. I am not in favor of the draft F.A.R.s development regulation as written and I would like to use the R4 Zone as an example to illustrate some challenges. The illustration F.A.R. table in the new draft regulations shows that the maximum F.A.R. in R4 as 1.2 times the square footage of the building site or lot.

As a specific example, AFI purchased the Bill Turner property on 29th St. This parcel has a total land area of 20,285 sq. ft.. In applying the proposed F.A.R. of 1.2 to the square footage this would allow 24,342 sq. ft. of apartment units, lobby, halls, common areas, exercise and social spaces, etc. We currently have designed a preliminary 3 story multi-family building planned for this parcel that is over underground parking (which is another issue in determining F.A.R.s).

The size of the floor area is about 8,000 sq. ft. per floor or about 24,000 sq. ft. total.

On the surface, this appears to work, but when you attempt to apply the height bonus incentive for a 4th floor per AMC 19.42.060 it obviously conflicts, as the square footage is maxed out on 3 floors. Why offer bonus height for an affordable housing incentive if you can't use it?

We believe the proposed F.A.R.s have not been properly challenged. There should be serious consideration now to raise the F.A.R. concerning multi-family and single family, or get rid of the F.A.R. calculation. Consideration should also be given to raise the current percentage of lot coverage calculation to encourage multi-family development. Otherwise, we believe you will

see reductions in housing development in the future, directly in conflict with the Anacortes Affordable Housing Strategy intentions.

We don't know how the currently recommended F.A.R.s in AMC 19.42.020 were determined, but it is obvious they are too restrictive and may be counter productive.

Consider another example using R2 and R3 zoning respectively:

- In R2, the proposed F.A.R. is .45.
- In R3 it is a .80 F.A.R.
- On equal size lots, 7,500 sq. ft., in R2 you can build 3,375 sq. ft. In R3 you can build up to 6,000 sq. ft.

Why introduce such a disparity on the size of the buildings in R2 and R3?

If the intention is to stop limit "McMansions" from being built, perhaps F.A.R. should only apply to residential single family dwellings, not multi-family.

We believe the new F.A.R. regulation calculations are confusing and may be detrimental to new housing construction and re-development, which is the opposite of the stated goal for Anacortes to encourage more housing for working families.

Thank you for your thoughtful consideration of my comments.

Sincerely,

Thomas L. Allen
Allen Family Investments, LLC

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 14, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St.
Anacortes, WA 98221

Re: Height Limit Calculations AMC 19.42.130

Dear Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere,

We are writing in response to changes that have been proposed in the newest Draft 2 Document for Development Regulations Section 19 for Height Limit Calculations. Here are some of our thoughts:

HEIGHT LIMIT CALCULATIONS: AMC 19.42.130

We believe there is a major flaw in the new height limit calculations. In the existing code the maximum height is 35', except for some subdivisions with their own CCR's with lower height limits than mandated by the City (Skyline is one example.)

The new code AMC 19.42.130 is proposing a 30' height restriction measured from the mean point (or mid-point) of the roof. At the April 9th Planning Commission meeting with Makers presentation of the 2nd draft Dev code, Don Measamer pointed out a serious flaw in this mean or mid-point calculation. Please see our examples below and the attached diagram page:

Consider a 75' x 100' lot: If you have a 60' foot wide house, an 8/12 pitch roof allows you to build to a 40' height.

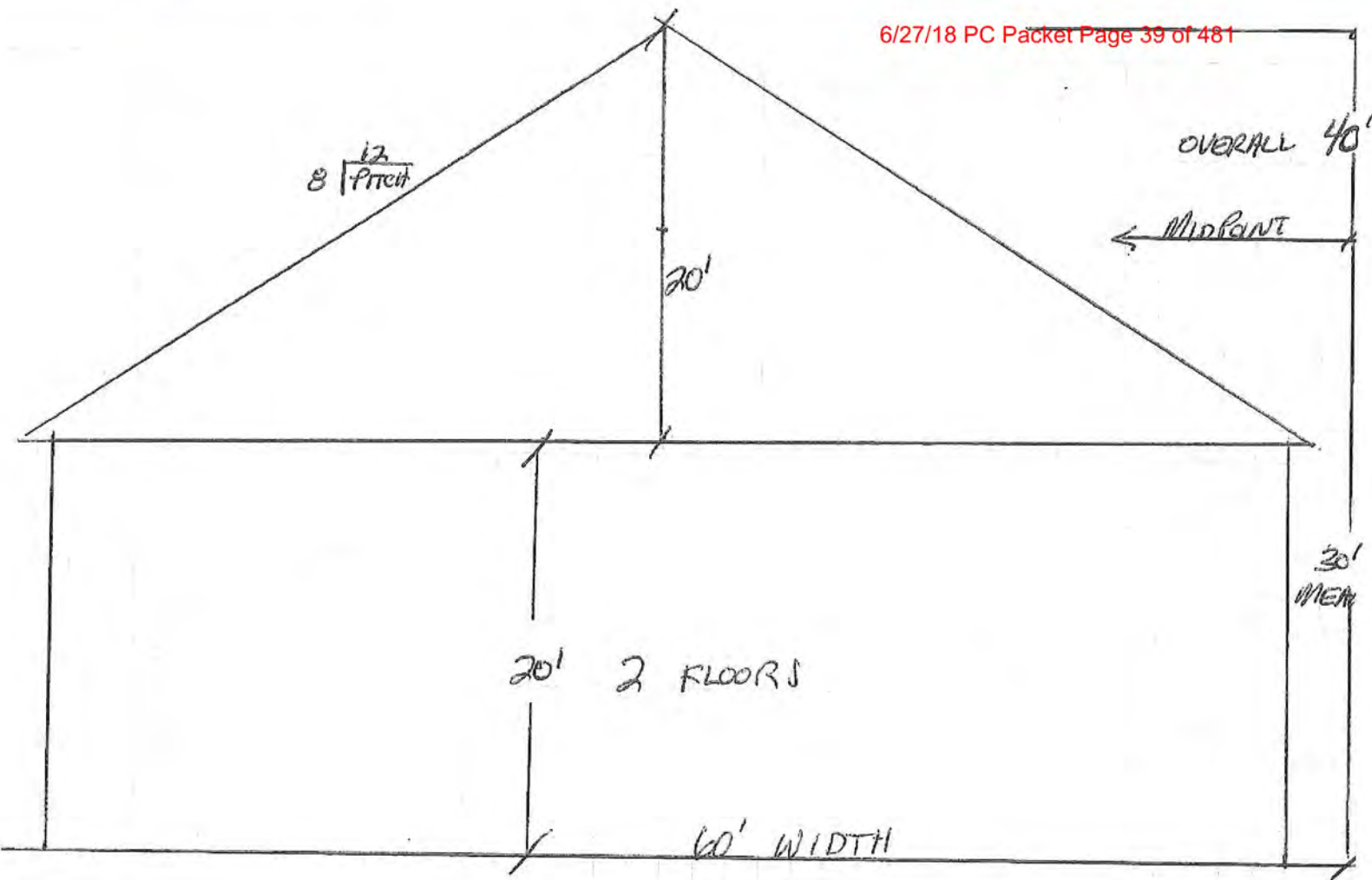
Consider another example with a 55' wide lot: A 12/12 pitch roof allows you to build to 40'. (See the attached drawing)

In either case you are going to have some people do this to get a living area on a potential 3rd floor. Also there will be some very upset neighbors because of blocked views in a City that has lived with a 35' overall height restriction for a long time.

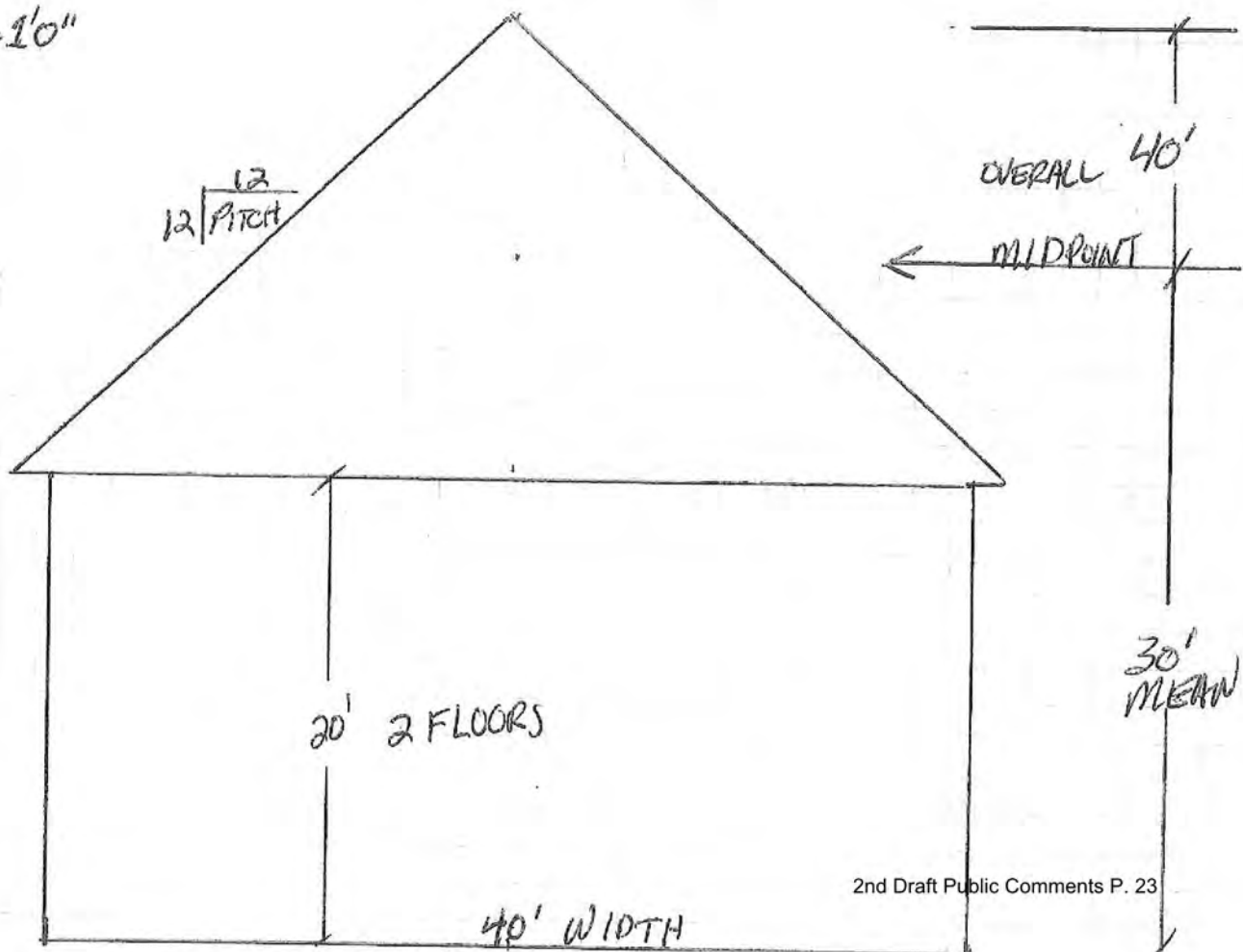
To be fair to existing neighbors, please review this new proposed AMC 19.42.130 very carefully. Thank you for your thoughtful consideration of my comments.

Sincerely,

Thomas L. Allen
Allen Family Investments, LLC



SCALE $\frac{1}{8}" = 1'0"$



From: [Gene Derig](#)
To: [Grage, Libby](#)
Cc: [Gere, Laurie](#); [Johnson, Eric](#); [Young, Anthony](#); [Walters, Ryan \(Anacortes City Council\)](#); [Adams, Brad](#); [Lovelett, Liz](#); [Bruce McDougall](#); [Miller, Matt](#); [Andrea Doll](#); [Cleland-McGrath, Christine](#); [MacKenzie, Ward](#); [McNett, Jeremy](#); [Moffitt, Amber](#); [Mount, Jeff](#); [Graf, Jeffrey](#)
Subject: Comments for code updates
Date: Tuesday, May 15, 2018 10:59:24 AM

May 14, 2018

Anacortes Planning Staff
Anacortes, WA

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.

Here are some examples of squishy wording in our codes:

"reasonable use":

On page 56, in table 19.20.030 (I) under Planning Commission Decisions, 3rd block down

On Page 72, in table 19.28.020. Permit Terms and Extensions under Type of Permit or Approval

"reasonable mitigation":

On page 119, under 19.41.080 Aeronautical Zone Uses, Conditional uses #6.

Page 136, under **C Exceptions**

"What is reasonable necessary" (sic)

On page 176

"Unreasonable"(another example of a "squishy" word),

Ref. Marijuana Producers #2

"...to unreasonable infringe." (sic)

"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.

Gene Derig
1302 K. Avenue
Anacortes, WA 98221
360-293-3928

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 16, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St.
Anacortes, WA 98221

Re: Multi Family Definition AMC 19.43.010

Dear Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere,

We are writing in response to the definition of Multi Family that has been proposed, as shown on page 156 in the newest Draft 2 Document for Development Regulations Section 19. This new definition seems to be flawed. The new simple definition: "A building that contains 4 or more units" doesn't allow flexibility and doesn't work in all cases. See our example below:

MULTI FAMILY DEFINITION: AMC 19.43.010

Two years ago we built 10 units up by the City Shops and Bus Garage at 37th & 'D' Ave. The single parcel site would accommodate 10 units using our current development codes.

There were several ways to build 10 total units using our current development codes:

1. Ten separate buildings
2. Two Four-plex's + a Duplex
3. Two Tri-plex's + a Four-plex
4. Five Duplexes
5. One Four-plex + Three Duplexes
6. Two Five-plex's
7. Etc., there are more combinations

The point is, we had choices. If you drive up to the City Shops and look at the project, you see a nice looking project. A project that we have received a lot of compliments on the design, colors and the placement of units on the lot. The tenants who live there like the project.

Under the new Draft Development Codes, using the newest definition of Multi Family as "4 or more units," there is only one choice: Two Five-plex's to utilize the 10 units allowed on the parcel site.

We chose to do 5 separate Duplex buildings. Each building had only 1 common wall for tenants to reduce noise and each duplex building has a common open space landscaped area separating each duplex building, this adds to privacy and quality of life for the tenants.

We have always believed that the word "multi" meant 2 or more. The proposed definition using a definition of 4 or more is flawed and restrictive. How is this definition better for our community?

When so much effort is being placed into articulating buildings, promoting diversity in design and mandating specific areas of common open space for the benefit of the tenants quality of life, why is this definition of Multi Family being changed from what it currently is? Multi Family should be 2 or more units and not as proposed.

Please consider the old saying, "If it isn't broke, don't fix it." Let the architects, builders and developers have the tools to use to provide diversity and quality of life.

Thank you for your thoughtful consideration of my comments.

Sincerely,

Thomas L. Allen
Allen Family Investments, LLC

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 17, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St.
Anacortes, WA 98221

Re: Parking & Daycare

Dear Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere,

We are writing in response to the new draft Development Regulations Minimum Parking Requirement for Daycare 1 Facilities as seen in AMC Table 19.64.040 on page 305.

PARKING: AMC Table 19.64.040

According to the draft Parking Table, the minimum number of parking required is 2 per facility for Daycare 1 Facilities.

This works well for the "required" spaces. Additional staff parking is to be provided by "shared" parking as allowed by the Director.

Our Allen Family Investments current intent is to provide Day Care 1 Facilities to 2 separate apartment building projects that we are designing. After talks with Don Measamer he determined that additional staff can park in tenant parking during the day as most people go to work and there is space in the tenant off-street parking.

We have 2 requests regarding this future Day Care Parking regulation:

- 1) Please consider giving direction to staff to add a note to Table 19.64.040 that "Off-street shared parking allowed for daycare staff."
- 2) Thought should be given to adding a note for on street drop off and pickup zone sign posting and parking stall striping.

We believe these notes should be added now to alleviate any future issues that may arise due to planning staff or planning director changes. Thank you for your thoughtful consideration of our comments.

Sincerely,

Thomas L. Allen
Allen Family Investments, LLC

Thomas L. Allen
P.O. Box 817
Anacortes, WA 98221

May 18, 2018

Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere
904 6th St.
Anacortes, WA 98221

Re: Flag Lot Setbacks

Dear Planning Commission, Members of the City Council and the Honorable Mayor Laurie Gere,

We are writing in response to the new draft Development Regulations Flag Lot Setbacks as seen in AMC Table 19.42.140 (B & I). For some reason, flag lot setbacks have become a major issue for certain members of our community. We will attempt to show some flaws in the proposed flag lot setback concept.

FLAG LOT SETBACKS: AMC Table 19.42.140 (B & I)

Please refer to Figure 19.42.140 (B) and Figure 19.42.140 (I) on pages 140 and 141 respectively of the Draft Code Revisions. These are not very good drawings to place in our permanent new code revisions. They are not scaled well, but we will use them here. We have attached copies of these 2 figures or diagrams. Please compare these to my attached drawing of Current Codes.

On my drawing, using the proposed 20' setback in Figure 19.42.140(B) makes Lot B virtually unbuildable. Lot B was drawn for this example at 10,800 sq. ft. yet, try and build a house there. To make Lot B more buildable 'friendly' you need to make it larger. How large? 12,000 sq. ft.? 13,000 sq. ft.?

This proposed flag lot front building setback change is death to flag lots. Our Anacortes Housing Strategy states we are to innovate to produce more housing. This proposal is way too restrictive and will reduce the number of overall building sites.

In Figure 19.42.140 (I) you can see the 20' front setback of irregular lots. A flag lot is also an irregular shaped lot. Why change the location of the front setback? So if a flag lot is an irregular shaped lot, why treat it differently than the lots shown in Figure 19.42.140 (I)?

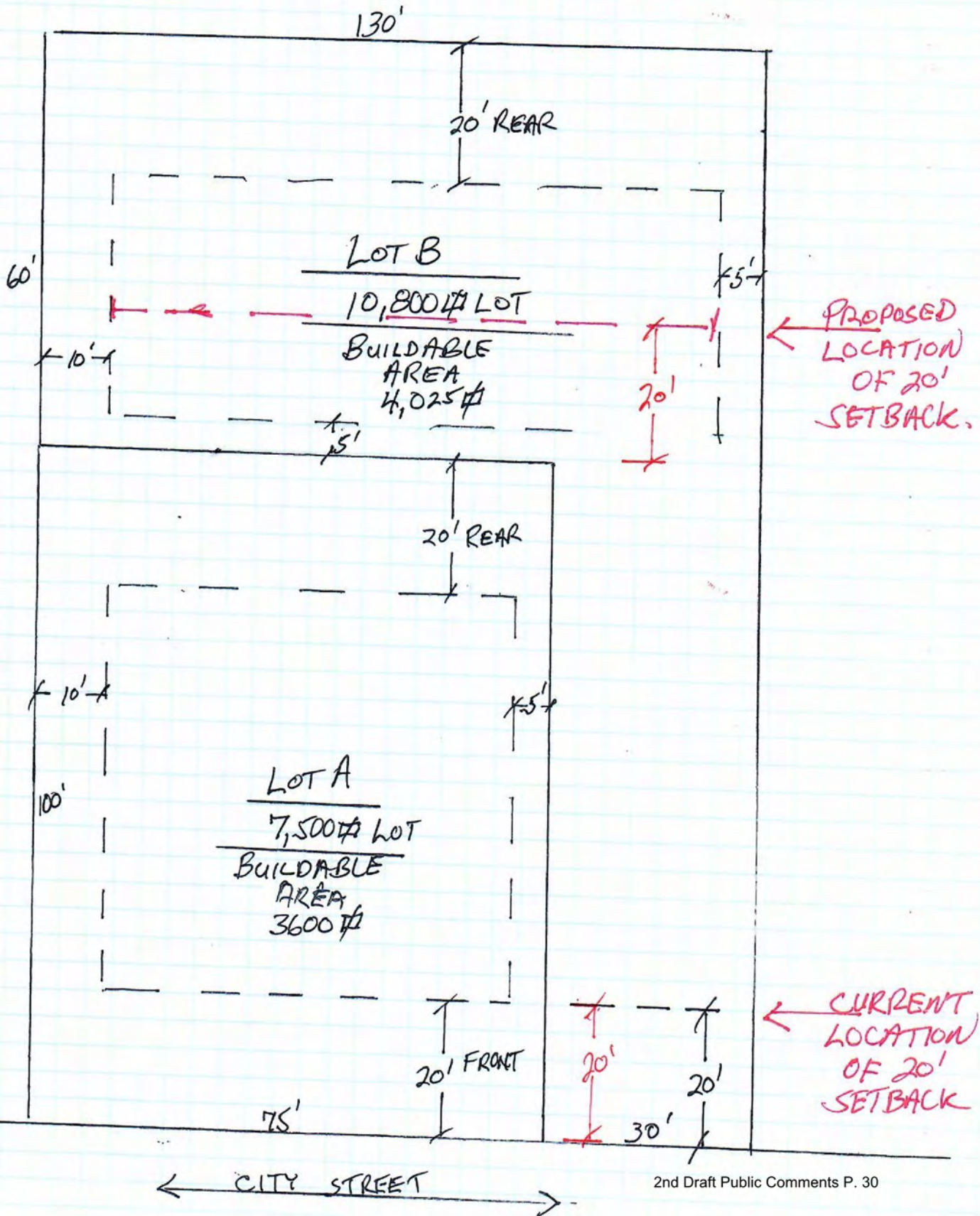
The current code works. It allows more lots to be developed. The current code helps the City meet its housing needs. Why change this?

Thank you for your thoughtful consideration of our comments.

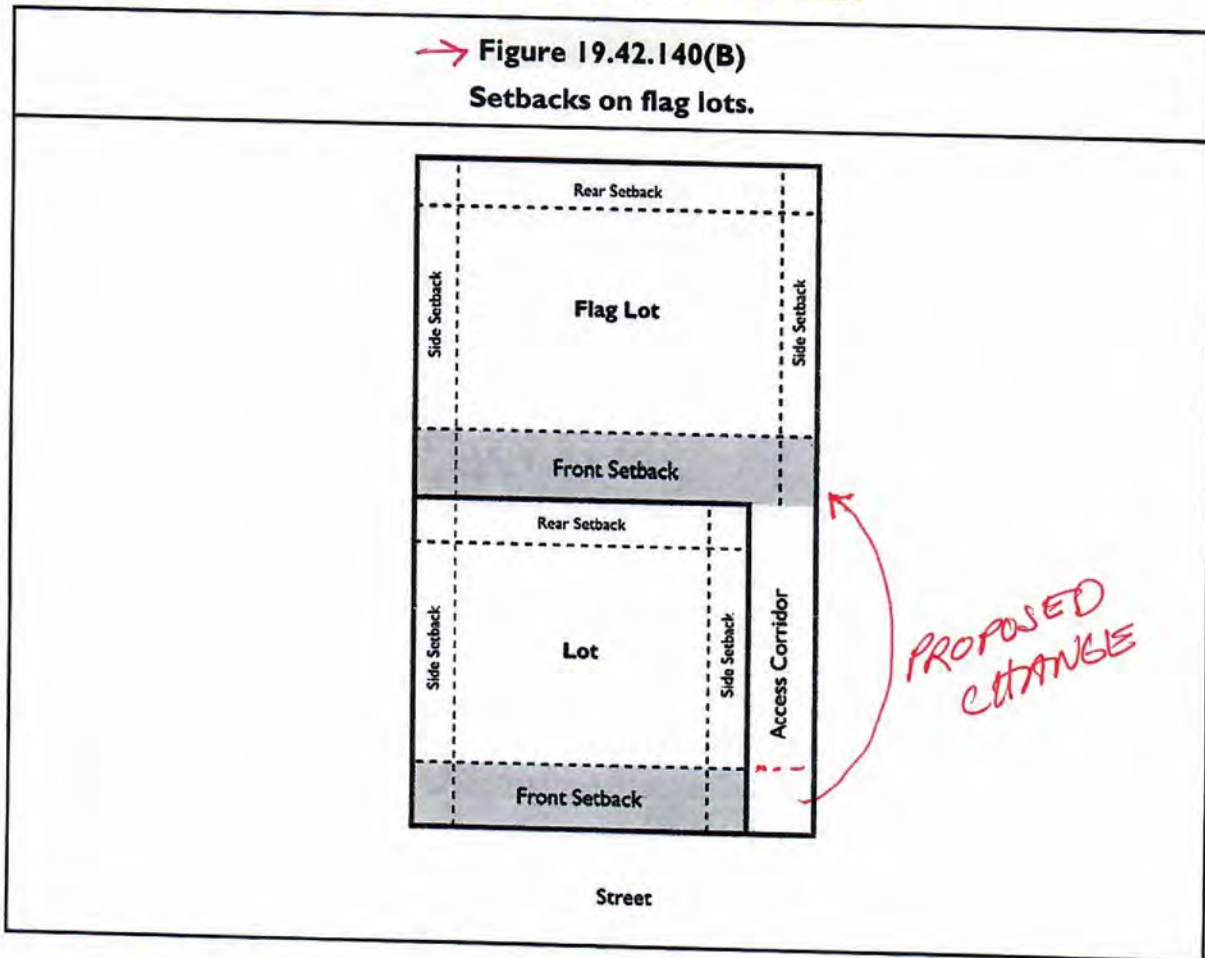
Sincerely,

Thomas L. Allen
Allen Family Investments, LLC

CURRENT CODE SETBACK LAYOUT.

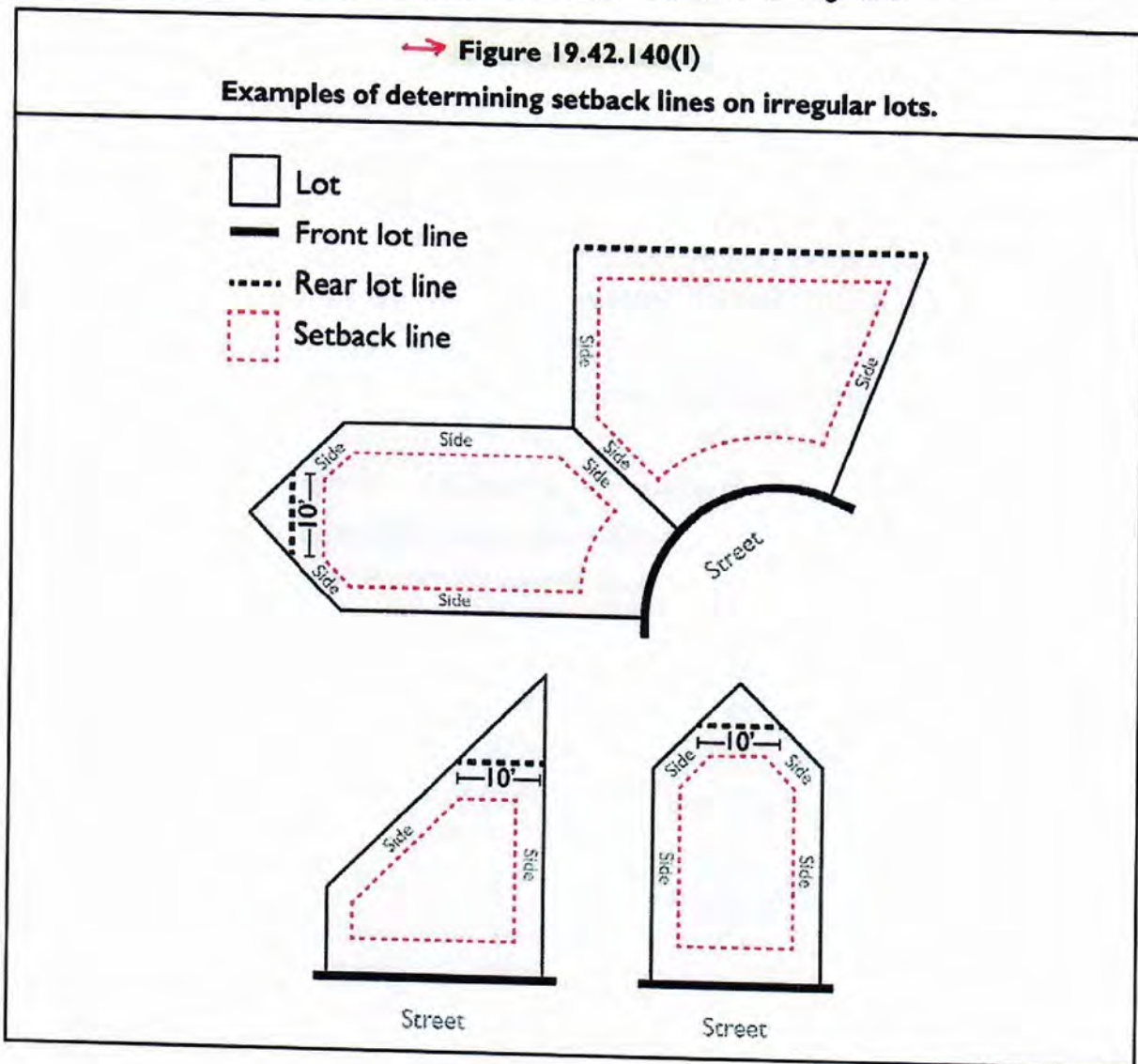


3. Street setbacks for garages apply to the front doors of garages.
- C. **Interior side setback.** The interior side setback is measured from the side lot line adjacent to another property to a line parallel to and measured perpendicularly from the side lot lines at the depth prescribed for each zone.
- D. **Interior side setback - second floor.** The interior side setback for the second floor is measured as provided in subsection C above, except to the setback line of the second floor.
- 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.** The side towards the access corridor must be considered the street setback and all other setbacks will follow suit [see Figure 19.42.140(B)].



- G. **Setbacks for lots served by shared driveways.** See 10.54.040(C) 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. Side setbacks. All lot lines which are not front or rear lot lines must be considered side lot lines for the purpose of measuring setbacks.
3. Determination by director. Where a building site is situated in such that any of the property lines are not readily determinable, or where 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.



19.42.150 - Permitted projections into required setbacks. (NEW)

The following structures may extend into or be located in required setbacks:

From: [Hal Rooks](#)
To: [Measamer, Don](#); [Grage, Libby](#); [Walters, Ryan \(Anacortes City Council\)](#)
Cc: ["Susan Rooks"](#); ["Lonny Heiner"](#); ["Bunny Heiner"](#); ["David Ridgway"](#); [dstorwick@hotmail.com](#); [eggfooyoung@comcast.net](#); [anywho@comcast.net](#); ["Arlene French"](#)
Subject: RE: Second Draft Development Regulations COMMENTS
Date: Monday, April 30, 2018 3:26:53 PM

Don and Libby:

I wholeheartedly concur with Arlene's concerns and comments on this topic.

Hal Rooks

From: Measamer, Don [mailto:don@cityofanacortes.org]
Sent: Monday, April 30, 2018 2:00 PM
To: 'Arlene French'; Grage, Libby
Cc: Hal Rooks; Susan Rooks; Lonny Heiner; Bunny Heiner; David Ridgway; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net
Subject: RE: Second Draft Development Regulations COMMENTS

Hello Arlene,

Thank you for the email and your comments. The alley access was moved to 19.53.030, by cc to Libby I am asking she send you the section.

Best regards,

Don Measamer, Director | Planning, Community & Economic Development Department
P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
360.299.1942 (work) don@cityofanacortes.org

From: Arlene French [mailto:a_bfrench@msn.com]
Sent: Monday, April 30, 2018 1:50 PM
To: Measamer, Don <don@cityofanacortes.org>
Cc: Hal Rooks <hsredfield@frontier.com>; Susan Rooks <sgr@frontier.com>; Lonny Heiner <leheiner@gmail.com>; Bunny Heiner <bunnyheiner@gmail.com>; David Ridgway <davenancyr@gmail.com>; dstorwick@hotmail.com; eggfooyoung@comcast.net; anywho@comcast.net
Subject: Second Draft Development Regulations COMMENTS

Hi Don,

These are my comments on the 2nd Draft of the Development Regulations Update.

I was quite distressed to see the strike out for 19.42.170 , Old Town Supplemental form and Intensity Standards, Line D.

Line D provides that "No new curb cuts shall be permitted on a number street serviced by an alley; existing curb cuts may be maintained."

I object to the replacement language, "Detached garages must be set back a minimum of 50 feet from the street property line on a numbered street."

As a former member of the group of 42 residents who worked on the Overlay District language, I feel that I must remind you of why that was written into the code. If you remember there was a one year moratorium on building in Old Town so that we could perfect these conditions.

My hope is that you and whoever thought this was a good change will understand our perspective and revert back to the original 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." One of the **most prominent characteristics of Old Town is the absence of driveways on the numbered streets!** 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.

The character and gracefulness of Old Town enhances our City. There are very few cities that have an intact Old Town such as ours. I often see visitors strolling down our street enjoying the variety of architectural styles, shapes and sizes of homes and gardens. We are a breath of fresh air from the cookie cutter monotony of newer developments.

It is my hope that remodels and new construction in the future , will recognize the responsibility and value of maintaining the character and scale of Old Town.

Thank you for your consideration,

Arlene French
1411 8th Street
Anacortes WA 98221



Virus-free, www.avast.com

Public Comments on FIRST DRAFT Anacortes Muncipal Code Title 19

First Draft Developoment Regulations [made public 11/10/2017]

First Draft Parking Chapter [made public 12/18/2017]

First Draft Signs Chapter [made public 12/8/2017]

First Draft Fences, Walls & Hedges Chapter [made public 2/2/2018]

NOTE:

The comments within this document pertain to the 1st Draft of the proposed devleopment regulations update, and were received between November 2017 and April 26, 2018.

The 2nd Draft was released on April 27, 2018, and included reorganization of some of the chapters; therefore, chapter and section citations may not correspond between the 1st and 2nd Drafts.

DIVISION 1 - General and Legislative Provisions; DIVISION 2 - Procedures; DIVISION 3 - Permits; Division 7 - Environment; DIVISION 8 - Development Agreements						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
1	11/15/2017	Email	Jeff Mount	19.12 Definitions	1) Changing the term assisted living to senior implies that everyone in those facilities is a senior, which is probably not the case.	Term has been changed to assisted living facility.
2	11/15/2017	Email	Jeff Mount	19.12 Definitions	2) The definition of religious institution says they are tax empty. That should probably say tax exempt.	We missed edit in second full draft, but have now updated master doc to say tax "exempt"
3	11/15/2017	Email	Jeff Mount	19.12 Definitions	3) The definition of service station seems to describe something that doesn't exist	Term has been removed from draft
4	11/15/2017	PDF scan	Tom Allen	19.12 Definitions	Definition of open space is unclear. Unclear if decks stacked on top of each other conflicts with definition.	We missed the edit in second full draft, but have now updated master doc to say: "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.
5	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	D. In the interest of implementing the housing diversity goals, while evidently ignoring the affordable housing goals of the 2016 Comprehensive Plan (See the Housing Element), a variety of "dwelling units" are defined at page 18 of the draft regulations. These various types of dwelling units are not consistent with Table LU-1 of the 2016 Comprehensive Plan and are not fully integrated into the proposed development regulations. Cottage housing, townhouses, small lot units were not addressed in the Residential & Employment Land Capacity Analysis Summary 7/10/15 or at Table LU-1 at Page 1-16 of the Comprehensive Plan. As such there has been no analysis of their impact upon the capacity of the City's infrastructure. The housing element goal to provide greater housing diversity doesn't just mean different physical types of houses (high and narrow, wide and expansive, close together or not so close together). Housing diversity refers to affording housing to various types of households, individuals and families at various stages in their life cycle. Just increasing density in a variety of ways does nothing to achieve this goal.	The permitted housing type provisions in draft Table 19.41.040 are consistent with Table LU-1 and Policy LU-6.1 in the comprehensive plan.
6	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	"Low density multifamily" used at P. 74 is undefined anywhere and not used in the permitted uses or form and intensity sections.	The term was removed in the second draft
7	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	Page 24, Lot measurement. On what basis is the Director to determine "width" of "irregularly shaped lots? There has been a long history of applicants abusing the code to their advantage by proposing "irregular shaped lots so as to evade a provision or standard. If this discretion is allowed, all new development in Anacortes will be made up of "irregular" lots.	The term was removed in the second draft and substantial updates have been made to clarify lot design standards.
8	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	Consistent uses of definitions. Search the proposed code including the definitions with every definition. Make sure the definitions are consistently used in the regulatory context. If never used then they probably need not be included. But watch for words that warrant definitions such as: "gross square feet," "low density multifamily," "underlying lots," "frontage" "historical plats," "units" "boundaries" etc. (e.g. Anacortes has a history of established boundaries that are altered by surveyor hired by the developer).	Substantial edits were made to the definitions chapter in the second draft for internal consistency purposes.
9	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	How frontage is determined-"frontage" remains undefined yet it is used throughout the proposed development regulations and been the source of so much historical abuse.	A number of edits were made in the second draft involving the various uses of the term.
10	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	How are flag lot set-backs, side, back and front yards to be defined and measured?	Updated lot type definitions and provisions in 19.42.140 help to clarify this.
11	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	The current code includes a policy of limiting development to "buildable gross acres." How is that policy carried forward in the proposed development regulations?	Gross acre is used in key places in Tables 19.42.020-.030.
12	1/29/2018	PDF	Vernon Lauridsen	19.12 Definitions	How are "assisted living facilities" managed in the regulations? In the definitions, there is no reference to "assisted living facilities" yet those words are used elsewhere in the code. "Senior citizen assisted housing" is defined but never used elsewhere in the proposed regulations. "Assisted living facilities" appears to be essentially deregulated. The entire history of the K Avenue memory care facility has been ignored or sanctioned.	See the new definition for assisted living in Chapter 19.12, provisions in the updated use charts, and provisions in 19.43.020. Also note that such facilities are subject to the site, building, and other project design standards in Division 6.

DIVISION 1 - General and Legislative Provisions; DIVISION 2 - Procedures; DIVISION 3 - Permits; Division 7 - Environment; DIVISION 8 - Development Agreements						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
13	2/28/2018	Email	Ken Hansen	19.12 Definitions and generally	I reviewed the draft Development Regulations and discussed this document with the Historic Preservation Board on the 14th. We knew the Comprehensive Plan would only provide preservation goals and objectives, so are disappointed that the listed regulations don't include more detail or "teeth." Is this document identifying all intended changes to Building Code, or just a little more detail than the Comp Plan? The statement "Historic resources, character and scale" does not really identify what we are trying to preserve. Understanding purpose of the draft document will help us determine if level of details is sufficient and meaningful. I do have one comment for page 23 - "Landmark building" means a structure recognized as historic or architecturally significant and so designated by the city council. (City Council only designates buildings on the local historic register, so recommend changing to - recognized as historic or architecturally significant through designation on a local, state, or national historic register.) I look forward to learning more on the changes and how we can help.	Some of the existing Old Town standards have been added back in 19.42.170 and supplement other density and dimensional provisions in the Division 4. The landmark definition edit wasn't caught in second draft, but added to the master for Planning Commission consideration. Otherwise, the density and dimensional standards edits, notably the inclusion of FAR maximum, are tools that are intended to promote historic preservation in residential neighborhoods. Other edits to the commercial/multifamily building design standards in Chapter 19.63 will be considered in the review process with the Planning Commission.
14	4/13/2018	PDF letter	Nels Strandberg	19.12 Definitions	Floor area. Definition is unclear, does it include garages?	Definition was updated in the second draft. For the purpose of FAR provisions, 500sf of attached or detached garage floor area is exempt from FAR calculations
15	4/13/2018	PDF letter	Nels Strandberg	19.12 Definitions	Building height. Roofs are not only flat, gambrel, or gable - most popular now is shed. Roofs are complex and may have many forms and heights. Suggests absolute height limit to provide predictability for expensive views. 35 feet needed for slopes, reduction to 25 feet is severe restriction and reduces possibility of a 3rd level.	The height limit has been updated to 30' in the second draft. This will likely be a topic of discussion in the Planning Commission's review.
16	4/26/2018	PDF letter	MJB	19.12.020.A	"Area, site" or "site area" definition. A site should receive any FAR or building mass prior to dedication of any required public streets. A site should not be penalized for the street dedications.	Per the definition in the second draft, ROW's internal to the development would be included in the term, but excluding external streets. MAKERS and staff will discuss internally how this applies to additional ROW dedication areas. The intent is that if there are any areas along property edge that need to be dedicated for additional ROW improvements, those areas should be included in site area calculations. Edits consistent with this intent will be considered. ALSO, maximum FAR is no longer included in the mixed use/industrial zones.
17	4/26/2018	PDF letter	MJB	19.12.020.H	"Height, building" or "building height" definition. This could penalize properties that sit lower in elevation than a city street. If there is an existing public street and your property sits lower, then you are effectively penalized. Don't you want the front door to match street elevation? If you record a final plat, you can modify the topography, so this is a loophole.	The definition and modifications of building height are currently being discussed and will likely be a topic of Planning Commission review.
18	4/26/2018	PDF letter	MJB	19.12.020.M	"Mixed use". Simplify the definition. Suggest striking "is primarily residential and". Suggest striking the last sentence.	Edits will be made to the master draft consistent with the comments.
19	4/26/2018	PDF letter	MJB	19.12.020.W	"Weather protection". Suggest replacing "blocks rain, snow, and sun" with "protects pedestrians from inclement weather".	Change made in the second draft
20	4/26/2018	PDF letter	MJB	19.12.020.V	"Water based service uses". Suggest adding "but is not limited to" after the word "includes".	This term has been removed in the second draft
21	4/26/2018	PDF letter	MJB	19.12.020.W	"Water based industrial uses". Suggest adding "but is not limited to" after the word "includes".	Already updated in the second draft

DIVISION 4: Zoning & Land Uses						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
1	11/15/2017	PDF scan	Tom Allen	19.42.020 Residential Form and Intensity	Should maximum density of R4-A be 18 units per acre? Current is 28 and proposal is zero.	There is no proposed change from current 18du/acre max density in R4a (17.30.020)
2	11/15/2017	PDF scan	Tom Allen	19.43.030 Bonus Heights	Building owners, builders, or developers will shy away from annual monitoring disclosures and fee payments regarding affordable housing. May defeat intent of creating more housing.	We acknowledge the challenge. Staff has been meeting with stakeholders on the issue and further adjustments will likely be made
3	11/15/2017	PDF scan	Tom Allen	19.43.070 Building Height	Reduced 25 feet height maximum is too restrictive. Suggests raising to 30 feet or not changing this provision.	The updated draft shows 30'
4	11/16/2017	MS Word	Carl Colson	19.42 Building Height	The proposed 25' height limit (for the midpoint of sloped roofs) is in my opinion, a bit too low to allow for interesting home designs that are influenced by the steeper roof pitches of classic and traditional American homes. As an Architect who has designed hundreds of single family homes throughout Washington State, I have seen the effects of the different building heights allowed by different cities in our region. (I am also a property owner in Anacortes). <u>I believe that the height limit of 28' would be much better and would allow more variety and visual appeal in homes designed with a sloping roof.</u>	The updated draft shows 30'
5	11/16/2017	MS Word	Carl Colson	19.42 Building Height	Why do I feel that a 28' height limit would be better? Starting from the ground up, these are the following reasons: 1) Crawl space vents (Add 10"): Residential builders have put foundation vents in between the floor joists. This is not a good practice as it causes water damage and reduces the amount of floor insulation at these areas. The crawl space vents need to be installed in the concrete foundation wall and the building needs to be raised slightly to allow for proper venting of the crawl space to avoid moisture and mold problems. 2) Level 1 Ceiling Height (add 12"): Today's open space floor plans need a 9' ceiling height in order to avoid a cramped, low ceiling appearance in the living spaces. This additional ceiling height allows 12" more of windows, which are very important in letting light into our homes, so important in the winter months. 3) Level 2 Floor framing depth (add 8"): Washington States Energy Code state that putting the heating / cooling ducts within a conditioned air space greatly reduces the amount of heating / cooling that is lost if ducts are located in the attic or a crawl space. As a result, the ductwork should be located within the 2nd floor framing system. This framing system (open web wood joists) needs to be 18" deep to accommodate the ductwork. 4) Roof truss height at exterior wall (add 10"): Because Washington State Energy code requires R-49 attic insulation (15" thick), it is better to raise the roof truss at the exterior wall in order to have the full attic insulation thickness at the exterior wall, resulting in reduced energy needs and costs to the homeowner.	The updated draft shows 30'
6	11/16/2017	MS Word	Carl Colson	19.42 Building Height	How does a 25' height limit affect the design of homes in Anacortes? My thoughts are as follow: 5) One of the appeal of Anacortes is its collection of classic American home designs, many which have a roof pitch of 7-in-12, or greater. Based on the example on Page 2, a house 34' wide would only allow a roof pitch of 5.5-in-12, which visually results in a less visually appealing appearance. Many homes would be wider than 34', which would result in their roof pitch being even lower than the 5.5-in-12. 6) The vast majority of classic homes that many find appealing have roof slopes of 7-in-12 or greater, which is not possible for a great number of homes designed under the proposed 25' height limit. 7) Many of the nice and very visually appealing homes in the older neighborhoods of Anacortes could not have been built if a 25' height limit was in effect at the time of their construction. 8) The proposed code changes have the 25' height limit both for cottage developments and for single family residential. This makes sense for the cottages, as they have a much smaller footprint. With larger homes having a larger footprint than cottages, their roofs would have to be a much shallower pitch to fit within the 25' height limit. 9) In the City's previous meeting documents, Makers Architects (the city's Planning Consultants) had included a building height of 30' and now the city is proposing a height limit of 25'. Having a compromise height of 28' would, in my opinion, result in a more visually appealing and energy efficient home design.	The updated draft shows 30'
7	11/16/2017	MS Word	Carl Colson	19.42 Building Height	This diagram below shows the roof pitch of a 34' wide house – many homes in Anacortes would be wider than this, which would result in even a lower roof pitch. The house below allows for a roof pitch of only 5.5-in-12, which is not very visually appealing. This drawing includes the items (listed on the previous page) that show why the building height needs to be raised to 28', rather than the proposed 25'. [MAKERS NOTE: SEE REFERENCED IMAGE IN WORD DOC]	The updated draft shows 30'
8	11/16/2017	MS Word	Carl Colson	19.42 Building Height	Anacortes Zoning Code Proposed Revisions for Single Family Residential Garage Setbacks The proposed code residential garage setback of 25' (from front property line) is increased 5' from the current code. The city wants to avoid the "Snout House" effect in which garages are located forward from the house, which results in a visually unappealing streetscape. As an architect, I agree with this in principal, however I feel that this code setback should not be applicable in all situations. If the garage doors face the street, then I think this code provision would be acceptable. <u>If the garage doors are perpendicular to the street (as in a side-entry garage), I feel that the current code of a 20' setback for the garage sidewalls should be kept.</u>	We've clarified the standard that the 25' setback applies to garages/doors that face the street.

DIVISION 4: Zoning & Land Uses						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
9	11/16/2017	MS Word	Carl Colson	19.42 Building Height	Why do I feel that there should be this 20' setback for side loaded garages? 1) Side loaded garages can have windows, modulated walls, and roofs that can give the garage side wall (which faces the street), much more appeal than a front loaded garage. 2) When a car is parked in the driveway of a front loaded garage, the car is much closer to the street than a car parked in the driveway of a side loaded garage. 3) When a car is parked in the driveway of a side loaded garage, the car is much further away from the street. Landscaping bushes and plants can be planted at the edge of the side loaded driveway to make the cars in the driveway even less visually dominant. 4) For homes designed with a side entry garage, if they have to meet the 25' setback, this results in the loss of 5' in their backyard as a result of having to push the house further away from the street. On many of the smaller lots, a loss of 5' of usable backyard area is a significant loss. 5) There are neighborhoods in Anacortes that have Home Owners Associations with rules (CCR's) that do not allow for front loaded garages to allow direct access from the street. With new homes to be built in those neighborhoods, the new owners face an immediate loss of 5' of their backyard areas, whereas all of their neighbors (who also have side loaded garages) have the full use of their backyards since their homes were built with their side loaded garages with a 20' setback, which is the current code standard. 6) Many cities and counties in our area have the code requirement for garages being located a certain distance from the front property line. Only a few of the codes address the issue of setbacks of garage doors facing the street vs. side entry garage doors. The City of Anacortes should, in my opinion, allow for side entry garages to have a 20' setback, provided that this side wall (which faces the street) is not a "blank wall". 7) The neighborhood on Washington Blvd. (near Washington Park) has a majority of the homes with side loaded garages (due to their HOA and CCR's) and these homes were all built with the 20' setback, which included garages at the 20' setback.. This streetscape is visually quite appealing proving that side loaded garages with 20' setbacks should be still allowed under the Anacortes Code requirements.	We've clarified the standard that the 25' setback applies to garages/doors that face the street.
10	11/16/2017	MS Word	Carl Colson	19.42 Building Height	Anacortes Zoning Code Proposed Revisions for Single Family Residential Upper Floor Side Yard Setbacks The proposed code requires a 7'-6" setback for the side yard setbacks for upper floors. This makes sense in a development or neighborhood where lots are adjacent to each other and where homes could be built with the first floor setbacks at 5'. This helps avoid the narrow "canyon" look between adjacent homes. What this section of the proposed code does not address are lots that have side easements on adjacent properties in which the easements cannot be built upon and thus, there is not a chance for these narrow "canyon" look between houses and daylight entering into the windows on the side walls is not reduced. I believe that there needs to be an exception in the code for lots in which their adjacent lots have conditions that they cannot build within 5' of the property line due to easements, wet areas, or slopes. Thank you for allowing me to provide you with my thoughts and comments on the proposed changes to residential section of the Anacortes code for single family residential projects. If you have any questions, comments, or would like to meet with me to review these items, please contact me.	MAKERS discussed the issue with staff. Ultimately, it was suggested to keep the language as is (lot sizes large enough to allow options in placement of homes onsite, concern about providing for too many exceptions, limited application of issue, etc.)
11	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	The 11/10/17 draft regulations propose doing away with residential lot coverage limits, adding a limit on FAR ratios, and changing the way the heights are measured (both at the roof level and at the grade). These are significant changes to the rules that have been in place for many decades and should only be made if they achieve a substantial benefit or solve a serious problem. Since most of the city's homes have been built under those rules, it makes sense to ask questions like: • Is a perceived problem just a few isolated instances about which someone is complaining loudly or a widespread concern? • Will the new rules actually solve the perceived problem? • Will the new rules create new problems in different situations? • Will the new rules support goals of the Comprehensive Plan in the long term, even if they create some neighborhood anomalies in the short term? • Will changing the rules improve a situation in one neighborhood but create new problems in another neighborhood with different existing structures? • What about application of the rules to uphill and downhill sloping lots, those oriented N-S vs. E-W, areas with or without storm sewers or sidewalks, large lots vs. small lots, etc. I am particularly concerned that doing away with lot coverage limits and using FAR instead will have some negative consequences, especially with larger homes on larger lots (although setback increases could mitigate some of those). Here are a few of my specific concerns and comments about the proposed 11/10/17 draft code:	The draft provisions are based on a combination of goals and policies in the Comprehensive Plan, stakeholder interviews, and public workshops about concerns of new developments being out of scale with existing development. We surveyed workshop participants and others about various concepts including FARs and we retained those concepts that received public support.

DIVISION 4: Zoning & Land Uses						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
12	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	FAR RATIOS The zoning code should be concerned with external impacts and appearances, bulk and scale, not how much floor area is inside the building. Decide how high the building can be, how far it must set back from the neighbors, and how much area it can cover, then let the user decide how many floors to put inside, how tall the ceilings are, and how to subdivide the spaces. For many decades our codes have allowed two-story and three-story houses to cover the same lot area as single-story houses, and this has not created a problem. The proposed FAR limits say that you can't have a full size second or third story unless you reduce the size of the ground level. Why? What are you trying to achieve? Does FAR, in fact, achieve it? What is "visual bulk"? If I'm standing next to it at ground level, even a single story may seem bulky. This draft doesn't deal with different impacts depending on where the structure is located on the property - it would still allow a taller structure to be 5' from the side lot lines even if the footprint is smaller. And it doesn't acknowledge that the "visual bulk" appears different if you are standing uphill or downhill from a structure on a sloping lot. The public view from the street may be very different from the adjacent neighbor's view at the side or rear. The proposed exclusions (below) would disadvantage someone with a garage or ADU that is within the house structure, because it would count against the FAR but a detached one wouldn't.	
13	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	19.42.060 – Floor area ratio calculations. (NEW) The maximum floor area ratio calculations set forth in AMC 19.42.020 above, include the total floor area of all buildings on a lot, excluding elements described below, divided by the area of the lot. Floor area with ceilings over 17.5 feet in height are counted twice. why does empty space count? why are tall ceilings penalized? what does this accomplish? Certain elements which do not contribute to visual bulk what is "visual bulk"? why are we trying to limit it? what are reasonable limits? are exempt from floor area ratio calculations: A. Subterranean basements, including underground parking areas. If we are regulating floor area ratio (rather than lot coverage) why should someone with a basement be allowed to build substantially more floor area than someone on a flat lot? B. Daylight basements. If we are regulating floor area ratio (rather than lot coverage) why should someone with a sloping lot be allowed to build substantially more floor area than someone on a flat lot? And if we are regulating "visual bulk" why is there no difference whether it slopes up or down from the street or the adjacent neighbor? C. Detached accessory dwelling units. If there is no lot coverage limit, an ADU on an alley could cover most of the rear setback with no compensating reduction in the size of the main structure with this exemption. It should count in the total. D. Detached garages accessed from an alley. If there is no lot coverage limit, a garage on an alley could cover most of the rear setback with no compensating reduction in the size of the main structure with this exemption. It should count in the total. E. Accessory storage structures and sheds no larger than 144 square feet and 12 feet in height. This makes sense, but only one shed should be exempted.	The 17.5' height floor spaces add extra bulk to the struction - at least that was the intent in including that provision. Per comments received, we're suggesting that provision be removed in the updated draft. Notable adjustments being examined in the updated draft: (1) We've added a minimum landscaped area for all the residential zones (after examining lot development concepts for each); (2) We're suggesting that accessory structures be located so that lots meet minimum usable open space provisions.
14	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	With these proposed exemptions, you would be allowed to cover virtually the entire rear setback with accessory structures (garage and ADU) if on an alley, and they wouldn't count if detached. That reduces the usable rear yard open space to virtually nothing. But if you want to put the ADU and/or garage within the house volume, or you want to attach them, or you have no alley, everything has to fit in the area available within the setbacks. That's not treating people equally. If the detached garage and ADU is NOT exempted, then whether they are attached or not, the same limits would apply to everyone with the same size lot in the same zone. That would be more fair. On larger lots there is a discrepancy in how various zones are treated because the proposed FARs are so different (.80 in R3 and .45 in R2). Take the case of a 12,000 sf lot (two 60x100's). If it's in an R3 zone you could build 9600 sf of floor area (plus a 1,000 sf garage and 900 sf ADU if you're on an alley). But if you have a 12,000 sf lot in an R2 zone you can only build 5,400 sf of floor area and you probably don't have an alley. Do we really want to make it possible to build almost twice as big a house in the R3 zones as in the R2 zones on the same size lot?	See note above about requiring minimum usable open space when siting accessory structures. Otherwise, the exemption for detached garages/ADUs off of alleys were to promote alley access and to encourage the development of ADU's

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#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
15	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	LOT COVERAGE Lot coverage is a tried and true way to assure a certain percentage of open space on a lot. All structures that occupy part of the open space count, regardless of their height or purpose or location on the lot. Lot coverage is easy to compute and does not require complicated definitions of ceiling heights or whether the structure is detached. The current lot coverage percentages allow a larger house to be built in the R3 zones than on the same size lot in the R2 zones. I don't see the value in that. Requiring larger minimum lot sizes in the R2 zones already creates less density. Why is it reasonable to also require smaller houses on the same size lots? Suggest changing these percentages. I disagree with the comment that using lot coverage encourages more surface parking. People like garages. But what's wrong with surface parking? Control it with limits on impervious surface if it's a problem, rather than dictating where residents and their guests. I urge you to keep the lot coverage concept and forget about FARs. Keep it simple.	We've added new minimum landscaped area standards and minimum usable open space standards - if and when accessory structures are proposed.
16	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	SETBACKS FOR DETACHED STRUCTURES The draft includes these clauses: c. Detached garages placed off of an alley must be setback at least 15 feet from the primary structure. c. Detached ADUs placed off of an alley must be setback at least 15 feet from the primary structure. While the intent to provide some open space is laudable, this is totally unworkable in real life. It would prohibit adding any such structures on most existing developed lots, because the available rear setback is only 20 ft. so would not be enough space for a garage. For a new house, assuming 20 ft. is needed for the garage, it would require the house to be 35 ft. from the alley (or 45 ft. if it's entered perpendicularly). That doesn't leave much space for the house. A more sensible approach would be to require open space on each lot, but not dictate that it has to be between two structures. Let the particulars of the design determine the best location. This requirement also discriminates between someone with a detached garage or ADU and one with an attached garage or ADU (which does not require such a separation).	We're suggesting to delete the 15' setback between structures and apply the minimum usable open space provision - which should allow more flexibility to place detached structures and meet the open space objective. Also - we figure the building/fire code will somewhat address the seperation issue.
17	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	SECOND STORY SETBACKS The intent of this requirement is unclear. Is it (1) to provide more daylight between houses, (2) keep a tall house from "looming" over a shorter house, (3) reduce looking into neighboring yards from upper windows, (4) reduce the apparent bulk of the house - or what? I doubt that it will accomplish any of those objectives. Draft code proposes: Interior side setback, minimum 10 5 5 5 5 5 5 5 Interior side setback - second story, minimum 10 7.5 7.5 7.5 7.5 7.5 7.5 7.5 (1) It makes no sense structurally in building a house to set the second story walls in 2.5 ft from the first story walls because they would not be resting on the walls below and would require separate (more costly to build) support plus a roof on the lower floor projection. Since lots are oriented many different directions, and roofs may slope many different ways, this requirement would only increase the useful "daylight plane" in a few cases and elsewhere would just result in unnecessary complexity with little or no benefit. If more daylight between houses is truly needed, just increase the setback, don't add complexity	The intent is to preserve livability and compatibility while minimize negative impacts to owners who want to build on their property. The 7.5 setback is a compromise and seemingly easier to understand than the previous proposed daylight plane provision. Currently, the setbacks are 5'min but 15' combined in R-2 and up. So the two 7.5 setbacks are =. If builders don't want to have a building with a stepback, they can simply set the whole building back 7.5 feet.

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18	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	(2) A 2-story wall only "looms" over the neighbor if they have a 1-story house. If most of the houses in the neighborhood are 2-story, it would fit right in, and a typical neighborhood has a variety of one and two story homes. Two-story homes are normal in an urban area. Rather than have a second-story setback requirement, it makes more sense to relate the whole required setback to the total height of that section of the wall. For example, a wall up to 12 ft. high could have a 5 ft. setback, a wall over 12 feet high must be set back 10 ft. Thus, a 2-story house would have a 10 ft. setback, but could have a single-story wing with only a 5 ft. setback. A dormer or gable end that's within the roof volume wouldn't count. Keep it simple. (3) Setting a wall back 2.5 ft. won't prevent looking into neighboring yards or windows. And if they're both two-story houses people can look directly across into the neighboring windows no matter how far apart they are. In fact, any time there is a second story window, no matter how far it's set back, one can see into adjacent yards and windows. So a setback requirement will not address that concern. (4) The setback method suggested under (2) above could also reduce the apparent bulk of a taller house by giving it more space on the sides, thus making it feel less crowded on the lot. There are many examples in Old Town of large older homes that don't feel out of scale because they have nice wide side yards. One way of addressing the concern about an unusually large house overpowering a neighborhood, would be to increase the side setbacks as the total width of the structure increases, so that a wider house would require a proportionally wider lot with more "breathing room" between it and the neighbors. Possible way to address bulk (if it's really a problem): If the structure is up to 60 ft. wide (i.e. a 75 ft. wide lot with 15 ft. total setbacks, which has been the norm for many years, and has not created significant issues) then the basic side setbacks would apply. Then if the width is over 60 ft. the minimum would be 10 ft. per side, and the setback on each side would increase by 1 inch per foot of added width. Thus an 80 ft. wide house would require 11'-8" setbacks on each side (10'+20"), so it would need a lot at least 103'-8" ft. wide (or if it's a narrower lot you have to make the house narrower).	This concept was (and still could be) considered. For this draft - the simple 7.5 second story setback was selected for its simplicity and fairness from current code provisions.
19	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	VIEW CORRIDORS IN NON-RESIDENTIAL ZONES This is well intentioned, but doesn't work in real life. Skinny little "view corridors" really don't add any value, since most people are driving by and you can't actually see the bay unless you're looking straight east between buildings - in a few seconds you've passed the "view". Instead of a bonus height, why not simply allow 40 ft. height (same as R4 across the street) and keep it simple. Streets and parking lots can be the view opportunities. Or if you want to offer height bonus for a view corridor, make it at least 50 ft wide so there really is a view. Views from R Ave. can be blocked by off-site buildings east of T Ave. View corridors do not provide views for residents on the west side of R because apartment window rarely line up directly with the view corridor. People on the hill by the high school may not appreciate taller buildings being "bonused" into their view of the bay just so drivers on R can get a peek-a-boo of the water.	The 11 references to "view corridor" in the draft have all been deleted. However, one concept has been added in on the central waterfront site to implement a policy from the Comprehensive Plan - to provide a continuous east west mixed or pedestrian only access through the site to the water. While the ultimate views won't be likely be substantial, such provision will provide a good physical connection leading to the water.
20	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	FARS IN NON-RESIDENTIAL ZONES Get rid of FARs. Decide how high the building can be and how much area it can cover, then let the user decide how many floors to put inside and how to subdivide it. Keep it simple. Give the businesses flexibility depending on the use. This also gives flexibility if the use changes over time (for example, if they want to add a mezzanine in a high-bay area). Floor area is useful for parking requirements, exiting and some other things, but not as a concept for deciding how big the building can be.	There are no proposed FARs in nonresidential zones.
21	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	IMPERVIOUS SURFACE LIMITS Limits on impervious surface serve at least three purposes: ground water recharge (which may not be an issue in an developed urban area with a remote water source), reducing volume in the stormwater system (which is a problem here, especially during storms), and providing space for trees and other green growing vegetation. If limits on impervious surface are developed, be sure they achieve those purposes and are coordinated with stormwater management requirements and landscaping regulations, while allowing a reasonable paved area for driveways and patios beyond the lot coverage percentages.	After much consideration, we've removed minimum impervious area standards and added minimum landscaped area standards. Why? Stormwater requirements are likely to play a stronger role in influencing pervious and impervious area while accommodating functional flexibility whereas the landscaped area provision ensures a minimum. The standards are purposely higher for residential zones where the landscaped environment is most important.
22	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	DENSITY I thought we had decided to eliminate density measures and let the market determine how many units to fit in a building of a certain size. For example, if the building footprint is 3,000 sf, with 3 floors, there could be two 1,500 sf units per floor or four 750 sf units per floor or three 500 sf units per floor (or some combination of sizes). The bulk and scale of the building would be the same for neighborhood appearance (bulk and scale) regardless of the unit configuration, and we would be likely to get more variety of units. Parking requirements might limit some options.	The density maximums have only been retained in certain residential districts - particularly as a measure to limit the use of multi-unit housing units in subdivisions (as most zones allow some mix of these) consistent with comprehensive plan policies and community preferences.

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#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
23	12/4/2017	MS Word	Cynthia Richardson	19.42 Form and Intensity	MAP Since the zone edges extend into the water, the map will be more useful if it shows the shoreline so one can see what LAND the zone applies to.	Concept will be considered in map edits.
24	12/8/2017	MS Word	Tom Decker	19.43.030 Bonus Heights	Height bonus provisions: The height bonus incentive program is an example of new approach that should work better for our community as we promote more housing density. My concern, however, is in the details. One interpretation is that builders and owners would be required to pay annual monitoring fees as part of the program. If the cost of these "bonuses" in the form of fees and monitoring expense becomes too high, builders and owners will be much less likely to take advantage of the program. If so, the flexibility offered by the city will go unused. I recommend keeping the bonus program as inexpensive, simple and straightforward as possible to increase its use. On a related point, as an incentive to provide appropriate housing density, I would like to see the "height bonus" available to multi-family structures that include smaller footprints. This approach would help provide a housing scale that fits with the flavor in Anacortes. Another positive step would be reductions in building impact fees to encourage multi-family projects.	City staff has been speaking with stakeholders about the bonus provisions and the City will be discussing/considering options for the bonuses (attempting to structure the provisions to encourage their use, while meeting community objectives to provide compatible forms of affordable housing).
25	12/8/2017	MS Word	Tom Decker	19.42 Form and Intensity	Encourage smaller homes. Anacortes needs to encourage housing at a variety of price points to benefit families and seniors. As a general comment, I encourage the planning commission and City Council to look for ways to encourage compact, well-designed development of individual smaller homes in the 600 to 900 square foot range, separate from the Accessory Dwelling Unit concept.	Cottage housing is the primary concept in the draft code that encourages such homes. But while these housing types are cheaper than their larger standard counterparts, they often aren't the most affordable forms of housing due to their detached nature typically higher cost/sf. Nevertheless, they provide a good niche housing option that's not currently available.
26	1/29/2018	PDF	Vernon Lauridsen	19.41 Permitted Uses	☐ At Page 83 and 84, "townhouses" are permitted conditionally or outright in the R3, R3A, R4 and R4A zones. At page 117, there are no form or intensity standards other than footnote 2 at page 85 (4 units per structure). How many townhouses will be permitted given either a 4500 square foot minimum lot size or a 3000 square foot lot size? Why make the limit 18 dwelling units in the R4A zone but otherwise unlimited? Like cottage housing, how will permitting townhouses impact the capacity limit of the waste water treatment plant? Will any of the land cost reductions help to meet any of the affordable housing goals of the Plan? See the above regarding cottage housing. Macro analysis infrastructure capacity is not sufficient, the existing infrastructure down to the individual block level must be addressed and upgrade costs appropriately assessed	The maximum density or minimum lot size provisions were intentionally included in all but the R4 zone to limit the number of townhomes that could be integrated on sites the the zones. In the R4 zone, the density of townhomes will be limited by parking, setbacks, floor area ratio limits, and various site and building design standards in 19.43.010.H and Chapters 19.62-63.
27	1/29/2018	PDF	Vernon Lauridsen	19.44.090 Townhouses	At page 117, "townhouses" are subject to the "frontage standards" of Sec. 19.61.060 but at page 152, Ch. 19.61 only applies to non-residential and "multi-family" development. By definition "townhouses" are not "non-residential or "multi-family" and none of the residential zones are mentioned in Ch. 19.61. Sec. 19.44.080 only applies to single family small lot, duplex and triplex units so the 20 foot wide street frontage does not apply to townhouses. Do the drafters intend to allow townhouses to be aligned edgewise with the street like the single family homes on "H" Avenue?	The Landscaped block frontage provision has been removed and replaced with similar entry/façade provisions for townhouses.
28	1/29/2018	PDF	Vernon Lauridsen	19.44.080 Small Lots	"Small lot" is defined at page 18 as "less than 5000 square feet." Thus every lot in R3, R3A, R4 and R4A would be a deemed "small lot." At page 95, the proposed development regulations would allow an 80% FAR ratio on such small lots or 2400 square foot single family residence on a 3000 square foot lot. At page 142, the dwelling unit could be placed right on the property line with no set-back on one side of lot (18" of the eaves are evidently permitted to intrude on to the land of the adjacent property (?)).The opposite side yard could be as little as 10 feet wide and the lot could be as little as 30 feet wide (See page 94). Frontage to a road, private, drive or alley could be as little as 20 feet. (See page 115). Such provisions would allow a series of adjacent lots 30' wide by 100' deep each accommodating a two story dwelling 20' by 60' or 2400 square feet separated by a 10' strip. "Small lot" housing as envisioned in the proposed regulations was not addressed in the Residential & Employment Land Capacity Analysis Summary 7/10/15. How will the "small lot" deregulation in the R3, R3A, R4 and R4A zones impact the capacity limits of the wastewater treatment plant? Moreover, given the current market, a "small lot" home could readily sell for perhaps \$500,000 to \$700,000. Land costs for development have been reduced by at least half. Who benefits from this "small lot" regulation? What goal of the Comprehensive Plan is being implemented by the proposed "small lot" standards? And, how do "townhouses" fit with the "small lot" standards that include all of the R3, R3A, R4 and R4A zones. Does the Comprehensive Plan envision row housing on 3000 square foot lots aligned edgewise with a street or an alley separated by a distance of just 10 feet? The regulations would seem to allow such development? Again, for what purpose?	The residential zoning and small lot provisions are within the goal and policy provisions of the adopted comprehensive plan. The updated draft includes a combination of tools that don't exist today to help provide compatability while promoting infill development: Minimum usable open space, minimum landscaped area, and floor area ratio maximums.

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#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
29	1/29/2018	PDF	Vernon Lauridsen	19.40.030 R1 Zone	Page 73 Sec. 19.40.030. The proposal to allow "other dwelling types, such as "accessory dwellings, cottage housing in the R1 zone, even conditioned on a CUP, are inconsistent with Table LU-I of the 2016 Comprehensive Plan. What is more, the proposal is inconsistent with the stated purpose of the R1 "low density" zone including the lack of sufficient public facilities and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030. The phrase "other dwelling types, such as" is ambiguous. Is the language suggesting that townhouses for, example, might also be allowed with a CUP? One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to "reduce ambiguity". "Other dwelling types such as" does not reduce ambiguity but rather increases it as noted above. This comment applies to all zones.	The proposed R1 provisions fall within the parameters of Table LU-I in the comprehensive plan for the R1 designation: Principal uses & density: <i>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.</i>
30	1/29/2018	PDF	Vernon Lauridsen	19.41.020 Uses permitted in Residential zones	Page 84 and 85 Sec. 19.41.020. The permitted use for cottage housing is inconsistent with the 2016 Comprehensive Plan at Table LU-I and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030.	Table LU-I also allows for cottage housing within the R2 and R3 designations
31	1/29/2018	PDF	Vernon Lauridsen	19.42.020 Uses permitted in residential zones	Bonus density is inconsistent with 2016 Comprehensive Plan at Table LU-I and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030. R-I density bonus is inconsistent with the Comprehensive Plan at LU-I.	Table LU-I allows for bonus densities of up to 4 units/acre - same as what's proposed in the draft code
32	1/29/2018	PDF	Vernon Lauridsen	19.40.030.B Residential Low Density 2 (R2)	Page 73 Sec. 19.40.030B. The phrase "other dwelling types, such as" is ambiguous. Is the language suggesting that townhouses might also be allowed with a CUP? One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to "reduce ambiguity". "Other dwelling types such as "does not reduce ambiguity but rather increases it as noted above.	Subject language has been removed.
33	1/29/2018	PDF	Vernon Lauridsen	19.41.020 Uses permitted in Residential zones	Page 83 Sec. 19.41.020 A and B are inconsistent with 2016 Comprehensive Plan at Page I-16, Table LU-I, and Sec. 19.40.030 of the proposed development regulation update.	Both the permitted use and density and dimensional charts fall within the parameters of the comprehensive plan for the whole range of zones.
34	1/29/2018	PDF	Vernon Lauridsen	19.41.020 Uses permitted in Residential zones	At 19.41.020, is it necessary to have both A and B tables. One with spots/circle and pictures and another with letters?	The first table has been removed.
35	1/29/2018	PDF	Vernon Lauridsen	19.41 Permitted Uses	Page 83, 84, and 85 are inconsistent with the 2016 Comprehensive Plan at P. I-16, Table LU-I and internally inconsistent with Page 74 of the proposed development regulations. At Page 74, R3A is defined as "areas characterized by historical patterns of generally 3000 square foot lots" But at Page 94 the R3A zone is designated as 4500 square foot lots. Likewise R3 is not consistently used at page 74 and page 94.	The R3a concept was included in Table LU-I of the comprehensive plan under the <i>Special topics to explore</i> " section under Residential Medium Density designation.
36	1/29/2018	PDF	Vernon Lauridsen	19.40.030.E Old Town (OT)	At page 75 Sec. 19.40.030E. One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to "reduce ambiguity." "Other dwelling types such as "does not reduce ambiguity but rather increases it as noted above. ☐ Page 75 is inconsistent with pages 83 and 84 with respect to "cottage housing."	Subject language has been removed.
37	1/29/2018	PDF	Vernon Lauridsen	19.41 Permitted Uses	Pages 75 through 77 are inconsistent with pages 83 and 89. Every type of residential use allowed in the R4 and R4A zones including townhouses, multifamily and live-work units are allowed in the CBD, Commercial and MMU zones. While this arguably might be appropriate, nothing in the 2016 Comprehensive Plan or the Residential & Employment Land Capacity Analysis Summary 7/10/15 support the ability of the City's infrastructure to accommodate the likely number of new dwelling units allowed.	Table LU-I under the Residential High Density designation: Principal uses & density: <i>A mixture of single and multifamily dwelling units. Some commercial uses may be permitted. There is no prescribed density limit, except in designated areas away from downtown and South Commercial Avenue (up to 18 dwelling units per gross acre).</i>
38	1/29/2018	PDF	Vernon Lauridsen	19.43 Bonus Incentives	Bonus incentives, at page 104. All high density development is nothing short of a subsidy for development and should be conditioned upon meeting affordable housing goals in the 2016 Comprehensive Plan. Moreover, how would "bonus incentives" be greater than the density already being proposed? As such, there is no incentive and the provisions are likely to be ignored.	R1 is the only zone that includes a density bonus incentive. The other zones largely include height bonuses. Both are in-line with the goals and policies of the comprehensive plan.
39	1/29/2018	PDF	Vernon Lauridsen	19.40.020 Zoning Map	Page 71 and 72, lots divided by zone boundary. This is the time to adjust boundaries so as to eliminate all such lots.	Staff agrees
40	1/29/2018	PDF	Vernon Lauridsen	19.42.080.F.3 Setback measurements for irregular lots	Page 102, why would a property line not be "readily determinable." Presumably the Director would decide whether a property line was not "readily determinable."	Per discussion with staff, suggest deleting the words: "any of the property lines are not readily determinable, or where"
41	1/29/2018	PDF	Vernon Lauridsen	19.44.080 Dwelling, single family - small lot, duplex & triplex	Page 115, why would there ever be circumstances where frontage would not be on an improved road.	The provision has been removed in the draft.

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42				19.41 Permitted Uses	Uses by zone. In the current code, most of the regulatory provisions are organized by a specific geographic zone. The proposed code is organized by regulatory function i.e., permitted uses, form and intensity, supplemental use criteria, block frontage, design, landscaping etc. All these regulatory functions must be treated consistently within each zone. There are a finite number of zones but a potentially unlimited number of regulatory functions. The current code has been poorly administered in the past. The propose code will be even more difficult to administer. There must be cross references throughout the code linking all applicable provisions.	The use chart has been substantially updated - including applicable cross references for each use to clarify the use definition and applicable standards.
43	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	1) Where exactly will anyone who wants to build a detached living unit that is not an ADU, cottage, or townhouse on allowable medium density R2, R3, R4 & C parcels with an existing house going to be rejected? Will they be told that they can only build under the ADU or cottage square footage and design rules? A separate living unit such as the one we designed on H Ave will not be allowed because it does not pass the ADU or cottage rules? Point out where in Title 19 that this exclusion is applied.	19.43.010(B)(2)(b) in the new draft allows for a second detached single family dwelling unit on a lot provided the applicable one dwelling unit/minimum lot area for single-family dwellings is met
44	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	2) If I have an R4 vacant parcel and I want to build two separated buildings, where will I be told that I failed to meet the criteria? Will we be forced to build one large building that is a more massive addition to a residential neighborhood? Point out where in Title 19 that this plan of two separated buildings will be rejected.	The draft code has been clarified that multiple single family dwellings can be placed on one lot. In the case of the R4 zone, you would need 6,000 square feet to have two detached single family dwellings. Multifamily forms of housing here are encouraged on purpose, to provide more efficient and affordable housing forms, provided they meet other applicable design standards.
45	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	3) What if I own a medium density parcel (R3, R4) with an existing home that I have lived in for 20 years and I want my children to build a home on the parcel right next to me that they can live in? Are they forced to only be able to build an ADU or cottage type under those restricted rules? Or do they have to attach their home to mine by breezeway or shared garage? This forces stupid design and trust us people will try to design around a stupid code.	The draft code has been clarified that multiple single family dwellings can be placed on one lot, provided they meet applicable maximum density standards (R1, R2, and R2a), or in R3 or R4 zone case, the minimum lot size standard (R3 zone, 2 units allowed on a 9,000 square foot lot). Note that the parameters included here were directed by the adopted comprehensive plan
46	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	4) Are we asking for more detail wording in the 19.40.030 Residential Zones Established area of the code with an additional defined "type" of building, such as "detached residential"? Or, are we needing to get an additional "type" of use added to the Chapter 19.63 Building Design? We need an answer to this to be knowledgeable when talking to other contractors, realtors, developers and community members about these upcoming code changes.	This language has been removed.
47	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	The Makers/COA staff team that is writing this code should be applying "what if scenarios" (like #1, #2 and #3 above) to the new code. If they are not, then they are leaving bombs in the code for the community to suffer the fallout. I know several community members that have purchased or have been living on larger parcels with existing homes that are planning on adding their own new retirement unit to the parcel later. Your current code will prevent them from doing that without tearing down the perfectly acceptable living unit that already exists on the property or attaching their new residence to the existing unit that has a large enough land area for an additional home. This question is for non-ADU and cottage housing. It is also for detached multi-family.	We agree - and we've been testing the form and intensity standards with numerous site development examples to help test the full range of form and intensity standards. We've adjusted standards in some cases as a result of this testing.
48	2/14/2018	Email	Tom and Pam Allen	19.41 Permitted Uses	The lack of conversation in the code about residential units that are other than ADUs or cottage or townhouses appears to be targeted very specifically at "leaving out" the ability to build any other type of detached living units except under the strict interpretation and design rules of ADUs, cottages, and townhouses. I see this as having a big negative impact on more workforce housing or market housing in the multi-family sector. It also forces building design of a singular massive footprint instead of multiple footprints. I don't care how many articulation or bump out design rules you insert in the code. One big building is more massive than two medium buildings.	The current code's allowance of multiple detached structures to meet the definition of multifamily has been removed, as it's been recognized as a loop hole to allow single family dwellings smaller than the lot size minimum. The cottage housing provisions are a unique exception to this and come with their own unique set of design standards.
49	3/16/2016	PDF letter	Cory Ertel	19.42 Form and Intensity	50 feet height limit and CUP beyond that height is arbitrary and inconsistent with the intent of permitting uses and current use patterns. New 50 foot structures would not be readily visible beyond the refinery and past installations have not required a CUP. Other large refineries do not have height limits in their zones in Washington state; a small refinery in Tacoma is subject to a 100 feet limit. Option 1: add "refinery facilities" to the exemptions in 19.42.070.D. Option 2: No height limit, but 1 foot setback for each additional foot of height over 50 feet. Option 3: Seattle approach with no height limit to start with, but height limits closer to adjoining land uses (least desired option).	The updated draft includes option 2.

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50	4/13/2018	PDF letter	Nels Strandberg	19.42 Form and Intensity	Why FAR? More complicated than current lot coverage and height restrictions. unclear if those existing provisions are not working. Are homes too big?	FAR has been suggested as a way to ensure that homes are compatible with the scale and character of existing homes in the neighborhood/zone. Some adjustments have been made to what's included and excluded in FAR to allow greater flexibility in the design of homes
51	4/13/2018	PDF letter	Nels Strandberg	19.42.060 Floor area ratio calculations	Unclear why 17.5 feet or more high ceilings are double counted, would force builders to not build "open to below" features	Provision was originally added - as such features add to the visual bulk of a home. This provision, however, has been removed from the updated draft.
52	4/13/2018	PDF letter	Nels Strandberg	19.42.060 Floor area ratio calculations	Parking areas already exempt from definition from "floor area", don't need to say it twice by exempting it in FAR.	This provision along with floor area definition have been updated to provide clarification
53	4/13/2018	PDF letter	Nels Strandberg	19.42.060 Floor area ratio calculations	Daylight basement FAR exemption exempts two floors as most homes have daylight basements. Could be a loophole and more people will build them, resulting in larger homes.	Term has been removed in the updated draft.
54	4/13/2018	PDF letter	Nels Strandberg	19.42.060 Floor area ratio calculations	Why are detached garages off alleys exempt?	The intent was to encourage use of alleys for garage access. In updated draft, the garage exemption has been extended to include garages attached to house (up to 500sf)
55	4/13/2018	PDF letter	Nels Strandberg	19.42.060 Floor area ratio calculations	Other FAR comments. Encourages large one-story homes, not great if trying to reduce mass and impervious surface. Exempting decks/porches open on two sides could encourage large ones. Not clear how lot coverage either discourages or encourages surface parking.	Again, some FAR provisions have been made in response to comments received.
56	4/13/2018	PDF letter	Nels Strandberg	19.42 Form and Intensity, setbacks	7.5 foot upper setback is impractical and expensive	The upper level setback isn't required - homes can simply be setback 7.5' and go straight up.
57	4/13/2018	PDF letter	Nels Strandberg	19.42 Form and Intensity, setbacks	Why increase the front setback to 25 feet? Clients use rear yard more than front yard. Saving trees in front yards is difficult due to utilities.	The 25' front setback is just for garages facing the street - to provide enough space that cars back part in driveway and not block sidewalk, and as a measure to deemphasize garage.
58	4/13/2018	PDF letter	Nels Strandberg	19.44.085 Cottages	Why require specific roof pitch?	The intent was to promote traditional cottage character
59	4/13/2018	PDF letter	Nels Strandberg	19.44.085 Cottages	Would like to see slightly larger size e.g. 1200 square feet livable area regardless of number of floors. Could help homebuying population who don't like stairs.	Subject standard has been updated to allow single story 1200sf cottages.
60	4/13/2018	PDF letter	Nels Strandberg	19.44.085 Cottages	Screening - what if there is a public street within the cottage community?	If a cottage development is divided by a public street, then the developments would need to meet applicable frontage and parking lot location and screening requirements. If it's just a private internal drive, those street frontage provisions would not apply.
61	4/13/2018	PDF letter	Nels Strandberg	19.44.085 Cottages	200 square feet garage is too small, suggest up to 300 square feet	Subject standard has been adjusted to 300sf
62	4/13/2018	PDF letter	Nels Strandberg	19.44.085 Cottages	Unclear what the street design standards are for cottages, e.g. legal framework and dimensions	Street design depends on the street classification. Most likely classification is a local street. See updated provisions in Chapter 19.52
63	4/26/2018	PDF letter	MJB	19.40.040(C)(2)(b) Marine Mixed Use	Suggest striking "provided they are mixed with other permitted uses either vertically or horizontally." Allow residential use as a single use building.	All such purpose statements for zones are deleted in the second draft.
64	4/26/2018	PDF letter	MJB	19.40.040(C)(2)(c) Marine Mixed Use	Suggest striking "and oriented to maximize public marine views and". MJB Properties has committed to the extension of 17th Street, 20th Street and 22nd Street through the site and establishing these as the primary public view corridors. Any other view regulations should be eliminated.	All such purpose statements for zones are deleted in the second draft.
65	4/26/2018	PDF letter	MJB	19.40.040(E)(2) Commercial Marine 2	Suggest striking "above the ground floor". Should allow for residential uses in a single use building.	The CMI zone is being eliminated.
66	4/26/2018	PDF letter	MJB	Table 19.41.030(A) Permitted retail sales, service, and industrial uses in mixed-use and industrial zones	Allow retail use larger than 50K NLA as a conditional use.	Update to allow in second draft.
67	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow retail greater than 5K — 50K NLA as a permitted use in MMU.	Update to allow in second draft.

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68	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow drive through uses as permitted in MMU?	Resolved in 2nd draft, drive-throughs generally allowed with new design standards.
69	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow boat & marine equipment sales as a permitted use in I.	Marine sales/rental are allowed in the Industrial zone in the 2nd draft.
70	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow boat & marine equipment service as a permitted use in I.	Use qualifies as a type of light industrial use, which is allowed in the zone
71	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow medical office as a permitted use in MMU.	Medical Office is conditional in all districts except for the Medical Overlay per discussions from the comprehensive planning proces. The topic will be considered by the Planning Commission in their review.
72	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow water-based service uses as a permitted use in MMU.	Subject use is not listed in the permitted use chart. If the specific use is considered a type of general service use, then it's permitted in the MMU zone. If it falls as a type of Light Industrial use, then it's conditionally permitted.
73	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow boat launch facility as a permitted use in MMU.	Per discussion with staff, suggest calling out "boat launch" (like "boat lift") to be a permitted use in the MMU zone (under Water-oriented industrial use category)
74	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Allow self service storage uses as a permitted use in I.	Issue to be discussed with Planning Commission.
75	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Remove development conditions 2 from office use in I.	Condition limiting office uses to 50% of ground level of buildings in I was accidentally left out in the second draft. Issue to be discussed by Planning Commission.
76	4/26/2018	PDF letter	MJB	Table 19.41.030(A)	Potentially could limit retail uses greater than 50K NLA to only grocery stores. Anticipate future drive through uses, driven by on-line ordering, such as grocery store pickup.	Retail sales uses (not just grocery stores) are conditionally permitted above 25,000sf with no cap.

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77	4/26/2018	PDF letter	MJB	Table 19.41.030(B) Permitted residential, temporary lodging, civic, cultural, recreation, entertainment and accessory uses in mixed-use and industrial zones	Remove Development Condition 3 from MMU zone.	This condition refers to a maximum of 1/3 of site include single purpose townhouses/multifamily - which is based on policies in the comprehensive plan.
78	4/26/2018	PDF letter	MJB	Table 19.41.030(B)	Add Hotel/Motel as a permitted use in the MMU zone.	Hotel/motel is permitted in MMU in the 2nd draft.
79	4/26/2018	PDF letter	MJB	Table 19.41.030(B)	Add Marinas and boat moorage as a permitted use in the MMU zone.	Marinas and boat moorage permitted in MMU in the 2nd draft.
80	4/26/2018	PDF letter	MJB	Table 19.41.030(B)	Add Parks and plazas as a permitted use in the MMU and I zone.	Parks and plazas allowed in all zones in 2nd draft.
81	4/26/2018	PDF letter	MJB	Table 19.41.030(B)	Add Pier/float/dock as a permitted use in the MMU zone. How does the existing Barge dock be allowed as a permitted use? Do not make this a non-conforming use.	Piers are a water-oriented industrial use, which are conditional in the MMU zone. Suggest adding it as a new use category and allowing by right in MMU.
82	4/26/2018	PDF letter	MJB	Table 19.41.030(B)	Why allow a Yacht Club as a permitted use and not a Marina and boat moorage?	In the 2nd draft Marinas and boat storage are allowed in MMU under Recreation, outdoor. Yacht clubs are reclassified as one of many types of "private recreational, social and/or cultural clubs" under Civic, which are also allowed in MMU.
83	4/26/2018	PDF letter	MJB	19.42.030 Form and intensity standards for mixed-use ad industrial zones	What is the maximum impervious area?	In the 2nd draft we replaced maximum impervious area with a minimum landscaped area standard.
84	4/26/2018	PDF letter	MJB	19.42.030	Increase maximum height with bonus to seventy (70) feet to comply with IBC wood frame maximum.	Issue to be discussed with Planning Commission
85	4/26/2018	PDF letter	MJB	19.42.030	Delete CUP process to achieve height above base. Bonus height should be based on a standard table or inclusion of public benefits.	Comment refers to CUP requirement to exceed base height in CM2, LM and I zones (19.42.080 in 2nd Draft). Issue to be discussed with Planning Commission
86	4/26/2018	PDF letter	MJB	19.43.030	Add open space and other public amenity spaces eligible for bonus heights.	Issue to be discussed with Planning Commission
87	4/26/2018	PDF letter	MJB	19.43.030	Increase income eligibility to 60%. Non-profits and other NGO's should provide for income groups between 30% - 60%.	Comment refers to the level of income eligibility for affordable units required to achieve bonus height. Issue to be discussed with Planning Commission.
88	4/26/2018	PDF letter	MJB	19.43.030	What happens with the Affordability agreement if an apartment converts to a condominium?	Such a change wouldn't be consistent with the standards
89	4/26/2018	PDF letter	MJB	19.43.030	Minimum size of affordable units should have a process for reducing below absolutes.	Issue to be discussed with Planning Commission
90	4/26/2018	PDF letter	MJB	19.43.030	Provide fee in-lieu provisions as an option to satisfy affordable housing requirements.	Issue to be discussed with Planning Commission
91	4/26/2018	PDF letter	MJB	19.43.050(B) CM2, LM and I zone bonus provisions	Change from Conditional Use Permit to a different process.	Comment refers to CUP requirement to exceed base height in CM2, LM and I zones. Issue to be discussed with Planning Commission
92	4/26/2018	PDF letter	MJB	19.43.050(B)	Create more predictability, identify critical views now and not leave to the discretion of the Director.	Comment refers to visual analysis requirements for increasing building height. Issue to be discussed with Planning Commission
93	4/26/2018	PDF letter	MJB	19.43.050(B)	This whole process needs to be more predictable and flexible for the developer.	Comment refers to CUP process for increased building height. Issue to be discussed with Planning Commission
94	4/26/2018	PDF letter	MJB	19.44.090(E)(1) Usable open space (for townhouses)	Reduce open space minimum dimensions of 12 feet on all sides to six (6) feet.	12 feet was recommended to provide minimum usability - could be met by ground level space in front or behind unit or on roof deck/balcony within or on top of unit.

DIVISION 4: Zoning & Land Uses						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
95	4/26/2018	PDF letter	MJB	19.44.090(F)(1) Building design (for townhouses)	Thus – if individual units are 15 feet wide, the building must include at least three articulation features for all facades facing a public street or public open space. common or other shared open space, and common parking areas at intervals no greater than 15 feet.	If the units within the building are 15' wide, then the articulation intervals are then based on that 15' interval.
96	4/26/2018	PDF letter	MJB	19.44.100 Grocery store, neighborhood	Grocery store, neighborhood. How does this supplemental use regulation get applied to the MMU or CMI zoning district? If this prohibits this type of use in the MMU or CMI, then increase or delete the size and radius limitations.	In the commercial zones, the subject use falls under retail. We only call it out in the residential zones, due to special use provisions there for neighborhood grocery stores.
97	4/26/2018	PDF letter	MJB	19.44.165(B)(3) Religious institutions	Should Religious Institutions be prohibited within the 200 foot Shoreline jurisdiction line?	The provision is not included in the second draft (under civic uses). The Shoreline Master Program governs uses and form/intensity of uses in the shoreline jurisdiction.
98	4/26/2018	PDF letter	MJB	19.44.170(A) Restaurant sidewalk uses	Change sidewalk permit type to Right-of-Way Permit instead of Conditional Use Permits. Add MMU district to the zones allowed for this type of permit. Streamline and simplify process, why use a CUP?	Restaurant sidewalk permits are a public works matter and have been removed from the 2nd draft. Likely to be moved to Title 5.

DIVISION 5 - Community Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
1	1/29/2018	PDF	Vernon Lauridsen	19.51	Page 133, minimum standards for public streets should not be left to the discretion of the Public Works Director.	Minimum public street standards (such as streetscape elements and widths) are included in the 2nd Draft. Required public improvements may differ based on site specific conditions.
2	1/29/2018	PDF	Vernon Lauridsen	19.51	Page 134, sidewalks extension. What is "practical and reasonable"? Page 134, alley improvements should be determined directly by the language of the regulation Page 134, transition to existing improvement. When would an existing improvement "decrease in the future?" Page 135, dedication of right of way. This should be spelled out as opposed to leaving it to the public works director. Page 135, sidewalk "modification."	The "practical and reasonable" language is what's now in the existing code and has been for an extended period of time. The unique context of improvement levels on a block by block vary tremendously and make it challenging to integrate a clear threshold of applicability for such improvements. The current language has allowed the City some flexibility and has proven to be workable. An example of an existing improvement being decreased in the future could be a road width being reduced in size to reduce impervious surface, increase sidewalk or landscaping width, or to accommodate other traffic calming measures. Dedication of right-of-way is based on street classification and ROW width ID'd in Div. 5 and the Transportation Element of the Comp Plan.
3	1/29/2018	PDF	Vernon Lauridsen	Division 5	How is development on unimproved streets and alley regulated, if at all?	Div. 5 provides public street improvement requirements for new development (including on unimproved streets and alleys).
4	1/29/2018	PDF	Vernon Lauridsen	Division 5	How is access to emergency medical and fire suppression services addressed? In the past the fire chief has made ad hoc decisions but based upon what?	The content of Div. 5 was coordinated with the Fire Department to ensure consistency with emergency services access requirements.
5	4/13/2018	PDF letter	Nels Strandberg	Table 19.52.040	New ROW standards including 14 feet water quality planter on both sides will not work, have not seen in other communities. Unclear who maintains the planter area. Concerns about keeping up appearances.	Proposed standards have been updated to provide smaller minimum street dimensions and allow for increased widths to accommodate LID facilities, when proposed and appropriate.
6	4/13/2018	PDF letter	Nels Strandberg	Table 19.52.040	Why would a single-family dwelling with access off a "Lane" be required to provide sprinklers, is the minimum fire access not 20 feet? Which is your proposed standard?	This section has been removed.
7	4/13/2018	PDF letter	Nels Strandberg	Table 19.52.040	Driveway cuts, especially on smaller lot developments, will encroach on almost have the swale length. Developments look like the WEST streets, terrible. Imagine 60 feet side lots with a 20-25 foot culvert in front of every garage and an open ditch. Terrible!!	These provisions have been updated in the 2nd draft to allow, but not mandate, the increased landscaped area widths to accommodate LID facilities.
8	4/13/2018	PDF letter	Nels Strandberg	Table 19.52.040	Would like to see the Water Quality Swale as an option, not mandatory.	Staff agree, this has been modified in the 2nd draft.
9	4/26/2018	PDF letter	MJB	19.51.050(B)(3)	Suggesting adding "and non-motorized" after "pedestrian"	This refers to 19.51.030(C) in the second draft. Change made.
10	4/26/2018	PDF letter	MJB	19.53	This whole section is kind of confusing as it appears to primarily deal with residential subdivisions. There is one section dealing with commercial and light industrial zones. All of the examples are residential in nature. Should this be clarified and split into two sections, residential and commercial?	Update 19.54.030 to emphasize that the open space/park provisions only apply to new residential subdivisions.
11	4/26/2018	PDF letter	MJB	19.53.020(A)(2)	Suggest striking "residential"	Change suggested.
12	4/26/2018	PDF letter	MJB	19.53.020(A)(3)	Suggest replacing "accessways" with "connectivity" in first sentence. Suggest replacing "an accessway" with "path" in the last sentence	Similar edits have been made in the second draft.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
1	11/15/2017	PDF scan	Tom Allen	19.62 Open space	Do sidewalks around buildings, front and rear porches, interior lounge areas, workrooms, count as open space?	Sidewalks in the ROW wouldn't, but internal paths and porches would if within space that meets the criteria for shared open space design in 19.62.040.B.2
2	11/15/2017	PDF scan	Tom Allen	19.62 Open space	Does open space requirement reduce parking area and therefore number of units that can be built?	If and when most or all of the open space is built on the ground level, it would reduce the amount of land available for surface level parking (though parking could be provided below grade). However, the provisions have been designed to allow a variety of ways to meet the standards, including balconies, courtyards/decks built over in-structure parking, rooftop decks, and for mixed-use buildings, indoor recreational areas.
3	11/16/2017	Email	Lynne Jordan	19.66.090 Performance assurance bonding	Clarification needed on right-of-way landscaping fee-in-lieu and maintenance	Delete old code text that is confusing and difficult to enforce
4	12/8/2017	MS Word	Tom Decker	19.63 Building design	New design standards for existing buildings: At the November meeting, the question of when you would have to bring a building up to new standards and codes was not clearly answered. I believe current regulations require that a remodel or repair valued at more the 50 percent of the total building value trigger the new standards. In the absence of clarity, the worry is that a project to remodel an apartment interior, paint an exterior or repairs simply storm damage could trigger the new design standards. I recommend leaving the threshold for triggering new design standards at the 50 percent level.	The updated draft includes the threshold of gross floor area increase rather than \$value since it's more easily measured. For any remodel/addition that adds new floor area (gross) up to 50% of existing floor area (gross), only that the proposed improvements to the building need to meet the standards and do not lead to further nonconformance with the standards.
5	12/8/2017	MS Word	Tom Decker	19.61.060 Storefronts	Storefront block frontage standards, sidewalk protection: First, how was the 6-foot minimum for sidewalk weather protection determine as opposed to, say, 5 feet? In a quick review of other regulations and standards, I noticed other communities use a 5-foot minimum which would provide protection at lower cost with less support structure. I would recommend using a 5-foot minimum. On a related point, looking at the table in your current draft of regulations, the example shows what appears to be a curved awning extension. Would curved awnings be allowed provided they meet the minimum on average? I can see instances when the curved structure will look for natural. On this same topic, would the city have the ability to reduce the establish weather protection extension standard where the city finds that that existing right-of-way dimensions, easements, or building code requirements preclude the planned 6-foot standard extension. I would recommend such flexibility when warranted. In addition, I would suggest the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance. This change would promote more variety in appearance.	A 6' minimum width was chosen after examining examples in downtown and factoring in that a 6' canopy more easily allows a couple to walk side by side out of the rain along a façade. There's a note that says: "Weather protection must not interfere with street trees, street lights, street signs, or extend beyond the edge of the sidewalk." Also - note that aside from Live-work units that meet Storefront block frontage standards, buildings with ground floor residential would be subject to a 10' minimum setback (Landscaped block frontage) - and would just need to have a covered entry (3' deep).
6	12/8/2017	MS Word	Tom Decker	19.61.060 Storefronts	Application of storefront block frontage standards: How the storefront block frontages standards apply to existing buildings was not clearly stated at the November meeting. The concern, obviously, is that if you set the trigger point too low, the new regulations would become a strong disincentive to building owners who want to undertake remodeling and upgrades to their properties, the reverse of the situation we want to encourage. I would suggest that the threshold for applying the new standards be set at the 50 percent level for the value of the building. Once again, my general concern is that the city reach the right balance in providing more affordable options in housing so that the private sector can more fully meet local family, workforce and senior housing needs. Providing new housing options and reining in the cost to build affordable housing carries new urgency in light of our community's increasing needs.	The provisions here are written to NOT discourage investment in existing buildings. For example - take an old storefront that may not meet the transparency percentage requirements. If the owner simply wants to replace those existing windows, they can as long as they don't make them smaller. But if they have only 3' wide awnings and they want to take them down and put a new awning up, the new awning would need to meet the 6' requirement.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
7	12/27/2017	Email	Cynthia Richardson	19.68 Signs	For example: "Using a CMYK color chart, sign background that employs color numbers that add up to at least 20 (collectively) are considered as "shaded"." Followed by a chart with illustrations of dark and light backgrounds and lettering that add up to a numerical score. ARE YOU KIDDING? Talk about over-regulation!!! Comparing it to our existing sign code, which is 10 pages (as a Word docx), the new one is 36 pages. Why? The old code covers the bases pretty well. A few photo examples and a little word tweaking is all that's needed – not a complete re-write. Is someone trying to make a career out of regulating signs? We should specify the size, number, and placement allowed, and then let folks decide what kind of signs they want to represent their business. It's really none of the City's business whether there is a dark or light background, or whether the base is stone or steel, etc. In some senses, regulating these minute details is a type of censorship, because you're telling folks that their taste in signage is unacceptable and they must conform to someone else's notions of what looks good. I'll work my way through the editing, but I hope you will sincerely consider scrapping most of the new draft and seriously simplifying it to just the basic requirements. Forget the detailed design requirements. They're a hornet's nest for the businesses, the designers, and the regulators. And you can tell Bob B. that I said so.	The updated draft eliminates this provision (allowing extra sign area for signs with dark background).
8	1/29/2018	PDF	Vernon Lauridsen	Division 6 Project Design	There is an over emphasis on "design standards" and developing cosmetics. The whole garage door section is a good example. And mandating a 3" covered porch is an example of a regulation designed to fix a problem that does not exist. Focusing on how things are going to look is just a way to subvert an inquiry into how things will function when streets, sewers, the electrical grid, etc are overloaded. Makers must be compelled to produce "design standards" that are relevant to Anacortes.	The garage provisions only apply to small lot developments (less than 5,000sf) and were added to promote compatibility with existing neighborhoods, enhance character of the street, and promote eyes on the street for safety. Likewise, the covered entry provisions is a basic livability element (providing an ability to unlock the door out of the rain or wait for doorbell answer out of the rain) and it contributes to the character of buildings by adding human scaled design elements.
9	1/29/2018	PDF	Vernon Lauridsen	19.61 Block Frontages	Page 152, on what basis should the Director "waive or relax."	The provision states that the director may waive the provisions of the I, LM, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of block frontage standards. This was a compromise of sorts between completely exempting those districts from the standards and applying the standards to all new development in those zones.
10	1/29/2018	PDF	Vernon Lauridsen	19.61 Block Frontages	Page 176, on what basis should the Director resolve a "conflict" between frontage standards?	This refers to corner lot situations where there are different block frontage designations on opposite frontages. Subsections 19.61.150.B-E explain how the conflicts are resolved.
11	1/29/2018	PDF	Vernon Lauridsen	19.61 Block Frontages	☐ Page 177, reduction in transparency, based upon what?	In this case - the applicant would need to successfully demonstrate how the façade treatment with reduced transparency provides visual interest to the pedestrian and mitigates any impact of blank wall areas. The director, in approving any departure design, would then need to document the proposed treatment, and reason for approval or denial so there's a track record. The issue was further discussed at the May 9 Joint CC/PC meeting and there will likely be follow up discussion on the subject.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
12	1/29/2018	PDF	Vernon Lauridsen	19.61 Block Frontages	☐ Page 178, high visibility corners, based upon what?	? Unclear on the question. These corners are delineated on the block frontage maps and new development on these sites must comply with the standards in 19.61.070.C. These provisions provide for "other" decorative elements that meet the intent (to accentuate street corners with high visibility to the public). In this case, the Director could use the options in C.2.a-e along with the photo examples to help set up the general design expectations for the types of treatments desired to accentuate the corner.
13	1/29/2018	PDF	Vernon Lauridsen	19.63 Building Design	Page 205, waive or relax building design standards based upon what?	See recommendation for comment #9 regarding provisions to allow the Director to waive or relax standards in the I, LM, MS, AZ, and CM2 zones.
14	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 225, waive or relax landscaping standards based upon what?	See recommendation for comment #9 regarding provisions to allow the Director to waive or relax standards in the I, LM, MS, AZ, and CM2 zones.
15	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 234, on what basis would the Director require greater buffers to preserve existing mature trees?	Where mature trees and vegetation exists. We suggest updating the draft to condition that where wider buffer widths are required (for mature tree preservation), other parts of the buffer may be reduced to (so that they = no more than meeting the minimum width on average).
16	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 235, on what basis would the Director decide "other effective visual transitions"?	This allows for reduced planting strip width as long as it provides a physical transition between the building and the pathway that includes plantings and can also be maintained. If it's determined that this language is too challenging to administer in these limited situations, then we'll update the language.
17	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 235, "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." Based upon what?	This applies to very limited and special cases where a development is directly adjacent to a park or trail and the design is important to public safety - thus the language "depending on the context of the park or trail and type of developing use"
18	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 236, on what basis is the Director to determine "variations in the planting of trees"?	This language has been removed.
19	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 241, on what basis would the director decide "Limbing" up trees and "topping" or shearing off trees"?	Public safety, such as below power poles.
20	1/29/2018	PDF	Vernon Lauridsen	19.66 Landscaping	Page 242, on what basis would the Director reduce the requirement for a performance bond?	This language has been removed.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
21	2/4/2018	Email	Cynthia Richardson	Division 6 Project Design	ACHIEVING A BALANCE IN DESIGN REGULATIONS Any code or regulation, whether for zoning, traffic, criminal activities, or other topics, must try to achieve a balance between restricting individual rights for the benefit of the community and allowing individual expression to the extent that it does not harm others. Just because some people don't care for something doesn't mean we necessarily need to regulate it. With regard to the current draft of the Anacortes zoning regulations, my sense is that they are unduly restrictive, particularly with regard to design standards. The intent of improving the appearance of our city is admirable. But too many rules can increase costs and reduce options for responding to individual needs without a clear benefit to the community. Design standards which promote conformity and familiar characteristics can create a cityscape that is comforting. But it can also be boring. Lack of standards can allow diversity, but that can become chaotic and disorienting. What is the right balance? Unlike a shopping mall, office park or residential neighborhood that is built by a single developer and controlled by very strict design guidelines enforced by a committee, Anacortes was built over a century during which design preferences evolved through many phases. Victorian style homes and cannery worker cottages gave way to Craftsman bungalows, then post-war ramblers, mid-century modern, suburban, post modern, brutalism, Northwest contemporary, and other styles – interspersed with the occasional quirky castle or log home. Some of those styles were popular for a while, then faded away. The best loved have survived and become mainstream. We have no way of knowing what styles will appear and become loved or despised in the future. But by limiting design guidelines to what we find appealing now, we preclude even better new styles from being tried. If only historic materials and details are allowed, there will be nothing to represent the 21st century aesthetic 200 years from now. There is no consistent historic Anacortes style in either the residential or commercial areas. To many of us, that is part of the charm of our town. When someone buys or builds a home or business, they have the freedom to express their own design preferences, whether traditional or contemporary. Just because a person prefers certain styles doesn't mean they should control what their neighbor builds, if the neighbor has different preferences.	Generally, the provisions herein have been developed as a collection of tools working together to meet the collective goals and policies of the comprehensive plan. Many provisions are based on concepts that we've found workable in other communities and fit the context/goals/policies here in Anacortes. They've also been crafted to allow strategic flexibility in how they can be complied with, whether via toolbox approach (choose from options) or via departures. Furthermore, the building design provisions don't force a singular architectural style for the reasons mentioned here, and they allow for a great range of commonly used exterior materials provided a limited number of conditions are met.
22	2/4/2018	Email	Cynthia Richardson	Division 6 Project Design	[MAKERS NOTE: See email for embedded images]Sometimes conformity with design standards can stand in the way of creating a memorable and iconic symbol for a city, or for an individual business. Recently I read that the Guggenheim Museum in New York (above) is "the most photographed building in the US". These buildings are also recognizable icons. None of them could be built under the proposed design standards: My point is not that we need a monumental iconic building in Anacortes. But if our standards are too strict, we risk blandness and rule out opportunities for creative expression. • What is the smallest list of minimum standards needed to promote a sense of harmony, while still allowing diversity? • Can someone build a design that may seem radical (and unpopular) now but might be the start of something that will eventually become acceptable, then mainstream, and then historic?	Consider adding a provision for landmark buildings that allows flexibility in design for public buildings and perhaps high visibility street corners and full block sites

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
23	2/4/2018	Email	Cynthia Richardson	Division 6	For each code requirement (whether keeping an existing one or proposing a new one), it is essential to ask, 1. "What is the objective that this requirement is trying to achieve?" 2. "Is that objective important enough to require regulation via the code?" 3. "Will it achieve that objective?" 4. "Will it create other problems?" 5. "On balance, is achieving that objective more important than the problems?" 6. "Are there other ways of achieving the objective that are more flexible, less costly, or have other benefits?" As an example, one suggested code change is to require the front doors of houses to face the street. 1. The objective is to make the home seem more friendly and welcoming to people passing by. 2. Just because it's desirable does not mean it is important enough to require a code regulation. 3. Yes, to some extent a door facing the street will be welcoming. 4. It will limit the functional arrangement of rooms within the home, may be very difficult on a lot that slopes steeply up or down from the street, could result in an entry that doesn't access the main living level, could interfere with enjoyment of a view from the street side of the house, could limit the use of the front yard for private outdoor space, and could be more costly to construct than a side or rear entry on some lots. 5. Which is more important – the appearance of the house to the general public, or the ability of the homeowner to maximize the potential of the house to meet their personal needs and lifestyle? 6. How about allowing the entry to be on any side, but requiring that a sidewalk with a clear route to the entry be provided for ease of access by visitors, delivery	Good comment and this approach is used to make updates that we feel will help implement the goals and policies of the comprehensive plan. In many cases, we are trying out a range of tools that work together to help meet those goals and policies. We are first presenting these tools and techniques first to staff for their review and edits and then to the public as a part of the process of testing these tools. As far as the house example mentioned - we assume it refers to the small lot single family standards in 19.43.010(B) - which provides clear and obvious pedestrian connection between the sidewalk and the entry and minimum 3'x3' weather protection over the entry, but it doesn't specifically require the entry to face the street.
24	2/4/2018	Email	Cynthia Richardson	Division 6 Project Design	Some of the requirements in the proposed code address things that aren't really very significant in the overall scheme of things, and create a layer of complexity for owners and city staff far out of proportion to their importance. Two examples: • Chain link fences prohibited within 10 ft. of a street right-of-way in all zones. Why should industrial types of uses within their appropriate zones have this restriction? Chain link fences offer inexpensive, sturdy security while allowing surveillance from passing police. Setting the fence back 10 ft. takes away considerable useable square footage, and the fence still looks the same. It's not necessary to regulate fence types in these zones. Let the industrial types of uses be practical and work-oriented. It's not necessary to prettify them. • Darker colored signs can be larger than lighter colored signs. This is really getting into picky details. We should just regulate the size of the sign, and let the owner choose colors, text, symbols, etc. As long as the size is limited, even if a few signs end up being garish or not very readable, the impact on the community is very minimal, and the cost for staff to monitor sign details is way out of proportion to its importance. Go back to the questions above – what are these fence and sign restrictions intending to achieve? Is that important enough to regulate them via the code? Let's only regulate the really important things. We should try to achieve a balance between restricting individual rights for the benefit of the community and allowing individual expression to the extent that it does not harm others or isn't that important in the overall scheme of things. What is the right balance? Keep it simple.	19.66.080 requires a 10' setback and landscaping buffer for chain link fences along streets, but offers departures based on the design of fence and landscaping. Other chapters/sections in Division 6 allow the director an ability to relax or waive certain requirements in Industrial Zones based on the context of the site. Similar flexibility for the industrial zones will be considered with staff and Planning Commission review. The sign provision mentioned here has been removed.
25	2/15/2018	Email	Jeff Mount	19.67 Fences	This is one question that may come up. I have a very steep slope behind my house, with a fire service road running behind it. I would assume there are hundreds of people in that situation. I am not considering a fence, but if I had a dog I probably would and a 42 inch fence would look terrible. I don't know how your standards would apply to a fire access road, but the same concern would certainly pertain if there was a street down there.	The subject provision applies to through lots with a public street at the rear of the property. The concept will be discussed with staff and clarifications suggested if needed. (largely it is not the intent for this shorter fence provision to apply to your situation)
26	2/21/2018	Email	Jeff Mount	19.69.030 Signs	1) In the section which says trucks cannot be displayed on private property with signs not pertaining to the activity therein, does that allow or prohibit for sale signs? You could bust a dozen people every day if it prohibits them.	One of the provisions (subsection 16), which includes items exempt from sign ordinance: 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). Subject provision will be discussed with staff and Planning Commission.
27	2/21/2018	Email	Jeff Mount	19.69.030 Signs	2) In Section 8, does the 25% restriction apply to each sign or to the cumulative space taken up by all signs? If it's cumulative, every store on Commercial probably is in violation. If it's not, we should probably reword it.	This applies to any wall, canopy, or awning signs on an individual storefront - collectively for an individual business - for new signs.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
28	4/26/2018	PDF letter	MJB	19.61.020.C Applicability (of Block frontage standards)	This paragraph is highly discretionary. The criteria should be more objective.	The provision states that the director may waive the provisions of the I, LM, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of block frontage standards. This was a compromise of sorts between completely exempting those districts from the standards and applying the standards to all new development in those zones. Nevertheless the issue will be brought up in discussions with the Planning Commission and adjustments are clarifications will be considered.
29	4/26/2018	PDF letter	MJB	Table 19.61.030 Summary of block frontage types	Why can't some residential uses such as fitness rooms, community rooms or other active amenity spaces be allowed on the ground floor? I think you have to be really careful here, given the state of the retail market these days and what retail will be in the future. MMU can choose between Storefront or Landscape Block Frontage. However, the Storefront limits uses and the Landscape requires a ten (10) foot setback. It seems that the City should encourage flexibility so that buildings with active uses can go to the sidewalk edge. Some residential amenity uses are active uses and contribute to the pedestrian environment. Maybe a solution is to allow residential uses on the ground floor in the MMU zone only. Please clarify if the MMU zone can choose to mix storefront or landscape frontages within the same street block or if you have to choose one or the other along the whole block.	The use limitation only applies to ground level uses on a storefront building (zero setback). We suggest that this be a discussion topic with Planning Commission.
30	4/26/2018	PDF letter	MJB	19.61.040(C) Block frontage designations map for central Commercial Avenue and Central Waterfront	Remove the extension of 21st Street east of Q Avenue.	This is a conceptual street location (meaning that some adjustment will be allowed if the street network is largely consistent with the map herein). City Engineer may have an interest in limiting vehicular access between 17th and 22nd due to Q/R designation as a truck route, so further internal discussion on access will take place along with discussion with the Planning Commission. Also see the new Framework Development Plan provisions in 19.61.180 in the second draft - which will allow some flexibility in the location of the internal roads.
31	4/26/2018	PDF letter	MJB	19.61.040(C)	Should High Visibility Street Corners be located on the roundabout?	The map now only includes the NW corner, but we'll raise the topic of adding the designation to the NE corner with Planning Commission.
32	4/26/2018	PDF letter	MJB	19.61.040(C)	What is the purpose of the Landscaped Block Frontage designation along just a portion of R / Q Avenue?	This is the most visible block of the site, due to the vantage point from northbound R Avenue - thus the Landscaped designation seemed appropriate to create a more attractive frontage here. Again, alternatives could be considered through the Framework Development Plan process.
33	4/26/2018	PDF letter	MJB	19.61.050 About the transparency standards	Strongly support structured parking facility openings simulating windows counting to satisfy transparency requirements.	Concept will be considered

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
34	4/26/2018	PDF letter	MJB	19.61.060(B) Storefront block frontage standards	Previous page states weather protection should be over 60% of the façade, this states 75%. Vehicular access from a storefront street should be prohibited if there is access available from another street or alley.	Corrected to 75% in the 2nd draft. Access suggestion has been made in master draft.
35	4/26/2018	PDF letter	MJB	19.61.140 Where properties front onto multiple streets	Suggest adding "public" before the first instance of "street". Suggest adding "the public street" after "which it fronts". Change the preference if a conflict occurs, suggest it is dependent on the use proposed.	The intent of the provision is that it applies to streets (public or private) that are documented with block frontage designations. The Example provided in the figure illustrates how the concept applies.
36	4/26/2018	PDF letter	MJB	19.61.140.B – E	Add public in front of any "street".	See recommendation above.
37	4/26/2018	PDF letter	MJB	19.61.140.B – E	Correct Figure 19.61.140, change "streetfront" to "storefront".	Graphic corrected in 2nd draft.
38	4/26/2018	PDF letter	MJB	19.61.160(B)	Why can the director choose other areas, shouldn't all the High Visibility Street Corners be identified on the maps in Section 19.61.040 (pages 156 – 161)?	Provision intended to provide criteria upon how maps could be updated in the future. However, the provision might be more confusing than useful and may be updated.
39	4/26/2018	PDF letter	MJB	19.61.170(C)	Develop a Master Development Plan process. Develop a Development Agreement process.	A "framework development plan" for block frontages is updated in the 2nd draft 19.61.180 and the procedures details are in the works and will be reviewed by the Planning Commission.
40	4/26/2018	PDF letter	MJB	19.62.020 Relationship to adjacent properties	This section is duplicated in numbering on page 181.	Numbering corrected in 2nd draft.
41	4/26/2018	PDF letter	MJB	19.62.020	We believe setbacks should provide the necessary privacy and compatibility between developments. We believe this section should be deleted.	Since zero setbacks are allowed in the MMU zone for side/rear, the subject provisions are important to ensure some light/air to units in all cases.
42	4/26/2018	PDF letter	MJB	19.62.030(B) Internal open space	Change minimum usable open space to 100 SF per dwelling unit with a maximum cap of 20% of the site area.	Due to the flexibility in how these standards can be met, a cap is not suggested.
43	4/26/2018	PDF letter	MJB	19.62.030(B)(3)	Private balconies and decks. Suggest changing 36 to 32 and changing 6 to 4.	Changes made in second draft
44	4/26/2018	PDF letter	MJB	19.62.030(C)	"Development Envelope" should be defined. Amount of open space should be related to the size of the building instead of the property or "development envelope". Allow public amenities provided at the master plan level (waterfront esplanade) in all zones to satisfy this requirement.	Suggest changing the term to "development site" which is defined and meets the intent of the provision
45	4/26/2018	PDF letter	MJB	19.62.030(D)(3)(a)	Allow asphalt pavement under certain conditions, maybe with a departure. Bike paths and multi-purpose trails are two features that asphalt should be an acceptable use.	Edit to be considered
46	4/26/2018	PDF letter	MJB	19.62.040(C)(4) Internal pedestrian access and design	Delete C.4, these types of pathways through parking lots are not used.	Parking lot pathways are a key element for enhancing pedestrian safety and the appearance of large parking lots. Note they are only required every four rows or every 200 feet, and are not required in small parking lots.
47	4/26/2018	PDF letter	MJB	19.62.040(C)(6)	Gates that limit access to residents should also be considered. What about security issues?	Issue to be discussed
48	4/26/2018	PDF letter	MJB	19.62.040(D)(1)	Internal pedestrian walkways should have a minimum dimension of four feet.	Five feet was suggested as the minimum necessary for two people to comfortably walk past each other. Edits, however, will be considered.
49	4/26/2018	PDF letter	MJB	19.62.040(D)(3)	Reduce landscaping requirement from three feet to two feet.	Edits will be considered
50	4/26/2018	PDF letter	MJB	19.62.040(D)(4)	Reduce pathway dimensions to six feet minimum unobstructed width and minimum nine feet in overall width with landscaping.	This provisions is intended for pathways outside multi-tenant commercial and mixed-use buildings on large sites, which have similar characteristics of storefront streets. 12-foot sidewalks are consistent with the storefront block frontage standard. However, an adjustment to this standard may be an option via the framework development plan process.
51	4/26/2018	PDF letter	MJB	19.62.050(C) Vehicular circulation and parking	Reduce the requirement for all internal access roadways to have street trees and sidewalks. These should be prioritized for only the main internal access roadways.	The provision allows exception for service/loading access type roads.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
52	4/26/2018	PDF letter	MJB	19.62.060(B)(3) Service areas and mechanical equipment	Suggest replacing "must" with "should". Suggest adding "adjacent to public streets" after "visible from the sidewalks". Suggest adding "to the maximum extent feasible" after "properties".	Comment refers to provisions for service area and mechanical equipment location. Provision will be discussed - to determine approach for private internal streets that aren't alleys.
53	4/26/2018	PDF letter	MJB	19.62.060.C.1.c.	Suggesting adding "public" in front of streets and pathways.	Comment refers to provisions for service area and mechanical equipment screening. Provision will be discussed - to determine approach for private internal streets that aren't alleys.
54	4/26/2018	PDF letter	MJB	19.62.060.C.2	Suggest replacing 5 with 2.5, adding "public" in front of street and pathways, and striking "parking lots".	Comment refers to provisions for service area and mechanical equipment screening. Provision will be discussed - to determine approach for private internal streets that aren't alleys.
55	4/26/2018	PDF letter	MJB	19.62.060(E)(1)	Suggest striking "both" and "and from higher buildings".	Comment refers to provisions for roof mounted mechanical equipment. The intent of this provision is to reduce the visual and sound impacts of roof mounted mechanical equipment on nearby residents, including those residents who may have windows facing the roofs of adjacent buildings. The comment will be discussed.
56	4/26/2018	PDF letter	MJB	19.62.060(E)(2)	Suggest striking the second sentence starting with "Wood".	Comment refers to screening provisions for roof mounted mechanical equipment. Edit will be considered.
57	4/26/2018	PDF letter	MJB	19.62.060(E)(3)	Suggest adding "to prevent views from the public street or sidewalk" at the end of the sentence.	Suggestion has been noted in the master draft and will be discussed with the Planning Commission
58	4/26/2018	PDF letter	MJB	19.63.020(A)(2) Applicability (Building Design)	The director may waive or relax these provisions: This is arbitrary, what are the standards and/or criteria used by the director in making this decision? What can the director waive or relax?	The provision states that the director may waive the provisions of the I, LM, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of block frontage standards. This was a compromise of sorts between completely exempting those districts from the standards and applying the standards to all new development in those zones. Nevertheless the issue will be brought up in discussions with the Planning Commission and adjustments are clarifications will be considered.
59	4/26/2018	PDF letter	MJB	19.63.040.B Building massing and articulation 19.63.040.C	Why every 30 feet? Why not every 50 or 60 feet? This is also required for all non-residential uses, so offices would have to conform. I don't believe this restriction at this microscale is necessary. These standards should only be applied to public street facades, other facades along private streets or alleys should have less restrictions. Ketchum townsite lots are 55 feet in width, this seems more of an acceptable dimension.	30 feet is consistent with the scale of traditional storefront configurations in Anacortes and is appropriate to mitigate the scale of large buildings at the pedestrian level. Adjustments will be discussed on whether the articulation intervals should be increased in areas outside of downtown. Also note the departure criteria in subsection D. In the second draft, it's clarified that the provisions apply to all building elevations facing the street or containing building entrances (alley facades exempt).
60	4/26/2018	PDF letter	MJB	19.63.040(E)(1)	Suggest adding "private streets" after "alleys". Suggest changing vertical building modulation from 10 feet to 4 feet deep, and from 30 feet wide to 20 feet wide. Suggesting revising last sentence to "extend through at least one-half of the building floors".	We've reduced to 6 feet deep and 15 feet wide in the second draft. Text edits made.
61	4/26/2018	PDF letter	MJB	19.63.050(B) Building details	Suggest adding "public" in front of "street" and adding "or public open space" after "frontage".	Provision will be discussed - to determine approach for private internal streets that aren't alleys.
62	4/26/2018	PDF letter	MJB	19.63.050.C	Suggest revising to be only windows "on the ground floor".	The intent of this provision is to apply to upper floors
63	4/26/2018	PDF letter	MJB	19.63.050.C	Prohibited windows: Mirrored glass is prohibited. What is the definition of mirrored glass? Should relate to the degree of transparency. This is a very undefined standard.	Provision will be discussed
64	4/26/2018	PDF letter	MJB	19.63.060(B) Building materials	Add public street facades and public open spaces to when this requirement is necessary. Are cast materials or simulations of brick, stone or masonry acceptable?	We'll discuss clarifications such as identifying what districts provision applies to (maybe just CBD, C, and MMU for example). CMU units would meet the requirement.
65	4/26/2018	PDF letter	MJB	19.63.060.C.3	Increase limitation on EIFS from 20 percent to 60% depending on visual impact.	EIFS is proposed to be limited to 20% of the street-facing façade area but may be increased via a departure.

DIVISION 6 - Project Design						
#	Date	Form	Name	Section or Topic in 1st Draft	Comment (may be paraphrased)	Response / Recommendation
66	4/26/2018	PDF letter	MJB	19.63.060.C.3	Allow EIFS to be used on ground floor when facing private streets or pathways.	Consider flexibility for EIFS ground level use for buildings outside of CBD and storefront buildings in other districts. Also consider application of private streets.
67	4/26/2018	PDF letter	MJB	19.63.060.C.4	Allow the use of cement board paneling/siding on the ground floor if it meets criteria "4.b."	The departure provision allows some flexibility depending on the nature of proposal. No changes suggested.
68	4/26/2018	PDF letter	MJB	19.63.070.C Blank wall treatment	Suggest revising to say "Untreated blank walls adjacent to a public street or pedestrian sidewalk are prohibited"	To consider edit and clarity applicability.
69	4/26/2018	PDF letter	MJB	19.66.020.A.2 Applicability and compliance (Landscaping)	The current wording is arbitrary. Provide more definitive criteria when this would be applicable.	This is referring to the Landscaping chapter in the older draft. The referenced applicability provision is removed in the 2nd draft. Landscaping for additions must comply with the provisions of 19.60.020(C).
70	4/26/2018	PDF letter	MJB	19.66.030.A	Need to clarify "entire site" as it relates to phasing and master planned projects.	This refers to 19.65.040(A) in the second draft. The language has been updated to apply to all new non-residential and multifamily development containing landscaping.
71	4/26/2018	PDF letter	MJB	19.66.xxx	Minimum sizing conflicts with other sections of the proposed code.	This refers to 19.65.050 in the second draft. Plant installation standards have been updated and are being further revised to best ensure the survival of newly installed trees and vegetation.
72	4/26/2018	PDF letter	MJB	19.66.040.D	Remove minimum width and length.	Unclear what this is referring to.
73	4/26/2018	PDF letter	MJB	19.66.040.D	Reduce ten foot requirement to five feet	Unclear what this is referring to.

Development Regulations Update 1st Draft

Public Comments

Development Regulations Update – 1st Draft**Public comments index**

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Grage, Libby

From: Mount, Jeff
Sent: Wednesday, November 15, 2017 1:57 PM
To: Grage, Libby
Subject: code update

Hi Libby,

I went through the definitions section of the code updates and had the following thoughts.

- 1) Changing the term assisted living to senior implies that everyone in those facilities is a senior, which is probably not the case.
- 2) The definition of religious institution says they are tax empty. That should probably say tax exempt.
- 3) The definition of service station seems to describe something that doesn't exist



Allen Family Investments, LLC
P.O. Box 817, Anacortes, WA 98221
Phone: 360-293-7754

November 15, 2017

To: City of Anacortes Planning Department, Planning Commissioners and City Council Members

Re: Notes on Proposed Development Regulations

19.43.030 Height Bonus Provisions:

It appears that to receive a height bonus in design for affordable housing that the City will be requiring a contract with the Owner to include monitoring and monitoring fees.

Most owners, builders or developers are going to shy away from requirements that have annual monitoring disclosures and fee payments to the City. Also, most private owners, builders, or developers will not want to open their books for public scrutiny. Early on, a definition of affordable housing was discussed as studios or one bedrooms with no contracts or monitoring or fees with the City. We think this should be looked at again as a solution for providing lower cost housing.

These requirements for affordable housing as proposed, possibly defeat the intent of creating more housing of a higher density with smaller unit sizes in Anacortes.

19.42.070 Height Maximum

The maximum height in most zones has been reduced from 35' to 25' with a mean or average height applied to the height of the building. This 25' height maximum (mean) appears to be way too restrictive. Please consider raising this to a 30' height maximum (mean) or leave the existing height restriction as they are.

The 30' height maximum shown in R4-A will restrict construction to 2 stories. With a slightly higher height of 35' (mean), 3 story buildings are possible.

Please ask us for a copy of our drawing of a typical building showing just how restrictive this 25' maximum (mean) will be for design.

Open Space Requirements

There was some discussion at a development regulation meeting about two weeks ago about new proposed open space requirements, including 100 sq. ft. open space for studios and 1 bedroom units and 150 sq. ft. for 2+ bedroom units.

It appears that decks, patios, and common useable rooftops will be counted as open space. Our questions:

- Are sidewalks around buildings to allow access front to back or sidewalks to and from patios counted as part of the open space requirement? Also, do front and rear porches count as open space? Also, do interior lounge areas, workout rooms, etc. count as open space?
- Is this open space requirement going to use square footage (other than landscaping) which may reduce parking area and therefore reduce apartment units or density?
- In 19.12 Definitions, as proposed, the definition of Open Space is confusing. For instance, on a 2 or 3 story building, if you have decks stacked on top of each other or "upward" as defined, does this conflict with the proposed open space definition?

Table 19.42.020 Form and Intensity Standards for Residential Zone

As the City is striving to increase density in close to downtown areas, should the maximum density in R4-A, 18 units per acre, be looked at again?

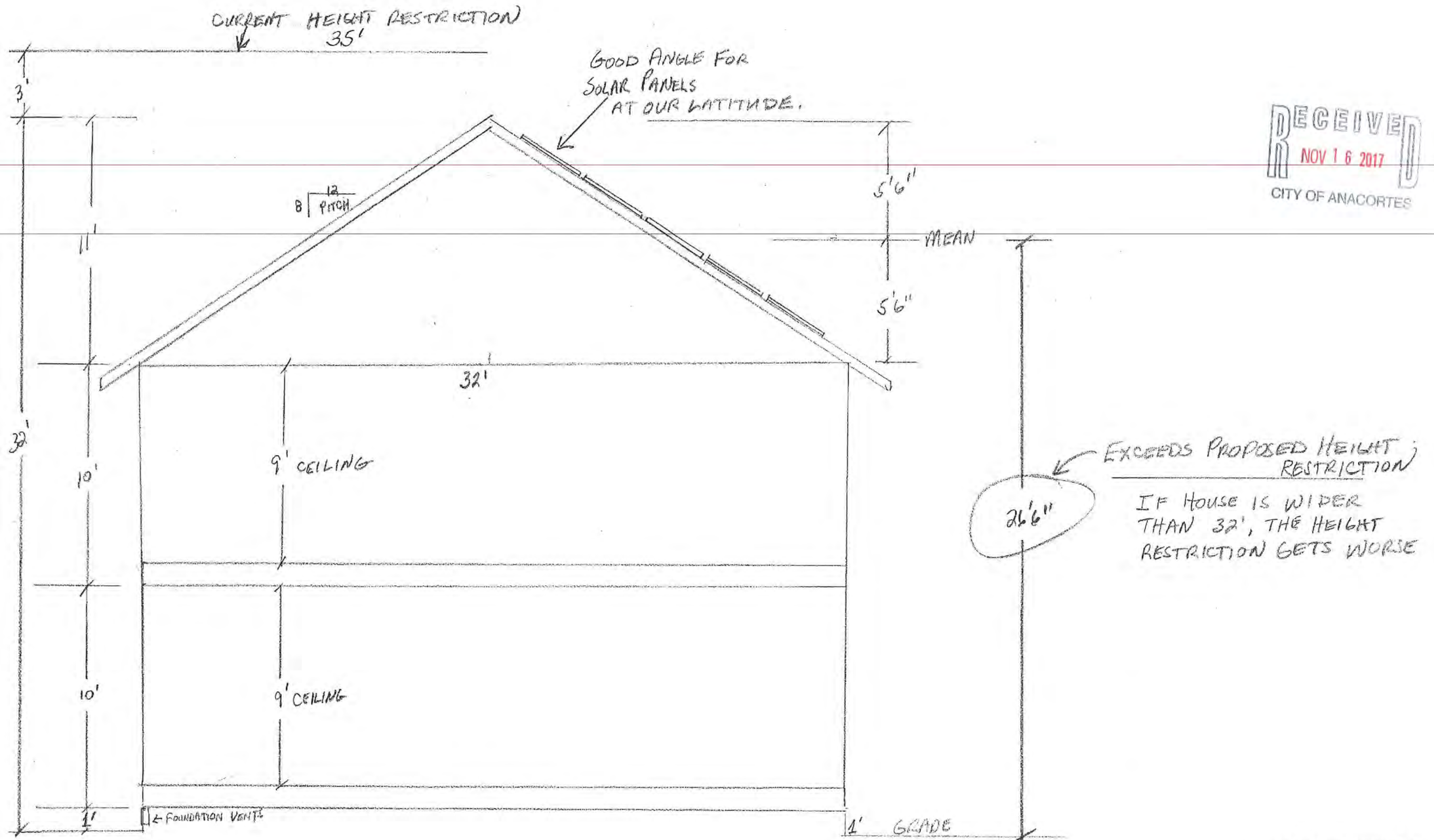
The proposed density maximum in R4, which is currently at 28 units per acre, is being changed to none, so there will be no maximum density requirement.

In the new proposals, R4-A has not been changed from its 18 units per acre. Wouldn't a logical progression to allow more density be to change R4-A to 28 units per acre, as long as all other requirements of the code including, but not limited to, height, setback, landscaping, parking, etc. are met.

Thank you for your consideration.



Tom Allen



HEIGHT 25' (MEAN)

Table 19.42.020 - Form and intensity standards for residential zones.

Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT
Floor area ratio, maximum (AMC 19.42.080)	0.30	0.35	0.35	0.60	0.80	1.20	1.0	0.50
Lot coverage, minimum percentage	35%	35-40%	35%	50%			50%	50%
Impervious area, maximum percentage								
HEIGHT (AMC 19.42.070)								
Height, maximum (feet)	25	25	25	35	35	40	35	25

Commented [BB214]: NOTE - we have some FAR illustrations that we'll be revising to illustrate for Anacortes our proposed numbers.

Commented [BB215]: NOTE - we suggest eliminating the language as an optional standard that water treatment and by some cases, prevents good developments (2 hours maximum) and water quality. Safety shouldn't be a part of our maximum. Some of the language is not necessary to support the standard.

"Height, building". Building height means the vertical distance between the average grade level and:

1. The highest point of the roof beams of a flat roof;
2. The highest point on the deck of a mansard or gambrel roof;
3. The level midway between the level of the eaves and highest point of a pitched roof or hip roofs. For this purpose, the level of the eaves means the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. shall be measured to the highest point of the structure from the average of the natural topography at the foundation at the front of the building, except that in cases where the lot slopes downhill from the property line at the front of the building, the height shall be measured from the highest point of the house to the average of the natural grade directly under the structure. If the building site has frontage on two or more streets, the height shall be measured from the highest point of the house to the average of the natural grade directly under the structure if the lot slopes downhill from the property line on either street frontage.

The allowable height shall be measured from the original grade before excavation was done or fill was added. "Average grade level" is 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 or structure. Calculation of the average grade level shall be made by averaging the elevations of the center of all exterior walls of the proposed building or structure. Additionally, "natural or existing topography" is the topography of the lot, parcel or tract of real property immediately prior to any

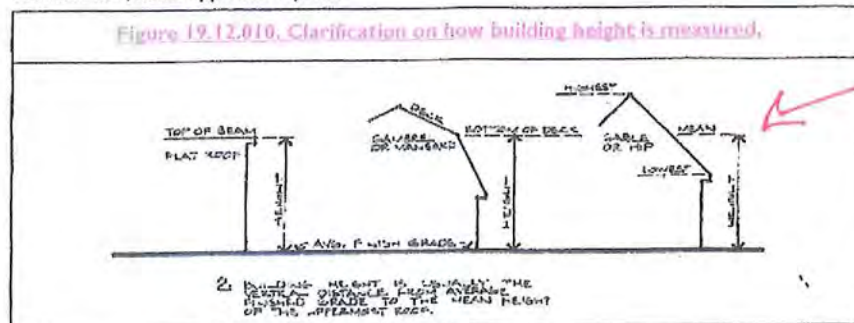
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site preparation, grading, excavation, or filling. Where a tract of land is regraded for the purpose of developing a plat, short plat, or planned unit development, the "natural or existing topography" shall be the grades as they exist at the time of recording of the final plat.

Provided, in the case of structures to be built over water, average grade level shall be the elevation of high water (MHHW). Further provided that for a waterfront lot, in the case of structures to be built other than over water, the height shall be measured from an average grade level that is assumed to be the elevation of 16 feet above MLLW or from the actual existing average grade under the structure, at the applicant's option.

MEAN HEIGHT

Figure 19.12.010, Clarification on how building height is measured.



Anacortes Property Owner Comments to Proposed Code Changes (11-16-2017)

Anacortes Zoning Code Proposed Revisions for Single Family Residential Building Heights

The proposed 25' height limit (for the midpoint of sloped roofs) is in my opinion, a bit too low to allow for interesting home designs that are influenced by the steeper roof pitches of classic and traditional American homes.

As an Architect who has designed hundreds of single family homes throughout Washington State, I have seen the effects of the different building heights allowed by different cities in our region. (I am also a property owner in Anacortes).

I believe that the height limit of 28' would be much better and would allow more variety and visual appeal in homes designed with a sloping roof.

Why do I feel that a 28' height limit would be better? Starting from the ground up, these are the following reasons:

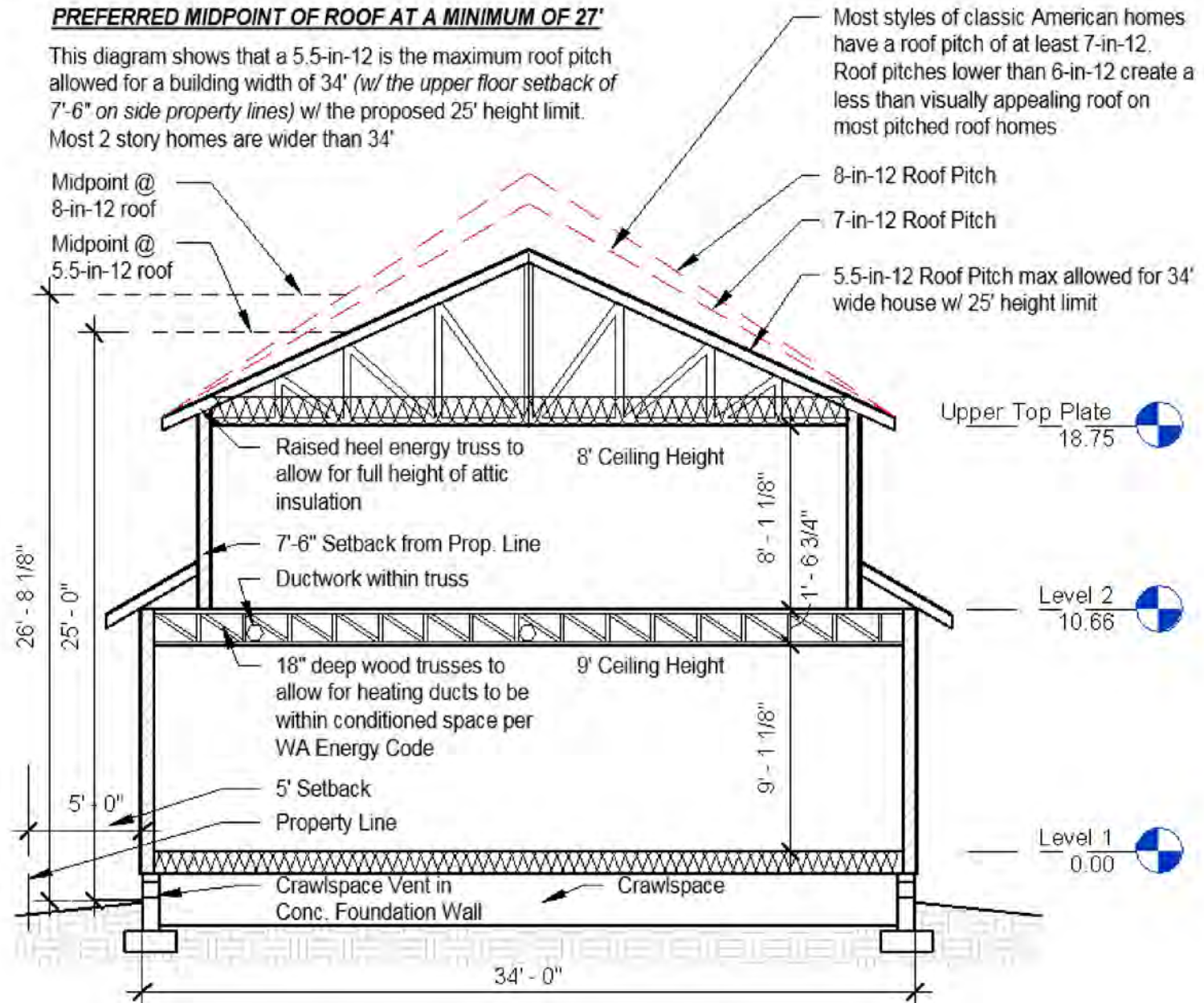
- 1) Crawl space vents (Add 10"): Residential builders have put foundation vents in between the floor joists. This is not a good practice as it causes water damage and reduces the amount of floor insulation at these areas. The crawl space vents need to be installed in the concrete foundation wall and the building needs to be raised slightly to allow for proper venting of the crawl space to avoid moisture and mold problems.
- 2) Level 1 Ceiling Height (add 12"): Today's open space floor plans need a 9' ceiling height in order to avoid a cramped, low ceiling appearance in the living spaces. This additional ceiling height allows 12" more of windows, which are very important in letting light into our homes, so important in the winter months.
- 3) Level 2 Floor framing depth (add 8"): Washington States Energy Code state that putting the heating / cooling ducts within a conditioned air space greatly reduces the amount of heating / cooling that is lost if ducts are located in the attic or a crawl space. As a result, the ductwork should be located within the 2nd floor framing system. This framing system (open web wood joists) needs to be 18" deep to accommodate the ductwork.
- 4) Roof truss height at exterior wall (add 10"): Because Washington State Energy code requires R-49 attic insulation (15" thick), it is better to raise the roof truss at the exterior wall in order to have the full attic insulation thickness at the exterior wall, resulting in reduced energy needs and costs to the homeowner.

How does a 25' height limit affect the design of homes in Anacortes? My thoughts are as follow:

- 5) One of the appeal of Anacortes is its collection of classic American home designs, many which have a roof pitch of 7-in-12, or greater. Based on the example on Page 2, a house 34' wide would only allow a roof pitch of 5.5-in-12, which visually results in a less visually appealing appearance. Many homes would be wider than 34', which would result in their roof pitch being even lower than the 5.5-in-12.
- 6) The vast majority of classic homes that many find appealing have roof slopes of 7-in-12 or greater, which is not possible for a great number of homes designed under the proposed 25' height limit
- 7) Many of the nice and very visually appealing homes in the older neighborhoods of Anacortes could not have been built if a 25' height limit was in effect at the time of their construction.
- 8) The proposed code changes have the 25' height limit both for cottage developments and for single family residential. This makes sense for the cottages, as they have a much smaller footprint. With larger homes having a larger footprint than cottages, their roofs would have to be a much shallower pitch to fit within the 25' height limit.
- 9) In the City's previous meeting documents, Makers Architects (the city's Planning Consultants) had included a building height of 30' and now the city is proposing a height limit of 25'. Having a compromise height of 28' would, in my opinion, result in a more visually appealing and energy efficient home design.

This diagram below shows the roof pitch of a 34' wide house – many homes in Anacortes would be wider than this, which would result in even a lower roof pitch. The house below allows for a roof pitch of only 5.5-in-12, which is not very visually appealing.

This drawing includes the items (listed on the previous page) that show why the building height needs to be raised to 28', rather than the proposed 25'.



Anacortes Zoning Code Proposed Revisions for Single Family Residential Garage Setbacks

The proposed code residential garage setback of 25' (from front property line) is increased 5' from the current code. The city wants to avoid the "Snout House" effect in which garages are located forward from the house, which results in a visually unappealing streetscape.

As an architect, I agree with this in principal, however I feel that this code setback should not be applicable in all situations. If the garage doors face the street, then I think this code provision would be acceptable.

If the garage doors are perpendicular to the street (as in a side-entry garage), I feel that the current code of a 20' setback for the garage sidewalls should be kept.

Why do I feel that there should be this 20' setback for side loaded garages?

- 1) Side loaded garages can have windows, modulated walls, and roofs that can give the garage side wall (which faces the street), much more appeal than a front loaded garage.
- 2) When a car is parked in the driveway of a front loaded garage, the car is much closer to the street than a car parked in the driveway of a side loaded garage.
- 3) When a car is parked in the driveway of a side loaded garage, the car is much further away from the street. Landscaping bushes and plants can be planted at the edge of the side loaded driveway to make the cars in the driveway even less visually dominant.
- 4) For homes designed with a side entry garage, if they have to meet the 25' setback, this results in the loss of 5' in their backyard as a result of having to push the house further away from the street. On many of the smaller lots, a loss of 5' of usable backyard area is a significant loss.
- 5) There are neighborhoods in Anacortes that have Home Owners Associations with rules (CCR's) that do not allow for front loaded garages to allow direct access from the street. With new homes to be built in those neighborhoods, the new owners face an immediate loss of 5' of their backyard areas, whereas all of their neighbors (who also have side loaded garages) have the full use of their backyards since their homes were built with their side loaded garages with a 20' setback, which is the current code standard.
- 6) Many cities and counties in our area have the code requirement for garages being located a certain distance from the front property line. Only a few of the codes address the issue of setbacks of garage doors facing the street vs. side entry garage doors. The City of Anacortes should, in my opinion, allow for side entry garages to have a 20' setback, provided that this side wall (which faces the street) is not a "blank wall".
- 7) The neighborhood on Washington Blvd. (near Washington Park) has a majority of the homes with side loaded garages (due to their HOA and CCR's) and these homes were all built with the 20' setback, which included garages at the 20' setback.. This streetscape is visually quite appealing proving that side loaded garages with 20' setbacks should be still allowed under the Anacortes Code requirements.

Anacortes Zoning Code Proposed Revisions for Single Family Residential Upper Floor Side Yard Setbacks

The proposed code requires a 7'-6" setback for the side yard setbacks for upper floors. This makes sense in a development or neighborhood where lots are adjacent to each other and where homes could be built with the first floor setbacks at 5'. This helps avoid the narrow "canyon" look between adjacent homes. What this section of the proposed code does not address are lots that have side easements on adjacent properties in which the easements cannot be built upon and thus, there is not a chance for these narrow "canyon" look between houses and daylight entering into the windows on the side walls is not reduced. I believe that there needs to be an exception in the code for lots in which their adjacent lots have conditions that they cannot build within 5' of the property line due to easements, wet areas, or slopes.

Thank you for allowing me to provide you with my thoughts and comments on the proposed changes to residential section of the Anacortes code for single family residential projects.

If you have any questions, comments, or would like to meet with me to review these items, please contact me.

Carl J Colson – Architect PLLC Carl@CarlColsonArchitect.com (425)806-3703.



November 22, 2017

To: Don Measamer, Director of Planning, Planning Commissioners and City Council Members

Re: Open House Development Regulations 11/16/17

Dear Planning Commissioners, City Council Members and COA Staff,

Please find below our comments after attending the meeting Thursday, November 16th:

Parking: We believe the maximum parking allowed should be at least 1 parking space per unit per bedroom. If the owner/developer prefers, a 3 bedroom apartment or condominium should be allowed 3 parking spaces and 4 bedroom units should be allowed 4. The proposed development parking regulations do not even allow visitor parking, so limiting the maximum parking spaces to 2 parking spaces per unit is ill advised, in our opinion.

25' Required Garage Setback: We don't believe this will work well in all situations. As an example, suppose you have only 40' of depth to work with because of geography, shoreline setbacks, wetland setback or other. In this example with a 25' garage setback, your garage would only have 15' of depth. How is this supposed to work when a minimum garage depth is considered to be 20'?

One type of affordable construction design is a 2 story townhouse style with the garage downstairs for easy access to main floor living and the bedrooms located upstairs. A forced garage setback when the garage floor area is included as part of the house further restricts what can be built on the smaller lots being allowed. As an example see the small narrow homes built in R4 along 'R' Ave. Can you imagine a 25' garage setback?

Common Open Space: Please consider including in the final code draft the following areas under open space definition:

- Decks, balconies, rooftops, patios
- Walkways to/from common space areas
- Interior common spaces such as lobbies, workout or exercise rooms and common gathering or meeting spaces.

Adding the New Design Standards to Existing Buildings: I am assuming this falls into the current regulations that state when you remodel or repair more than 50% of the total value of the building that you have to bring the entire building up to all current codes. To require exterior design changes when you repair storm damage, remodel the inside of an apartment and paint the exterior would be extremely excessive. There was no clarification of this at the meeting.

AMC 19.43.030 Height Bonus Provisions (Proposed): We believe it would be an error to assume owners, developers and builders would want to or have to pay annual monitoring fees, provide yearly accounting, monitoring or auditing of books in order to receive any incentive for 'height bonus' when designing, building, or providing affordable housing.

As per prior discussions, we much prefer a 'height bonus' incentive be available that encourages the construction of studio or 1 bedroom apartments designed with a floor area under a specified square

footage to encourage more new housing unit inventory of a smaller footprint. Smaller footprint units are desirable for singles or couples in the workforce, seniors who are on a fixed income or are "downsizing" and people who have a need for transitional housing or just want to be located in the downtown core. Studio and 1 bedroom type units with a small footprint will be more "affordable" to many renters in our community.

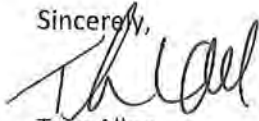
It is a fact that there is not enough affordable housing in Anacortes, but Anacortes is not Seattle, it is a small rural community and solutions like zoning adjustments and height bonuses targeted to encourage private capital to provide an increase of housing inventory of a smaller footprint would go a long way toward helping the housing crunch.

Multi-family building structures that include smaller footprint units should receive the 'height bonus' as an incentive. The only caveat is to add language which says the building has to have for example, 60% to 70% (or %?) of the smaller footprint units to qualify for the "height bonus," and the "height bonus" units hopefully won't be strapped with fees, monitoring and accounting costs.

Commercial Property More Than One Half (1/2) of a Block off Commercial Ave.: Where in the code has the changed been inserted into the new Title 19 to allow properties ½ block off Commercial Avenue be allowed to be residential on the 1st floor? This change has been discussed at many levels as desirable, but I don't find any language to this effect. We support insertion of language toward this goal to allow residential on the 1st floor of a building located in the Commercial Zone on a side street ½ block off of Commercial Ave.

Thank you for taking the time to consider my comments.

Sincerely,



Tom Allen

Grage, Libby

From: Paris Granville <paris@languageshaping.com>
Sent: Saturday, December 02, 2017 10:04 AM
To: Grage, Libby
Subject: New Development Guidelines

Hello, Libby.

As you are developing the guidelines for new development, please consider making sure that the new neighborhoods provide family friendly features. My neighborhood, San Juan Passage is actively hostile toward children and provides a minimal play equipment that no actual child would use. I would highly encourage parks and common areas of interest to residents of all ages.

Kind Regards,
Paris

Comments on proposed Zoning Regulations (11/10/17 Draft)
from Cynthia Richardson 12-4-17

Libby,

Following our conversation about the purposes of FAR's last week, I've given quite a bit of thought to the subjects of lot coverage, height limits, impervious surface limits, and FAR's. As an architect, I'm trying to analyze what will be accomplished by the various proposed rules, whether they can achieve the intended objectives, and what the unintended consequences could be.

The 11/10/17 draft regulations propose doing away with residential lot coverage limits, adding a limit on FAR ratios, and changing the way the heights are measured (both at the roof level and at the grade). ***These are significant changes to the rules that have been in place for many decades and should only be made if they achieve a substantial benefit or solve a serious problem.***

Since most of the city's homes have been built under those rules, it makes sense to ask questions like:

- Is a perceived problem just a few isolated instances about which someone is complaining loudly or a widespread concern?
- Will the new rules actually solve the perceived problem?
- Will the new rules create new problems in different situations?
- Will the new rules support goals of the Comprehensive Plan in the long term, even if they create some neighborhood anomalies in the short term?
- Will changing the rules improve a situation in one neighborhood but create new problems in another neighborhood with different existing structures?
- What about application of the rules to uphill and downhill sloping lots, those oriented N-S vs. E-W, areas with or without storm sewers or sidewalks, large lots vs. small lots, etc.

I am particularly concerned that doing away with lot coverage limits and using FAR instead will have some negative consequences, especially with larger homes on larger lots (although setback increases could mitigate some of those).

Here are a few of my specific concerns and comments about the proposed 11/10/17 draft code:

FAR RATIOS

The zoning code should be concerned with external impacts and appearances, bulk and scale, not how much floor area is *inside* the building. Decide how high the building can be, how far it must set back from the neighbors, and how much area it can cover, then let the user decide how many floors to put inside, how tall the ceilings are, and how to subdivide the spaces.

For many decades our codes have allowed two-story and three-story houses to cover the same lot area as single-story houses, and this has not created a problem. The proposed FAR limits say that you can't have a full size second or third story unless you reduce the size of the ground level. Why? What are you trying to achieve? Does FAR, in fact, achieve it?

What is "visual bulk"? If I'm standing next to it at ground level, even a single story may seem bulky. This draft doesn't deal with different impacts depending on where the structure is located on the property - it would still allow a taller structure to be 5' from the side lot lines even if the footprint is smaller.

And it doesn't acknowledge that the "visual bulk" appears different if you are standing uphill or downhill from a structure on a sloping lot. The public view from the street may be very different from the adjacent neighbor's view at the side or rear.

The proposed exclusions (below) would disadvantage someone with a garage or ADU that is within the house structure, because it would count against the FAR but a detached one wouldn't.

19.42.060 – Floor area ratio calculations. (NEW)

The maximum floor area ratio calculations set forth in AMC 19.42.020 above, include the total floor area of all buildings on a lot, excluding elements described below, divided by the area of the lot. Floor area with ceilings over 17.5 feet in height are counted twice. ***why does empty space count? why are tall ceilings penalized? what does this accomplish?***

Certain elements which do not contribute to visual bulk ***what is "visual bulk"? why are we trying to limit it? what are reasonable limits?*** are exempt from floor area ratio calculations:

- A. Subterranean basements, including underground parking areas.

If we are regulating floor area ratio (rather than lot coverage) why should someone with a basement be allowed to build substantially more floor area than someone on a flat lot?

- B. Daylight basements.

If we are regulating floor area ratio (rather than lot coverage) why should someone with a sloping lot be allowed to build substantially more floor area than someone on a flat lot? And if we are regulating "visual bulk" why is there no difference whether it slopes up or down from the street or the adjacent neighbor?

- C. Detached accessory dwelling units.

If there is no lot coverage limit, an ADU on an alley could cover most of the rear setback with no compensating reduction in the size of the main structure with this exemption. It should count in the total.

- D. Detached garages accessed from an alley.

If there is no lot coverage limit, a garage on an alley could cover most of the rear setback with no compensating reduction in the size of the main structure with this exemption. It should count in the total.

- E. Accessory storage structures and sheds no larger than 144 square feet and 12 feet in height.

This makes sense, but only one shed should be exempted.

With these proposed exemptions, you would be allowed to cover virtually the entire rear setback with accessory structures (garage and ADU) if on an alley, and they wouldn't count if detached. ***That reduces the usable rear yard open space to virtually nothing.***

But if you want to put the ADU and/or garage within the house volume, or you want to attach them, or you have no alley, everything has to fit in the area available within the setbacks.

That's not treating people equally. If the detached garage and ADU is NOT exempted, then whether they are attached or not, the same limits would apply to everyone with the same size lot in the same zone. That would be more fair.

On larger lots there is a discrepancy in how various zones are treated because the proposed FARs are so different (.80 in R3 and .45 in R2). Take the case of a 12,000 sf lot (two 60x100's). If it's in an R3 zone you could build 9600 sf of floor area (plus a 1,000 sf garage and 900 sf ADU if you're on an alley). But if you have a 12,000 sf lot in an R2 zone you can only build 5,400 sf of floor area and you probably don't have an alley. ***Do we really want to make it possible to build almost twice as big a house in the R3 zones as in the R2 zones on the same size lot?***

LOT COVERAGE

Lot coverage is a tried and true way to assure a certain percentage of open space on a lot. All structures that occupy part of the open space count, *regardless of their height or purpose or location on the lot*. Lot coverage is easy to compute and does not require complicated definitions of ceiling heights or whether the structure is detached.

The current lot coverage percentages allow a larger house to be built in the R3 zones than on the *same size lot* in the R2 zones. I don't see the value in that. Requiring larger minimum lot sizes in the R2 zones already creates less density. Why is it reasonable to also require smaller houses on the same size lots? Suggest changing these percentages.

I disagree with the comment that using lot coverage encourages more surface parking. People like garages. But what's wrong with surface parking? Control it with limits on impervious surface if it's a problem, rather than dictating where residents and their guests.

I urge you to keep the lot coverage concept and forget about FARs. Keep it simple.

SETBACKS FOR DETACHED STRUCTURES

The draft includes these clauses:

- c. Detached garages placed off of an alley must be setback at least 15 feet from the primary structure.
- c. Detached ADUs placed off of an alley must be setback at least 15 feet from the primary structure.

While the intent to provide some open space is laudable, ***this is totally unworkable in real life.*** It would prohibit adding any such structures on most existing developed lots, because the available rear setback is only 20 ft. so would not be enough space for a garage. For a new house, assuming 20 ft. is needed for the garage, it would require the house to be 35 ft. from the alley (or 45 ft. if it's entered perpendicularly). That doesn't leave much space for the house.

A more sensible approach would be to require open space on each lot, but *not dictate that it has to be between two structures.* Let the particulars of the design determine the best location.

This requirement also discriminates between someone with a detached garage or ADU and one with an attached garage or ADU (which does not require such a separation).

SECOND STORY SETBACKS

The intent of this requirement is unclear. Is it (1) to provide more daylight between houses, (2) keep a tall house from "looming" over a shorter house, (3) reduce looking into neighboring yards from upper windows, (4) reduce the apparent bulk of the house - or what? I doubt that it will accomplish any of those objectives.

Draft code proposes:

Interior side setback, minimum	10	5	5	5	5	5	5	5
Interior side setback - second story, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5

(1) It makes no sense structurally in building a house to set the second story walls in 2.5 ft from the first story walls because they would not be resting on the walls below and would require separate (more costly to build) support plus a roof on the lower floor projection.

Since lots are oriented many different directions, and roofs may slope many different ways, this requirement would only increase the useful "daylight plane" in a few cases and elsewhere would just result in unnecessary complexity with little or no benefit. If more daylight between houses is truly needed, just increase the setback, don't add complexity (cost). 30" more setback with a 10' tall second story isn't enough to make much difference in daylight even in an optimum orientation.

(2) A 2-story wall only "looms" over the neighbor if they have a 1-story house. If most of the houses in the neighborhood are 2-story, it would fit right in, and a typical neighborhood has a variety of one and two story homes. Two-story homes are normal in an urban area.

Rather than have a second-story setback requirement, it makes more sense to *relate the whole required setback to the total height of that section of the wall*. For example, a wall up to 12 ft. high could have a 5 ft. setback, a wall over 12 feet high must be set back 10 ft. Thus, a 2-story house would have a 10 ft. setback, but could have a single-story wing with only a 5 ft. setback. A dormer or gable end that's within the roof volume wouldn't count. **Keep it simple.**

(3) Setting a wall back 2.5 ft. won't prevent looking into neighboring yards or windows. And if they're both two-story houses people can look directly across into the neighboring windows no matter how far apart they are.

In fact, any time there is a second story window, no matter how far it's set back, one can see into adjacent yards and windows. So a setback requirement will *not* address that concern.

(4) The setback method suggested under (2) above could also reduce the apparent bulk of a taller house by giving it more space on the sides, thus making it feel less crowded on the lot.

There are many examples in Old Town of large older homes that don't feel out of scale because they have nice wide side yards.

One way of addressing the concern about an unusually large house overpowering a neighborhood, would be to increase the side setbacks as the total width of the structure increases, so that a wider house would require a proportionally wider lot with more "breathing room" between it and the neighbors.

Possible way to address bulk (if it's really a problem):

If the structure is up to 60 ft. wide (i.e. a 75 ft. wide lot with 15 ft. total setbacks, which has been the norm for many years, and has not created significant issues) then the basic side setbacks would apply. Then if the width is over 60 ft. the minimum would be 10 ft. per side, and the setback on each side would increase by 1 inch per foot of added width. Thus an 80 ft. wide house would require 11'-8" setbacks on each side (10'+20"), so it would need a lot at least 103'-8" ft. wide (or if it's a narrower lot you have to make the house narrower).

VIEW CORRIDORS IN NON-RESIDENTIAL ZONES

This is well intentioned, but doesn't work in real life. Skinny little "view corridors" really don't add any value, since most people are driving by and you can't actually see the bay unless you're looking straight east between buildings - in a few seconds you've passed the "view". Instead of a bonus height, why not simply allow 40 ft. height (same as R4 across the street) and **keep it simple**. Streets and parking lots can be the view opportunities.

Or if you want to offer height bonus for a view corridor, make it at least 50 ft wide so there really is a view. Views from R Ave. can be blocked by off-site buildings east of T Ave. View corridors do not provide views for residents on the west side of R because apartment window rarely line up directly with the view corridor.

People on the hill by the high school may not appreciate taller buildings being "bonused" into their view of the bay just so drivers on R can get a peek-a-boo of the water.

FARS IN NON-RESIDENTIAL ZONES

Get rid of FARs. Decide how high the building can be and how much area it can cover, then let the user decide how many floors to put inside and how to subdivide it. ***Keep it simple.*** Give the businesses flexibility depending on the use. This also gives flexibility if the use changes over time (for example, if they want to add a mezzanine in a high-bay area). Floor area is useful for parking requirements, exiting and some other things, but not as a concept for deciding how big the building can be.

IMPERVIOUS SURFACE LIMITS

Limits on impervious surface serve at least three purposes: ground water recharge (which may not be an issue in an developed urban area with a remote water source), reducing volume in the stormwater system (which *is* a problem here, especially during storms), and providing space for trees and other green growing vegetation.

If limits on impervious surface are developed, be sure they achieve those purposes and are coordinated with stormwater management requirements and landscaping regulations, while allowing a reasonable paved area for driveways and patios beyond the lot coverage percentages.

DENSITY

I thought we had decided to eliminate density measures and let the market determine how many units to fit in a building of a certain size. For example, if the building footprint is 3,000 sf, with 3 floors, there could be two 1,500 sf units per floor or four 750 sf units per floor or three 500 sf units per floor (or some combination of sizes). The bulk and scale of the building would be the same for neighborhood appearance (bulk and scale) regardless of the unit configuration, and we would be likely to get more variety of units. Parking requirements might limit some options.

MAP

Since the zone edges extend into the water, the map will be more useful if it shows the shoreline so one can see what *LAND* the zone applies to.

December 8, 2017

**To: Don Messamer and Libby Grage, Anacortes Planning Department
Anacortes Planning Commission
Anacortes City Council**

Re: Development Regulations

Thank you for considering my following comments on the proposed development regulations reviewed at your open house on November 16.

In Anacortes, just as in so many other areas, the need for affordable housing is outpacing the speed with which we are able to produce it. Under the circumstances, I believe we need to look for ways to rein in the costs of in order to serve more families who need this housing.

Solutions such as zoning adjustments, building “bonuses”, mixed use development and reduced fees whenever possible will go a long way toward giving the private sector the ability to help deal with affordable housing shortfalls. We should recognize that solutions for larger communities such as Bellevue and Seattle will not always be applicable here in Anacortes.

Please see some observations below.

New design standards for existing buildings: At the November meeting, the question of when you would have to bring a building up to new standards and codes was not clearly answered. I believe current regulations require that a remodel or repair valued at more the 50 percent of the total building value trigger the new standards. In the absence of clarity, the worry is that a project to remodel an apartment interior, paint an exterior or repairs simply storm damage could trigger the new design standards. I recommend leaving the threshold for triggering new design standards at the 50 percent level.

Height bonus provisions: The height bonus incentive program is an example of new approach that should work better for our community as we promote more housing density. My concern, however, is in the details. One interpretation is that builders and owners would be required to pay annual monitoring fees as part of the program. If the cost of these “bonuses” in the form of fees and monitoring expense becomes too high, builders and owners will be much less likely to take advantage of the program. If so, the flexibility offered by the city will go unused. I recommend keeping the bonus program as inexpensive, simple and straightforward as possible to increase its use.

On a related point, as an incentive to provide appropriate housing density, I would like to see the “height bonus” available to multi-family structures that include smaller footprints. This approach would help provide a housing scale that fits with the flavor in Anacortes. Another positive step would be reductions in building impact fees to encourage multi-family projects.

Encourage smaller homes. Anacortes needs to encourage housing at a variety of price points to benefit families and seniors. As a general comment, I encourage the planning commission and City Council to look for ways to encourage compact, well-designed development of individual smaller homes in the 600 to 900 square foot range, separate from the Accessory Dwelling Unit concept.

Storefront block frontage standards, sidewalk protection: First, how was the 6-foot minimum for sidewalk weather protection determine as opposed to, say, 5 feet? In a quick review of other regulations and standards, I noticed other communities use a 5-foot minimum which would provide protection at lower cost with less support structure. I would recommend using a 5-foot minimum.

On a related point, looking at the table in your current draft of regulations, the example shows what appears to be a curved awning extension. Would curved awnings be allowed provided they meet the minimum on average? I can see instances when the curved structure will look for natural.

On this same topic, would the city have the ability to reduce the establish weather protection extension standard where the city finds that that existing right-of-way dimensions, easements, or building code requirements preclude the planned 6-foot standard extension. I would recommend such flexibility when warranted. In addition, I would suggest the above standards do not apply where a building has a ground floor dwelling, as in a mixed-use development or live-work building, and the dwelling has a covered entrance. This change would promote more variety in appearance.

Application of storefront block frontage standards: How the storefront block frontages standards apply to existing buildings was not clearly stated at the November meeting. The concern, obviously, is that if you set the trigger point too low, the new regulations would become a strong disincentive to building owners who want to undertake remodeling and upgrades to their properties, the reverse of the situation we want to encourage. I would suggest that the threshold for applying the new standards be set at the 50 percent level for the value of the building.

Once again, my general concern is that the city reach the right balance in providing more affordable options in housing so that the private sector can more fully meet local family, workforce and senior housing needs. Providing new housing options and reining in the cost to build affordable housing carries new urgency in light of our community's increasing needs.

Again, your attention to my comments and questions is appreciated.

Sincerely,

Tom Decker

Grage, Libby

From: Ken White <kenwhitecan@gmail.com>
Sent: Friday, December 08, 2017 4:29 PM
To: Grage, Libby
Subject: Parking Regulations

While you are fixing parking, how about fixing the ridiculous parking at the north end of Commercial where we have to back into parking spaces?

It makes no sense and is dangerous



TITLE 19 - UNIFIED DEVELOPMENT CODE

Draft – November 10, 2017

20171110publicdraft

NOTES ABOUT THIS DRAFT: This is a preliminary working draft document that still contains a number of incomplete sections. Below is a quick overview of this working document:

New Organization

Title 19, Unified Development Code, features an improved organization with six overarching divisions. Each division contains a number of chapters, and individual sections follow after that.

The Divisions are:

1. General and legislative provisions
2. Procedures
3. Permits
4. Zoning and land use districts
5. Community design
6. Project design

See page 2 for a detailed table of contents on the chapters and sections.

Existing Code Citations

For each section in the proposed new code, there is a citation of the applicable existing code number in parentheses and *italicized*. This citation will be removed in the final draft.

Tracking Content Changes

Outside of the organizational changes, changes to the code text are tracked in two ways.

1. Where existing and proposed text are integrated, changes are shown in Track Changes format with additions and deletions shown as such.
2. For sections and subsections that are entirely new, such sections or subsections include “(new)” after the title. The new section will not be underlined. Consider the section in its entirety.

Comments in the Column

We’ve included numerous comments in the column to clarify code elements, questions, and items on our “to do” list. Comment authors include MAKERS staff and PCED staff. We’ve color coded different types of comments:

1. Text and comments highlighted in **yellow** signify unresolved issues.
2. Text and comments in **blue** signify content to be completed.
3. Comments that are not highlighted are explanatory.

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DIVISION I - GENERAL AND LEGISLATIVE PROVISIONS

Chapters:

- Chapter 19.10 General Provisions
- Chapter 19.12 Definitions and Interpretation
- Chapter 19.14 International Codes
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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 AND INTERPRETATION

NOTE TO REVIEWERS: Existing Title 17 and 19 definitions are shown as normal text and new definitions are shown in track changes.

19.12.020 - Definitions.

The following definitions are added to this section:

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

A. A definitions.

"A-board" means a double-sided, portable sign of basic self-supporting design.

"Accessory building" means a subordinate building, the use of which is incidental to the use of the main building on the same lot. Accessory buildings over 120 square feet may not be corrugated metal sided.

"Accessory dwelling unit (ADU)" means a second dwelling unit, that has separate exterior access, kitchen, sleeping, and bathroom facilities, and is attached or detached from the primary residential unit on a lot in a single family residential zone.

"Accessory structure" means a subordinate structure which is detached from the primary structure, the use of which is incidental to the use of the primary structure on the same lot.

"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.

"Acre, gross" means acreage plus one-half the width of abutting rights-of-way of streets and alleys.

"Adjacent/regulating slopes" means regulated slopes within one hundred feet of the project site boundaries.

"Adult concessions". See AMC 5.35.030 for definitions pertaining to adult concession which by this reference are adopted for and applicable to AMC Chapters 17.10, 17.19 and 17.24 Title 19 to the extent used therein.

"Adult family home" means 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."

"Agriculture, commercial" means crop production and animal production. Crop production is the growing and harvesting of crops, such as grains, vegetables, fruits, trees, flowers, and other ornamental horticulture. Crop production does not include marijuana production. "Animal production is the day-to-day management, housing, raising, boarding, training, or showing of livestock, dairy, or fowl for commercial purposes. Feedlots and slaughterhouses are specifically excluded from this definition.

"AKART" means all known, available, and reasonable methods of prevention, control, and treatment.

"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. In buildings for business, commercial or similar uses the installation or

Commented [CR4]: can there be an ADU in a multifamily zone, or would that simply be an added unit?

rearrangement of interior partitions affecting more than one-third of a single floor area shall be considered an alteration.

"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.

"Area, site". "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.

Commented [CR5]: Do you mean *internal* streets? External streets would already be outside the property lines.

"Artisan manufacturing" means production of goods by the use of hand tools or small-scale, light mechanical equipment occurring ~~solely primarily~~ within an enclosed building where such production requires ~~no minimal~~ 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 leasable 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.

Commented [CR6]: If occurring in a home-based business in a residential zone, this makes sense, but if in a mixed-use zone some outdoor work and storage might be just fine.

"Assisted living center/congregate care facility". means a facility In in contrast with a nursing home, an assisted living center is designed for residents who need care in a controlled setting with individual living units.

"Assisted living facility" means any home or other institution, however named, which is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care. It does not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations.

Commented [CR8]: This is the state RCW definition, so let's use it for consistency

"Attached structures" means adjacent structures with at least one common wall or connected by means of a continuous roof. An open or enclosed breezeway or porch with a solid roof and floor shall be considered "attached;" open beams or lattice work will not be considered "attached."

B. B definitions.

"Basement, daylight" means ~~a portion the floor level~~ of a building ~~having its floor subgrade (below the ground floor), with some of the walls being below grade, and having at least one wall~~ with exterior doors and/or windows, (usually within a structure located on a slope).

Commented [CR9]: See added definition of ground floor. How does this compare with building code definitions? Should be consistent.

~~"Basement, subterranean" means a portion the floor level of a building having below the ground floor, and having its floor entirely subgrade (below the ground floor) below the adjacent grade.~~

"Bed and breakfast establishment" means a single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations. See AMC 19.44.060 for supplemental use standards. A home must have been in single-family use for two years before it qualifies for conversion into a bed-and-breakfast.

"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.

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

"Boarding or rooming house" means a dwelling in which not more than nine roomers and/or boarders are housed and fed for a fee.

"Boarding house". See "Rooming house".

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

"Buffer" means a naturally vegetated area or vegetated area established or managed to protect nontidal wetlands or other natural areas from human disturbances, or to provide protection from the impacts of adjacent uses.

"Buffer strip". The term's intended purpose is to provide a sight, sound, and/or psychological barrier between land uses with a high degree of incompatibility, whether real or perceived.

"Buildable area" means the portion of a lot within prescribed setbacks.

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

"Building line" means the line of a wall or corner or part of a building nearest the property line.

"Building official" means the city employee charged with administering the Washington State Uniform Building Code, also known as the building inspector.

"Building site". See "Area, site."

"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.

"Burden of proof" means a party's duty to prove an assertion or charge.

C. C definitions.

"Cafeteria": ~~M~~means a dining facility whose primary function is to provide food and beverage service to employees or students occupying the same building or building complex as the cafeteria, but whose secondary function is may be to serve the general public.

"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 shall not be considered applicable to any criminal laws related to marijuana or cannabis.

"Cargo container" means 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.

Commented [CR12]: not all building inspectors are the designated building official

"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 by the building inspector after inspection has verified compliance with the requirements and provisions of this title and applicable building codes.

"Channel" means the geographical area within either the natural or artificial banks of a watercourse or drainway.

"City" means the City of Anacortes, Washington.

"City Council" means the duly elected city council of the City of Anacortes.

"Clinic" means a facility designed and used for the diagnosis and/or treatment of outpatients under the care of trained medical professionals registered by the State of Washington.

"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.

"Co-housing" means a group of cottages and/or multifamily units on a single site in which residents have separate living quarters and also share common areas such as dining/kitchen facilities, workshop, outdoor areas, assembly area, guest quarters, parking, etc. which are owned and managed by the co-housing association or a non-profit organization sponsoring the facility.

"Collective member" means a qualifying patient with membership in a single collective garden.

"Commercial parking" means parking operated as a business with fees charged and regulations established by the owner of the parking facility. Commercial parking is a permitted use in all zones except R1, R2, R3, R4, and P.

"Commission" means planning commission.

"Community clubhouse, noncommercial" means an area devoted to facilities and equipment for recreational purposes typically including swimming pools, tennis courts, community clubhouses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within the area.

"Community residential facility" means a facility that provides, on a regular basis, personal care, including dressing and eating and health-related care and services for at least five, but not more than 15 functionally disabled persons and which is not licensed under Chapter 70.128 RCW. A residential care facility shall not provide the degree of care and treatment that a hospital or long-term care facility provides.

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

"Conference center". See "Event center."

"Conforming sign" means a sign which meets the specifications of Chapter 17.40.19.67.

Commented [CR14]: this type of housing is currently not provided for in the AMC but is being considered by various groups for future development

Commented [CR17]: aren't there other City commissions?

Commented [CR19]: Is there a state definition that should be applied here? For zoning purposes it should not be necessary to treat this differently from an apartment building. Why can't they all just be variations on a multifamily building without having to differentiate specific types? What if one of these is later converted to condos - or to a hotel if it's in the C zone?

Commented [CR20]: Event Center has been deleted

"Convalescent or nursing home" means an establishment providing care for convalescents or invalids. Such establishments shall be duly licensed by the state as a "nursing home" in accordance with current state statutes.

"Convalescent home". See "Nursing home".

"Cooperative or group house" means a building occupied and maintained as a housekeeping unit by no more than ten unrelated persons.

"Coordinated local zoning" means zoning which permits off-site ~~treatment and storage~~ facilities in one jurisdiction to serve the off-site facility needs of other jurisdictions, provided the coordinated zoning is documented by signed agreements between all affected jurisdictions.

"Corps of Engineers" means the United States Department of Defense's Army Corps of Engineers.

"Council". See "City Council".

"Coverage" means the percentage of the area of a lot which is built upon.

~~"Creation, wetland" means a human activity bringing a wetland into existence at a site in which it did not formerly exist.~~

Commented [CR22]: this is defined under "lot coverage"

Commented [CR23]: move to critical areas section

D. D definitions.

"Day" means calendar day, not business day, unless otherwise specified. But see AMC 1.04.070, Computation of time.

"Day care" means any type of group child or adult day care program provided any such day care is licensed by the state or county and conducted in accordance with state and local requirements, an establishment for group care of nonresident adults or children. Specifically:

1. Day care shall include child day care services, adult day care centers, and 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; and
 - d. Programs covering after-school care for school children.
2. Day care establishments are ~~subclassified~~further classified as follows:
 - a. Day care I – a maximum of 12 adults or children in any 24-hour period; and
 - b. Day care II – over 12 adults or children in any 24-hour period.

"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 ~~development permit~~ under this Title or hear an appeal and issue a revised decision.

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

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

Commented [CR24]: a decision-maker may rule on many things besides a development permit.

"Development" means any land use, activity, or project regulated by AMC Titles 13, 16, 17, and 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.

"Directional sign" means off-premises signs incorporating general public information.

"Director" means the Director of the Planning, Community & Economic Development Department or the Director's designee.

"Dormitory" means a building containing sleeping rooms for permanent or temporary occupancy with or without a kitchen for occupants use only, and used in conjunction with a school or conference facility.

Commented [CR26]: Shannon Point has a dormitory, so maybe this should stay

"Drainway" means any depression below the surrounding land serving to give direction to a regular current of water and having a bed and well-defined banks.

"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 automobiles/vehicles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on or off the premises.

"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.

"Dwelling, cottage" refers to a small single family dwelling that is clustered with other similar units surrounding which share a common open space. See AMC 19.44.085 ____ for special cottage housing provisions.

Commented [CR27]: might be arranged differently than "surrounding" the open space

"Dwelling, duplex" refers to a building that is entirely surrounded by open space on the same lot and contains two dwelling units, or two detached dwelling units on the same lot. See AMC 19.44.080 ____ for special duplex provisions.

Commented [CR28]: are we still saying that units can be detached - or do detached units become "cottages"?

"Dwelling, fourplex" refers to a building that is entirely surrounded by open space on the same lot and contains four dwelling units. Fourplexes are considered a type of multifamily building.

"Dwelling, live-work unit" refers to an attached residential building type designed to accommodate a small commercial enterprise on the ground floor and a residential unit above and/or behind.

"Dwelling, multi-family" refers to a building that contains three or more dwelling units.

"Dwelling, single-family" refers to a 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.

"Dwelling, single family - small lot" refers to a detached single family dwelling that is on a lot that has less than 5,000 square feet in net lot area. See AMC 19.44.080 ____ for special design provisions that apply to such development types.

"Dwelling, townhouse" refers to 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. See AMC 19.44.090 for ____ special design provisions.

"Dwelling, triplex" refers to a building that is entirely surrounded by open space on the same lot and contains three dwelling units. See AMC 19.44.080 ____ for special triplex provisions.

"Dwelling unit" means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

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.

"Essential public need sign" means signs identifying public facilities, including, but not limited to, restrooms, telephones, etc.

"Events center" means a building or series of buildings designed to accommodate large gatherings of people for events such as meetings, athletic events, concerts, theatrical productions, etc. Such a center may include restaurant and hotel/motel facilities, small-scale retail, and offices.

Commented [CR31]: I like keeping this definition, as it is more descriptive and inclusive than the definition of Places of assembly

F. F definitions.

"Façade" unless otherwise noted herein, 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.

"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.

"Fence, non-sight-obscuring". "~~Non-sight-obscuring fence~~" means a fence, wall or hedge with fifty percent or more of the surface area thirty inches or more above existing grade open to through vision.

"Fence sign" means a sign affixed to or mounted on a fence.

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

"Flood" means the water of any watercourse or drainway which is above the bank or outside the channel and banks of such watercourse or drainway.

"Floor" means the same thing as a "story".

"Floor area" means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and, in the case of multifamily dwellings, from the

Commented [CR32]: Why do we need to define a "family"? Does this mean 5 unrelated persons plus an unlimited number of persons who are related to at least one of the 5? If a couple (related) has 8 children (related) can there also be another person (unrelated) who also has 6 children (related to the other person but not to the couple)? Are the children of an ex-spouse related or unrelated? This is pretty hard to regulate. Have any other jurisdictions come up with a definition related to sleeping rooms or size of unit? In other words, is there enough space for the residents (of course, a tiny house would not be considered "enough space" by some.) Very difficult to regulate with the terms "related" and "unrelated" given diverse family situations. Can we get at this with issues of sanitation (i.e. persons per bathroom)? Five people might be way too many for a tiny house or studio apartment, but ten might be quite comfortable sharing a large old house. Why does it matter whether they pay rent (a boarder) or contribute to the general expenses of the household? This whole thing seems rather unenforceable.

center line of division walls. Floor area shall include: basement space, elevator shaft and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of seven feet and six inches or more, penthouse floors, interior balconies and mezzanines, and porches. Floor areas shall not include: accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than seven feet and six inches, exterior steps or stairs, open porches and decks, terraces, breezeways, and open spaces means the sum of the gross horizontal area of the floor or floors measured from the exterior faces of the sheathing of exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more, but excluding all parking and loading spaces, cellars, unroofed areas, roofed areas open on two or more sides, areas having ceiling height of less than seven feet and non-habitable basements used exclusively for storage and/or housing of mechanical or central-heating equipment (an unfinished room, basement or attic which could be finished and converted to habitable space shall be counted).

"Floor area ratio (FAR)" refers to the floor area of all buildings on a lot divided by the area of that lot. See AMC 19.42.060 for details on certain floor areas that are excluded from FAR calculations.

"Floor, ground" means the first floor of any building on or above the same plane as the street see Ground floor.

"Floor, second" means the habitable floor above the ground floor.

In multistory buildings, the ground floor shall be considered the first floor, and upper floors numbered sequentially.

"Freestanding sign" means a permanent, low silhouette, ground supported sign.

"Frontage, lot". "Lot frontage" means the length of the property line(s) of a lot adjacent to the street right-of-way.

"Function/wetlands" means the beneficial roles nontidal wetlands serve, including storage, conveyance, and attenuation of floodwaters and stormwaters; groundwater recharge and discharge; protection of water quality and reduction of sediment and erosion; production of waterfowl, game and nongame birds, mammals, and other living resources; protection of habitat for rare, threatened, and endangered species; food chain support for a broad range of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

G. G definitions.

"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 category of uses whose primary activity is the provision of assistance, as opposed to products, to individuals, businesses, industry, government, and other enterprises. Specific uses in this category include but are not limited to postal and courier services, equipment rentals, repair shops, laundries, veterinary clinics, financial and legal services, engineering and architecture firms, and other services.

"Governmental signs". See AMC 19.67.080.

"Grade" means the level of the surface of the ground.

"Green roof" means a roof of a building that is designed and maintained to be partially or completely covered with living vegetation, with and soil; or a growing medium, planted over a waterproofing membrane. May also include additional layers such as a root barrier and drainage and

Commented [CR33]: this would mean that the parking space within a garage doesn't count but the rest of the garage does?

Commented [CR34]: there is no definition of cellar

Commented [CR35]: lots of ground floors are above or below the street level. it's the adjacent grade, not the street level that is important to the definition.

Commented [CR36]: since this only applies to wetlands, it should be in the critical areas section

Commented [CR37]: Motorcycle repair and jewelry repair would have quite different impacts.

Commented [CR38]: What about massage, hair salon, government social services and other government agency offices, counseling? Can't name them all, but could be more inclusive. Impact of an auto repair shop would be quite different from an art teacher. Is a dentist a service or a clinic?

irrigation systems. Container gardens on roofs, where plants are maintained in pots or other containers, are not green roofs.

"Gross acre": See "Acre, gross."

"Gross floor area (GFA)" means the sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the interior faces of exterior walls. The term gross floor area includes basements, elevator shafts and stairwells at each story, floor space used for mechanical equipment with structural head room, interior balconies, and mezzanines. For the purpose of determining off-street parking requirements, this definition excludes areas within the building used for parking and loading purposes.

"Ground Floor" means the floor level of a building which is at or nearest to the adjacent grade, and on a sloping lot, typically the level accessing the primary entrance.

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

H. H definitions.

"Habitable floor" means any floor usable used or able to be converted to use for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination thereof. A floor used- useable only for storage or parking is not a habitable floor (an unfinished basement or attic which could be finished and converted to habitable space shall be counted as a habitable floor).

"Hanging sign" means a sign supported from a horizontal support.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period as regulated by the State of Washington Dangerous Waste Regulations, Chapter 173-303 Washington Administrative Code (WAC). Hazardous waste storage facilities must comply with the State Hazardous Waste Siting Standards and Anacortes and State Environmental Policy Act Requirements.

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume. Hazardous waste treatment facilities must comply with the State Hazardous Waste Siting Standards and Anacortes and State Environmental Policy Act Requirements.

"Hazardous waste off-site treatment and storage facilities" means facilities to treat and store hazardous wastes on properties other than those on which the hazardous wastes are generated. Hazardous waste treatment and storage facilities are facilities that require an interim or final status permit from the Department of Ecology under Dangerous Waste Regulations, Chapter 173-303 WAC.

"Hazardous waste on-site treatment and storage" means on-site facilities that treat and store hazardous wastes generated on the same parcel of property where the onsite facility or facilities are located. Hazardous waste treatment and storage facilities are facilities that require an interim or final status permit from the Department of Ecology under Dangerous Waste Regulations, Chapter 173-303 WAC.

"Health care professional". For means, for the purposes of Chapter 69.51A RCW, means a physician licensed under Chapter 18.71 RCW, a physician assistant licensed under Chapter 18.71A RCW, an osteopathic physician licensed under Chapter 18.57 RCW, an osteopathic physicians assistant licensed under Chapter 18.57A RCW, a naturopath licensed under Chapter 18.36A RCW, or an advanced registered nurse practitioner licensed under Chapter 18.79 RCW.

Commented [CR39]: the only difference between this and the floor area definition seems to be whether measured from the inside or outside of the walls. how would this definition be used, and why not simply use the same measurement?

Commented [CR40]: salal is a shrub, not a groundcover

Commented [CR41]: just because it's unfinished now doesn't mean it won't be habitable in the future

Commented [CR43]: what about a dentist or chiropractor or physical therapist?

"Heavy manufacturing" means manufacturing that creates a potential hazard, or unusually burdensome impacts, or a nuisance to other uses either in the production process or in related activities such as transportation and storage.

"Heavy retail and service" means retail and/or service activities that have exterior service or storage areas and/or heavy commercial truck traffic. This use category includes the rental or sales of materials stored outdoors including, but is not limited to agricultural supplies, plant and landscape design materials, building materials, manufactured homes, and heating fuels. This use category also includes automobile fuel stations, truck stops, and warehousing in buildings no larger than 50,000 gross square feet in area.

"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.

"Height, building". Building height means the vertical distance between the average grade level and:

1. The highest point of the roof beams of a flat roof.
2. The highest point on the deck of a mansard or gambrel roof.
3. The level midway between the level of the eaves and highest point of a pitched roof or hip roofs. For this purpose, the level of the eaves means the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves. shall be measured to the highest point of the structure from the average of the natural topography at the foundation at the front of the building, except that in cases where the lot slopes downhill from the property line at the front of the building, the height shall be measured from the highest point of the house to the average of the natural grade directly under the structure. If the building site has frontage on two or more streets, the height shall be measured from the highest point of the house to the average of the natural grade directly under the structure if the lot slopes downhill from the property line on either street frontage.

The allowable height shall be measured from the original grade before excavation was done or fill was added. "Average grade level" is the average grade 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 or structure. Calculation of the average grade level shall be made by averaging the elevations of the center of all exterior walls of the proposed building or structure. Additionally, "natural or existing topography" is the topography of the lot, parcel or tract of real property immediately prior to any site preparation, grading, excavation, or filling. Where a tract of land is regraded for the purpose of developing a plat, short plat, or planned unit development, the "natural or existing topography" shall be the grades as they exist at the time of recording of the final plat.

Provided, in the case of structures to be built over water, average grade level shall be the elevation of high water (MHHW). Further provided that for a waterfront lot, in the case of structures to be built other than over water, the height shall be measured from an average grade level that is assumed to be the elevation of 16 feet above MLLW or from the actual existing average grade under the structure, at the applicant's option.

Figure 19.12.010

Clarification on how building height is measured.

Commented [CR45]: why are "general service" and "retail" separate definitions, but "heavy retail and service grouped together"?

Commented [CR46]: what about truck/trailer rental? boat storage/rental? auto, truck, boat repair?

Commented [CR47]: What about if there is a parapet or a solid guardrail on a roof deck?

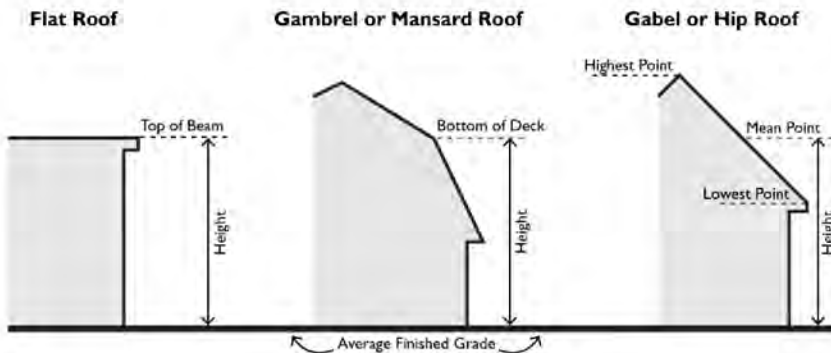
Commented [CR50]: Natural could have been changed 100 years ago. Existing could have been altered yesterday. Which is it?

Commented [CR51]: Is this the center of each facade (front, sides, rear) or the center point of each segment of wall if the walls jog in and out? Needs clarification. I agree with treating all the same whether the lot slopes up or down.

Commented [CR52]: I know of cases where fill was brought in, then a building proposed several months or years later. If you say "immediately prior" they can just say it was a pre-existing grade. Some lots may have been filled or cut decades ago and the "original" grade is unknown. Needs to be some way to not allow recent fill to create higher buildings. Good example is Port north basin - they've raised the grade many times over the years. Which grade should be measured from - the way it's filled now, or the original tidal level?

Commented [CR54]: does the exception for lots in Skyline still apply?

Commented [CR55]: the word "gable" is mis-spelled on the illustration



Commented [CR57]: The illustration says "average finished grade" but above it says measurements are from the grade "natural or existing topography" that exists before construction, so "finished" is not correct

"Home Occupation" means any activity undertaken for financial gain or profit and carried on in a dwelling, or in a building accessory to a dwelling.

"Hospital" means 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, although such uses may be part of a hospital building complex.

"Hotel" or "motel" means a building or portion thereof designed or used for the transient short-term rental and accessory uses of units for sleeping purposes, with or without cooking facilities, and which may include related uses such as dining, recreation, and meeting facilities.

"Hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

I. I definitions.

"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.

"Industry, heavy" means large scale assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction. Additional uses in this category include (but is are not limited to) wrecking yards, breweries, building material manufacturing, chemical plants, concrete and asphalt plants, freight facilities, soil and rock stockpiling, and livestock feeding lots. This use category may include storage of high volumes of highly flammable, toxic, or explosive materials needed for the manufacturing process, as well as ~~H~~heavy truck traffic to and from these uses. are a common attribute for heavy industrial uses.

"Industrial, light": "Light industry" means uses that accommodate limited intensity levels of manufacturing and assembly activities, storage, warehousing, services, associated offices and similar uses. This use category includes, but is not limited to contractors, textiles, wood products, printing, pharmaceuticals, machinery manufacturing, research and development, manufactured homes, regional distribution, and crematories.

~~"In-kind construction, wetland" means the restoration or creation of a wetland with vegetation and other characteristics closely approximating those of a specified wetland.~~

J. J definitions.

Commented [CR58]: what about flags, banners, posters in windows, etc that can amount to visual clutter and sometimes are poorly maintained - we need some limit on these, even if permitted

Commented [CR60]: since this definition is wetland-specific, it should be in the critical areas section

"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 the . kKeeping of more than three dogs or cats constitutes a kennel. For the purpose of this definition, one litter of unweaned pups or kittens shall not be considered dogs or cats until weaned. See AMC 6.06.090 for applicable standards.

"Kennel, hobby" means a noncommercial kennel at, or adjoining a private residence where up to six adult dogs are bred and/or kept for hunting, training, exhibition for organized shows, field, working and/or obedience trials, or for enjoyment of the species. An adult dog is one of either sex, altered or unaltered, that has reached the age of four months.

L. L definitions.

"Land clearing" means the act of removing or destroying trees, soil and/or groundcover from any undeveloped or partially developed lot, public lands, or public right-of-way of one-quarter of an acre in area or larger.

"Landmark building" means a structure recognized as historic or architecturally significant and so designated by the city council.

"Landscape". The term, as used within the landscaping section, shall mean means the installation of an inclusive combination of trees, shrubs, flowers, ferns, groundcover, and other vegetation within a defined area.

"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, or a passenger loading space, and which abuts upon a street, alley, parking lot or other appropriate means of access.

"Local government" means a county, city, or town.

"Local Improvement District (LID)". A "Local Improvement District" is 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 park". See "Park, local".

"Lot" means, f. For purposes of this title, ~~a "lot"~~ is a parcel of land of at least sufficient size to meet minimum zoning requirements for coverage, and setback, and to provide such yards and other open spaces as are herein required for development on that lot. Such a lot shall have frontage on or legal access to an improved public street, or on an approved private street, and may consist of:

A1. A single lot of record;

B2. A portion of a lot of record;

C3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;

D4. A parcel of land described by metes and bounds.

Provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the area requirements of this title.

Commented [CR62]: Since we do, in fact, have wrecking yards, salvage and storage of old "junk", and other things in this category, and it's in the LMI zone, this may need to have a different name but it should not be deleted.

"Lot coverage" means the area of a lot which is covered by buildings and structures. The area covered shall be measured from the outside surface of the structural sheathing 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. The roof overhang shall 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 shall count as part of the lot coverage. Open beams and lattice work without a roof are not considered part of the lot coverage. 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 shall not count in lot coverage. Decks or patios on grade or within an average of eighteen inches above grade shall not count in lot coverage. For unusual structures, for example, communication towers, the building official shall determine the extent of lot coverage. Note that the building area for purposes of computing lot coverage is measured differently from the way setback requirements from the lot lines are measured.

"Lot frontage". The means ~~frontage of a lot shall be construed to be~~ the portion of the property line which abuts a street right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all property lines of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in Sections 17.06.900 through 17.06.915. For a lot which does not physically abut a street, or which is a flag lot or an irregular shape, the Director shall determine the yard requirements to meet intent of this Code.

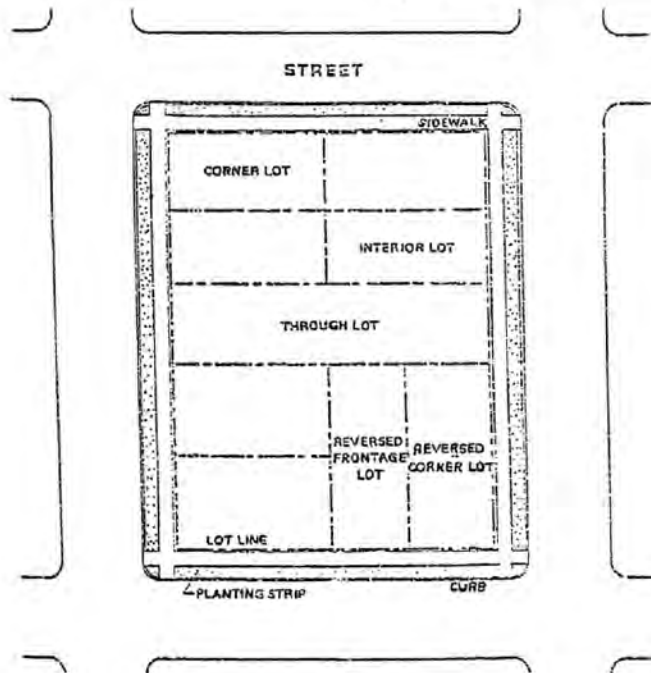
"Lot measurements, width". Width of a lot shall be considered to be means the distance between straight lines connecting front and rear lot lines at each side of the lot. The measurement shall be along a line at equal angles to the side lot lines. On irregularly shaped lots, the zoning administrator/director shall determine how to measure the width.

"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 set-out in Section 17.67.020 in figure 19.12.010.A illustrates terminology used in this title with reference to corner lots, interior lots, reversed frontage lot 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 shall 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. See lots marked A-I in the diagram.
2. "Interior lot" means a lot other than a corner lot with only one ~~frontage on a street~~ frontage.
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-double-frontage~~ lots.
4. "Reversed frontage lot" means a lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five degrees) to the general pattern of lot development in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D), or a through lot (C-D).
5. "Flag lot" means a parcel of land, the body of which is separated from a public or private street by one or more lots, connected to a public street by a narrow portion (flag) of the parcel with a width not less than the required street frontage. A "flag" to provide a legal route for ingress and egress may be created by a permanent recorded easement for that purpose approved by the Director. Where a minimum street frontage is not required by this Code, the minimum width of the "flag" shall be not less than that required by the fire chief and or designee for fire apparatus access.

Figure 19.12.010(L)
Types of lots.



Commented [CR67]: suggest re-doing this illustration to be a little more clear, and to add an interior flag lot.

M. M definitions.

~~"Manufactured home" means a single-family dwelling unit built in accordance with the department of housing and urban development manufactured home construction safety standards act, inspected and approved by the Washington State Department of Labor and Industries.~~

~~"Mobile home" See "Manufactured home."~~

~~"Modular home" means a factory-built single-family dwelling built to the requirements of the Washington State Building Codes, inspected and approved by the Washington State Department of Labor and Industries.~~

~~"Manufactured home park" means a plot of ground divided into lots, under the ownership and management of one person, partnership, or corporation for the purpose of locating ten or more manufactured homes for residential occupancy.~~

~~"Manufactured home stand" means the division of land into five or more lots for the purpose of sale or lease for the location of five or more manufactured homes for residential occupancy.~~

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

~~"Multifamily dwelling". See "Dwelling, multifamily".~~

Commented [CR68]: All of these are irrelevant in terms of the zoning code. It does not matter whether a home is stick built, modular, factory built, or built by Santa's little elves. If it meets the dimensional and setback requirements of the zoning code (and design standards, if any), it is allowed. This is confusing the BUILDING code with the zoning code.

Commented [CR69]: We don't need a definition for a manufactured home park. It would just basically be a group of small homes, perhaps under the cottage provisions. Whether they're factory built or not is immaterial.

Commented [CR71]: this one doesn't even make sense.

"Mixed-use" means a development that is primarily residential and also has non-residential uses such as, but not limited to, office, retail, civic, dining, institutional, and artisan manufacturing. In a vertical configuration, typically, but not always, only the ground floor is occupied by non-residential uses and residences are located on the upper floors.

~~"Motel" means a building or group of buildings on the same lot containing dwelling units consisting of individual sleeping quarters detached or in connected rows or stories, with or without cooking facilities for rental to transients see "hotel".~~

N. N definitions.

"Neighborhood grocery store" means a grocery store that does not exceed one thousand two hundred square feet of retail sales floor space and three thousand two hundred square feet of total building floor area, and may include an area for eating (i.e. a neighborhood coffee shop).

"Neighborhood park" means a small park located in a residential area which provides seating, picnic tables, play equipment and/or similar amenities designed to serve as a gathering place primarily for residents within walking distance.

~~"Neighborhood playground" means an outdoor recreation area which provides recreation oriented to children of elementary school age and younger, usually within safe and convenient walking distance for younger children of the neighborhood.~~

"Net leasable area (NLA)" means the total floor area that is designated for a tenant's occupancy, exclusive of parking and loading spaces, ~~cellars~~, basements used exclusively for storage or housing of mechanical or ~~central~~ heating equipment, common areas shared with other tenants such as utility rooms, stairwells, restrooms, and lobbies.

"Net project area" means all of the land area included within a development project excluding land dedicated for public streets, parks, stormwater facilities, critical areas, or other portions of a lot that aren't applicable to this the specific development project.

"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.

"Nonconforming buildings" means a building or structure which does not conform in its construction, area, yard requirements, or height to the regulations of the zone in which it is located or to the requirements of the International Building Code of the International Code Council which constitutes the building code of the city.

"Nonconforming land use" means the use of land which does not conform to the regulations of the district in which the use exists.

~~"Nontidal wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (commonly known as hydrophytic vegetation).~~

"Nursery", plant materials". "Plant materials nursery" means 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.

"Nursery school" means an establishment for pre-school children for educational experience but not for supplemental parental care.

Commented [CR74]: I would like to see our code encourage neighborhood gathering spaces.

Commented [CR77]: move to critical area section

"Nursing or convalescent home" means an establishment providing care for convalescents or invalids. Such establishments shall be duly licensed by the state as a "nursing home" in accordance with current state statutes.

O. O definitions.

"Office, professional" means an office wherein business, technical or scientific services are rendered ~~for involving labor, skill, education and special knowledge for certain compensation or profit, but such labor, skill, education and special knowledge being predominantly mental or intellectual, rather than physical, manual or mercantile in nature.~~ Examples of such uses ~~would~~ include, but not be limited to, the offices of lawyers, accountants, brokers, ~~phone "call center", corporate offices of a company, research facility, engineering firm, appraiser, real estate management firm, internet travel agent, and insurance agents, therapist, counselor, teacher, and similar services.~~

"Office, medical" means an office or clinic used exclusively by physicians, dentists, and similar personnel registered by the state of Washington for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients are kept on the premises.

~~"Off-site construction, wetland" means restoration or creation of a wetland at a location not adjacent to a previously specified wetland.~~

Commented [CR79]: move to critical areas section

"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 predecision 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 predecision 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.

~~"Out-of-kind, wetland" means the restoration or creation of a wetland with vegetation or other characteristics not resembling those of a specified wetland.~~

Commented [CR80]: move to critical areas section

P. P definitions.

"Park, local" means a public park designed for use by residents of the immediate neighborhood.

"Park, public" means land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.

"Park, waterfront" means an area with water frontage on a sound, lake, river, or stream designed primarily to accommodate swimming, boating, fishing, and other waterfront activities. ~~The primary attraction and desirability of the area for recreational purposes is due to the presence of water.~~

"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. All spaces shall be designated either "Standard," "Small Car" or "Accessible" depending upon the size of the car space. Minimum space dimensions and layout shall be guided by the design standards incorporated in the Transportation and Traffic Engineering Handbook by the Institute of Traffic Engineers. Up to thirty percent of the total number of spaces required in a parking lot may be designated for small car use. Commercial parking is a conditional use in all zones where "commercial parking" is defined as private automobile parking other than that provided for in Chapter 17.46.

"Partially developed lot" means a lot or parcel of land on which a building is located and which is of sufficient area so as to be capable of subdivision into two or more lots in accordance with city standards.

"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.

"Permanent sign" means a stationary sign permanently attached to the ground or to a structure.

"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 establishment" means services rendered to individuals for their personal physical appearance and conditioning needs. Examples would include but not be limited to the following types of services: barber, beautician, masseur, manicurist, and steam and sauna baths.

"Places of assembly" means a structure for groups of people to gather for an event or regularly scheduled program. Examples include but are not limited to arenas, churches and religious institutions, lecture halls, conference centers, movie-theaters, banquet facilities, and similar facilities.

"Planned unit development" means the property described and meeting the criteria under the city's subdivision ordinance entitled "planned unit development."

"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.

"Plat, final" 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.

"Plat, final short" 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.

"Plat, preliminary" 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.

"Plat, preliminary short" 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.

"Plat, short" means the plat of a short subdivision.

"Pole sign" means a type of freestanding sign supported by one vertical pylon, and subject to the same regulations as a freestanding sign.

"Political sign" means a temporary sign or poster attempting to influence the voting constituency.

"Portable sign" means a nonpermanent, easily movable sign.

~~"Practicable alternative, wetland" means an alternative to the proposed project that would accomplish the basic purpose of the project and avoid or have less adverse impact on a nontidal wetland.~~

"Preschool" means an education program for young children three-to-five-years-of-age who have not yet entered kindergarten.

Commented [CR84]: move to critical areas section

"Primary use (or principal use)" means the use for which the majority of a lot, structure, or building, is designed or actually employed.

"Private parking" means parking owned by a private entity and intended for use by that entity's employees and patrons. The private entity may charge fees and establish regulations as determined necessary to effectively control the parking. Private parking is a permitted use in all zones when it is co-located with the facility it is intended to serve. Private parking is also a permitted use in all zones except R1, R2, R3, R4, and P where it is a conditional use provided that it is located within five hundred feet of the facility it is intended to serve, and further provided that parking serving a facility in a non-residential zone shall not be located in a residential zone.

"Produce stand" means a booth, stall, or counter for the display of seasonal fruit and vegetable products for sale.

"Projecting sign" means a sign attached perpendicularly to the vertical surface of a building.

"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, planned unit developments, 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, regulated" means access for all persons paying a fee ~~or for use of people using~~ facilities such as restaurants, shops, motels, or access which is limited by time, location, and activities.

"Public access, unregulated" means access for all persons at all times.

"Public hearing". A "public hearing" must be held for all major planning and zoning applications. The public hearing is normally held during regularly scheduled planning commission meetings and the testimony and evidence presented becomes part of the public record. Also included in the public record is written testimony that is accepted while the public hearing is open ~~or submitted in advance of the hearing.~~

After this process has concluded, the public hearing is closed and no further testimony will be taken unless the hearing is formally reopened. Information gathered through the public hearing process becomes part of the record that the planning commission and city council uses to make their final decision(s).

"Public parking" means parking intended for use by the general public. Fees for parking may be charged and parking may be regulated as determined necessary by the ~~public entity~~ providing the parking by such means as designating the duration a vehicle may park, the hours the parking lot is open, which spaces are designated for public parking and which require permits, etc. Public parking is a permitted use in any zone in connection with the facility it is intended to serve, providing that parking is co-located with the facility. Public parking is also a permitted use in all zones except R1, R2, R3, R4, and P where it is a conditional use provided that it is located within five hundred feet of the facility it is intended to serve, and further provided that parking serving a facility in a non-residential zone shall not be located in a residential zone.

"Public safety facility" means ~~a facility for~~ the provision of fire and rescue, police, and emergency response services by a governmental entity.

"Public agency or utility office" means a building or portion thereof used primarily for administration purposes by a public agency or utility.

Commented [CR86]: Do we need some definition of Parking Lot that deals with the situation where the only use on the property is parking and it is not accessory to another use?

Commented [CR89]: does this belong in the definition or in the procedures? or reference the section in the procedures

Commented [CR90]: could be a city lot or privately owned

Q. Q definitions.

~~"Qualifying patient" means:~~

- ~~1. Is a patient of a health care professional; and~~
- ~~2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition; and~~
- ~~3. Is a resident of the State of Washington at the time of such diagnosis; and~~
- ~~4. Has been advised by that health care professional about the risks and benefits of the medical use of marijuana; and~~
- ~~5. Has been advised by that health care professional that they may benefit from the medical use of marijuana.~~
- ~~6. Possesses "valid documentation" of meeting the above criteria as defined in Chapter 69.51A RCW.~~

~~The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this chapter are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.~~

~~"Quasi-public signs" means institutional type signs identifying organizations, schools, hospitals, religious facilities, etc.~~

Commented [CR92]: this is irrelevant to the zoning code

R. R definitions.

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

"Recreation, active". "Active recreation" refers to 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, concession stands, 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 concession stands and minor retail uses related to the principal use.

"Recreation, passive". A "Passive recreation area" refers to 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.

Passive recreation may be defined as a non-motorized activity that:

- A1. Offers constructive, restorative, and pleasurable human benefits and fosters appreciation and understanding of open space and its purpose;
- B2. Is compatible with other passive recreation uses;
- C3. Does not significantly impact natural, cultural, scientific, or agricultural values; and
- D4. Requires only minimal visitor facilities and services directly related to safety and minimizes passive recreation impacts.

~~"Recreation area or community club house, noncommercial" means an area devoted to facilities and equipment for recreational purposes typically including swimming pools, tennis courts, community club houses, and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within the area.~~

"Recreation (public), indoor, local" includes non-commercial indoor recreational uses intended to serve the subdivision or immediate residential area, such as community clubhouses, indoor swimming pools, and other similar facilities.

"Recreation (public), indoor, regional" includes non-commercial indoor recreational uses intended to serve the whole city or region, such as a community or senior center, ~~sports complex, public pool, fitness center.~~

"Recreational vehicle" means a vehicle built on a chassis and propelled by its own engine, or a trailer or "fifth wheel" designed to be towed, ~~usually~~ with cooking, bathing, and toilet facilities to be used as a temporary dwelling for travel and recreational purposes.

~~"Regulated activity, wetlands" means an activity with a significant impact on nontidal wetlands, including:~~

- ~~A1. The removal, excavation, or dredging of soil, sand, gravel, minerals, organic matter, or materials of any kind;~~
- ~~B2. The changing of existing drainage characteristics, sedimentation patterns, flow patterns, or flood retention characteristics;~~
- ~~C3. The disturbance of the nontidal wetland water level or water table by drainage, impoundment, or other means;~~
- ~~D4. The dumping or discharging of material, or the filling of a nontidal wetland with material;~~
- ~~E5. The placing of fill or the grading or removal of material that would alter existing topography;~~
- ~~F6. The driving of piles, placement of obstructions, and erection or repair of buildings or structures of any kind;~~
- ~~G7. The destruction or removal of plant life that would alter the character of a nontidal wetland; and~~
- ~~H8. The conduct of an activity that results in a significant change of water temperature, a significant change of physical or chemical characteristics of nontidal wetland water sources, or the introduction of pollutants.~~

"Regulated slopes" means s. Slopes that average fifteen percent or greater over a vertical interval of ten feet.

"Religious institution" means ~~any building used for non-profit purposes by~~ an established religious organization holding either tax empty 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.

"Research and development" means a use in which research and experiments leading to the development of new products are conducted. This use may be associated with an institutional, clinical or commercial use. ~~Space designed for this use typically includes features such as floor-to-floor heights generally 14 feet in height or greater to accommodate mechanical equipment and laboratory benches plumbed for water service.~~

"Residential complex signs" means signs ~~depicting identifying~~ subdivisions or multi-unit dwellings.

Commented [CR93]: what about outdoor, such as tennis court, soccer field, fishing pier? need a definition

Commented [CR94]: some small ones don't have facilities

Commented [CR95]: move to critical areas section

Commented [CR96]: The "religious institution" is the legal entity. The **building** and its site should be treated by the zoning and building codes according to its **use** (place of assembly, school, etc.) regardless of its ownership. The reason for this is 1) treat religious and non-religious entities equally 2) over time the building ownership and use could change (ACT theater and Kennelly Keys music store were originally churches and church groups meet in several public and commercial buildings). Giving special treatment based on ownership by a church can cause problems in the future.

Commented [CR97]: would research and development of "ideas" rather than "things" (software, for example) be in this category, or just general office?

"Restaurant sidewalk use" means a conditional use permit processed by the administrator. The permit authorizes the restaurant's use of the sidewalk fronting their business provided the following conditions are met:

- A. There shall be five feet of pedestrian passageway across the entire sidewalk use area.
- B. Once a restaurant sidewalk use permit has been issued it shall not be transferable to another person or to a location other than stated in the permit; nor shall the specified conditions be changed.
- C. A sidewalk use business shall not use utilities except by conventional, permanent connections.
- D. Applicable permits are required.
- E. Clean-up requirements shall be adhered to.
- F. No items pertaining to the sidewalk use shall be permanently attached to the sidewalk or structures. "Rezone" means an amendment which changes the use classifications and/or boundaries upon the official zoning map.

~~"Restoration, wetland" means a human activity that returns a wetland or former wetland from a disturbed or altered condition with lesser acreage or functions to a previous condition with greater wetland acreage or functions.~~

"Retail" means any use which involves the display and sale of retail consumer goods primarily indoors, and accessory outdoor uses such as garden centers and sidewalk displays.

"Roadside stand" means a temporary (thirty days) structure limited to the display and sales of seasonal produce or handicrafts or other seasonal products.

"Roof sign" means a sign supported by the structural top of a building.

"Rooming or boarding house" means a dwelling, with a central kitchen and with more than one but fewer than nine boarders, with no more than nine sleeping rooms.

S. Definitions.

"School" means 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.

"Secure community transition facility (SCTF)" means a . Residential residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the Washington State Secretary of Social and Health Services or under contract with the Secretary.

"Senior center" means a nonresidential facility primarily directed at the social and recreational needs of senior citizens, and may include meal service.

"Senior housing" means a residential complex containing multifamily dwellings designed for and principally occupied by senior citizens (over 62 years old). For the purpose of permitted uses in AMC chapter 19.41, senior housing is a type of multifamily dwelling, ~~unless it also meets the definition of senior citizen assisted housing.~~

Commented [CR99]: move to critical areas section

Commented [CR101]: what about an art or music teacher? dance school? yoga classes? boatbuilding instruction? are we talking about a separate building(s) dedicated to teaching, or just providing instruction in a commercial building? some of these are just use of a commercial space, others might be a whole complex - perhaps size can be part of definition

Commented [CR102]: whether or not various sorts of assistance is provided within the building is irrelevant for zoning purposes. over time a building might start as one type, then be converted to another type, but it is still a multifamily use. integrating various generations throughout a multifamily neighborhood is a desirable goal.

~~"Senior citizen assisted housing" means housing in a building consisting of two or more dwelling units restricted to occupancy by at least one occupant 62 years of age or older per unit, and must include at least two of the following support services:~~

- ~~1. Common dining facilities or food preparation service;~~
- ~~2. Group activity areas separate from dining facilities;~~
- ~~3. A vehicle exclusively dedicated to providing transportation services to housing occupants;~~
- ~~4. Have a boarding home (assisting living) license from Washington State Department of Social and Health Services.~~

~~"Service station" means a building and premises where gasoline, oil, grease, batteries, tires, and automobile vehicle accessories may be supplied and dispensed at retail. Uses permissible at a service station do not include major body work, straightening of body parts, painting, storage of automobiles vehicles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations. A service station is neither a repair garage nor a body shop.~~

~~"Setback" means the distance between a property line and the corresponding parallel setback line a line parallel to that property line.~~

~~"Setback line" means a line beyond which, toward a property line, no structure greater than 30 inches above finished grade may extend or be placed except as permitted by the regulations of this title.~~

"Shopping center" means a concentration of retail and service establishments which characteristically draws from a wide service area so that a majority of the customers reach the center by private vehicle. Parking areas are ordinarily shared by all the stores in the center.

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

"Sign" means any structure or natural object, such as tree, rock, and the ground itself, or part thereof, or device attached thereto or painted thereon, used to attract attention to any object, produce, place, activity, person, institution, organization or business by displaying or including any letter, word, model, banner, flag, pennant, insignia, device or representation used for the purpose of announcement, direction or advertising. For the purpose of this definition the word "sign" does not include any flag, badge, or insignia of any civic, charitable, philanthropic, educational, religious or similar organization.

"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.

"Site plan, binding" means a site plan reviewed and approved pursuant to AMC Titles 16 and 17 and AMC Chapter 16.10, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the Skagit County Auditor for recording.

~~"Sponsored sign" means a sign co-opted or solely provided by a producer of some item sold by the business which bears its symbol (logo).~~

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

Commented [CR103]: this is just a type of assisted living facility, which is already defined. It is up to state licensing, not our zoning code, to determine what services are provided

Commented [CR104]: take the definitions from "yard" and reword them here for the front, side, and rear setbacks. Add that Director may determine setbacks for irregular lots.

Commented [CR105]: decks avg 18" above grade are exempt from lot coverage. Should these measurements be the same?

Commented [CR107]: why do we need this? shouldn't all signs follow the same rules, whether it's for the business or for a product that the business sells?

"Street, improved public." "Improved public street" means a platted, paved public street, ~~paved to city standards and specifications.~~

"Street, public". "Public street" means a public thoroughfare which provides the principal means of access to abutting properties and designated as follows:

- A1. "Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only secondary means of access to abutting properties.
- B2. "Arterial street" means a street designated in the city's adopted transportation plan. Such a street is generally designed to collect and distribute traffic from higher type highways to less important streets or directly to traffic destinations.
- C3. "Collector street" means a thoroughfare within a residential, industrial, commercial or other type of development which primarily carries traffic from local streets to arterial streets; this includes the principal entrance and circulation routes within residential subdivisions.
- D4. "Cul-de-sac" means a local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E5. "Local street" means a street primarily for providing access to residential, commercial, or other abutting property.

"Street, private" means a private thoroughfare which provides the principal means of access to abutting properties and which is so designated by the city council.

"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 six 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.

"Subdivision, short" means the division or re-division of land into nine or fewer lots ~~for the purpose of sale, lease, or transfer of ownership.~~

"Subdivision" means the division or re-division of land into ten or more lots ~~for the purpose of sale, lease, or transfer of ownership.~~

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

"Symbolic sign" means a sign representative of a traditional profession or trade or service club or religion.

T. T definitions.

"Temporary signs" means conforming signs permitted for a specified period of time.

"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.

"Tract" means a ~~lot~~ parcel of land, usually several acres in area.

~~"Traditional sign". See "Symbolic sign."~~

Commented [CR108]: there are lots of streets (in Skyline and Cap Sante, for example) that are not improved to current standards.

Commented [CR109]: this could be a non-functional piece of art.

Commented [CR110]: seven feet?

Commented [CR111]: Story, basement, and several other terms are defined in the International Building Code, so for consistency and to avoid confusion, why not use the IBC definition?

Commented [CR112]: a person can subdivide a property and record the subdivision without necessarily selling, leasing, or transferring it. The subdivision makes those actions possible, but they are not required for the subdivision to be approved and legally recorded.

Commented [CR113]: or school, or sports team?

"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.

U. U definitions.

"Unit". See "Dwelling unit". means _____

"Utility, local" means facilities and infrastructure provided by a public agency, utility district or franchise which convey essential services throughout a neighborhood area or within the community Anacortes. These facilities include, but are not limited to, local water and waste water lines and pump stations, electrical distribution lines and substations, natural gas distribution pipelines, local telecommunications facilities, and stormwater retention and conveyance systems.

"Utility, regional" means facilities and infrastructure provided by a public agency, utility, or franchise which convey essential services throughout the area beyond but including Anacortes. These facilities include, but are not limited to, regional water storage tanks, reservoirs and booster stations, waste water interceptors, pump stations and treatment facilities, electrical transmission substations and lines 115 kV or greater, regional natural gas pipelines and gate stations, and regional telecommunications facilities.

Commented [CR114]: what is a gate station?

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

"Under-marquee signs" means signs attached to the underside of a marquee, canopy, or permanent walkway cover, or other similar structure.

"Unoccupied space" means that portion of a lot not occupied by structure(s) or building(s) as herein defined.

V. V definitions.

"Variance" means an adjustment from a dimensional or numeric standard of Title 17 or 19 issued per AMC Chapter 19.38 Variances.

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 sign of flat design attached parallel to, or painted on, a building.

"Water-based industrial uses" means industrial type uses that are dependent and/or based on water access or water-based uses. This includes ship and boat building and repair, seafood processing, maritime administration, piers and wharfs, water-based shipping terminals, dry docks, marinas, and other related uses.

"Water-based service uses" refers to service and storage uses that are dependent and/or based on water access or water-based uses. This includes recreational-boat building maintenance and repair, dry stack boat storage, and other related uses.

Commented [CR115]: why does it matter whether the boats are recreational or not? many boat builders repair and build both residential and commercial boats

"Waterfront sign" means a sign facing a waterway. The sign shall not be visible from an improved street or thoroughfare, and i Its primary purpose shall be to identify a business or landmark for people approaching by boat.

Commented [CR116]: look across the bay or channel from a street and you can see the water-facing signs on the other side.

"Weather protection" means a horizontal structure above pedestrian areas such as sidewalks and building entries that blocks rain, snow, and sun.

"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.

Y. Y definitions.

"Yard" means an unoccupied space open to the sky, on the same lot with a building or structure.

"Yard, front" means the open space between the building(s) and the front property line. "Required front yard" means an open space extending across the full width of the lot, the required depth of which shall be measured horizontally and at right angles from the front lot line to a line parallel thereto on the lot.

"Yard, rear" means the open space between the building(s) and the rear property line. "Required rear yard" means an open space extending across the full width of the lot, the required depth of which shall be measured horizontally and at right angles from the rear property line to a line parallel thereto on the lot.

"Yard, side" means an open space between the principal building(s) and side property lines extending from the front yard to the rear yard. "Required side yard" means an open space extending along each side of the lot, the required depth of which shall be measured horizontally and at right angles from the side property line to a line parallel thereto on the lot.

Commented [CR118]: we need to keep these definitions, but they should be under setbacks, not "yard" such as "setback, front".

Z. Z definitions.

"Zoning administrator". Except as otherwise specifically provided, primary responsibility for administering and enforcing this title shall be the planning director or his or her designee. The person or persons to whom these functions are assigned shall be referred to in this title as their "zoning administrator" and/or "administrator."

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 controls.

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 control.

19.12.080 - Administrative interpretation.

- A. Consistent with RCW 36.70B.110(1), 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.

Commented [CR120]: is there any way to cross-reference interpretations to their code sections so a person reading the code will know if an interpretation has been issued? If not, can there at least be a list of interpretations organized by code section so that people can see if there has been anything issued for that section? It doesn't do much good to just "publish" the interpretation if no one can find it after that.

Chapter 19.14 - INTERNATIONAL CODES

NOTE TO REVIEWERS:

AMC 19.14 is omitted from this document. No changes are currently proposed. See [AMC 19.14](#) for more information.

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;
 - 3. adoption of technical appendices to the Comprehensive Plan that do not contain Comprehensive Plan goals or policies, such as the six-year capital facilities financing plan.

19.16.030 - General requirements.

- A. All amendments to the Comprehensive Plan policies, Comprehensive Plan land use map, or development regulations require:
 - 1. a public hearing;
 - 2. review and recommendation by the Planning Commission;
 - 3. review and approval by the City Council; and
 - 34. ~~final approval-adoption~~ by ordinance.
- B. For amendments to the Comprehensive Plan policies or land use map, the City must:
 - 1. docket amendments per AMC 19.16.050; and
 - 2. adopt all amendments simultaneously each year; and
 - 3. may not adopt amendments more frequently than once per year except for amendments that qualify for one of the exceptions in RCW 36.70A.130(2)(a).
- C. For amendments to the development regulations, the City may:

1. accept petitions for development regulation amendments as part of the annual docketing process; or
2. itself initiate the process of adopting or amending development regulations at any time.

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 ~~annual~~ ~~each~~ Comprehensive Plan Periodic Updates 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; and
 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~~ ~~current~~ 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; or
 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; however, this does not preclude submittal of the same or a similar proposal in subsequent years by the same or a different applicant by filing a new petition with appropriate fees.
 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.

Commented [CR121]: circumstances change over time, as do councilmembers, so a person should have the right to try again

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. 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 constraints of agenda scheduling or 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 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 and/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, including a minority opinion of the Commissioners if appropriate.
 - 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; or
 - 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 each item in 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; or
 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

Chapters:

Chapter 19.20 Application Procedures
 Chapter 19.22 Concurrency
 Chapter 19.24 Public Improvements
 Chapter 19.28 Permit Revision and Expiration

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 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
 - 5. 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 appropriate 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(1)
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 • Building, mechanical & plumbing permits • Clearing & grading permits • Extension of time for approval • Shoreline exemptions • Minor permit revisions • Wireless Telecommunication uses in AMC 17.63.060	• Administrative conditional use permits, including home occupation permits • Binding site plans • Boundary line adjustments • Level 1 variances • Preliminary short subdivisions • SEPA threshold determinations • Stormwater Management Manual adjustments & exceptions	• Special use permits for towers or antennas • Level 2 variances	• Shoreline Substantial Development Permits (SSDP) for projects valued less than one million dollars on site less than three acres • Shoreline Conditional Use & Variance Permits • Special use & reasonable use permits per AMC Chapter 17.70 • Any other applications identified as "conditional uses" in AMC Title 17	• Conditional use permits, except administrative CUPs • Essential Public Facilities, type 1 & 2 • Manufactured home subdivisions • Preliminary long subdivisions • Modifications & exceptions per AMC Chapter 16.24 • Site-specific rezones authorized by the comprehensive plan 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	No	No, except for short subdivisions	Yes	Yes	Yes

Commented [CR123]: Manufactured homes are merely a type of construction. They can be built in any neighborhood if they fit the setbacks, etc. There is no need for a separate subdivision category.

Table 19.20.030(1)
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
Neighborhood Meeting		at discretion of Director			
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

Commented [CR124]: don't split words in this column (either widen the column or hyphenate)

(Ord. 2992 § 1 (Att. A), 2016)

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 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 at the time it was created 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 yard-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.

Commented [CR125]: yard is deleted from definitions

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.
 3. An applicant may voluntarily choose to meet certain requirements of laws or regulations that become effective after the date of vesting, but doing so will not trigger an obligation to comply with other newly enacted requirements.
- 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.

19.20.090 - 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-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.

19.20.110 - 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; and
 - 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 Types of Review.
 - 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.

19.20.120 - 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; and
 - 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 Types of Review.
 - 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.
 - 2. The meeting must 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:

Commented [CR126]: Maybe a City staffperson should attend this meeting to answer general questions, take notes about issues raised (perhaps not formal minutes), and generally provide a neutral presence in the room to keep folks on track. Fee for certain types of applications that require this meeting could be raised to cover two hours of staff time. This could encourage consistency in how the meetings are conducted. If different facilitators are used, that could be quite variable.

- 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.

19.20.130 - Application-contents and completeness-revisions.

A. Contents of applications.

- 1. An application must:
 - a. be submitted on forms provided by the Department;
 - b. 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. include fees, as calculated by the Director following the adopted fee schedule.
 - d. 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.1.
- 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, Timing.
- 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.

Commented [CR128]: If a building permit is identified in A.2, it would not be applied for until later (also true for demolition, clearing and grading, electrical, and other construction related permits).

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 10% 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.

19.20.140 - 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:
 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, but required to complete the project, 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 appropriate 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.

19.20.150 - 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.

19.20.160 - 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 19.20.160 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

Commented [CR129]: does this mean that Planning Commissioners, City Councilmembers, and Hearing Examiner are allowed to attend ?

- 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. Continuances. 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.

19.20.170 - 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:
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; and
9. The date when the staff report will be available and the place and times where it can be reviewed.

C. Timing.

1. 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.

19.20.180 - 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 19.20.180 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.

19.20.190 - Decision-notice.

- A. **When required.** When a final decision is made that requires a Notice of Decision per AMC 19.20.030 Types of Review or a decision is made on appeal, the Department must issue a Notice of Decision.
- B. **Contents.** The Notice of Decision must include:
- 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 43.21 C;
 - 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.

19.20.210 - 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 appropriate 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.

19.20.220 - 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.

19.20.230 - 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.

19.20.240 - Exhaustion of administrative remedies.

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

19.20.250 - Departures (NEW)

- 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 set forth 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 to those specific standards that allow for departures.
- D. Procedures. Permit applications that include departure requests go through the standard review procedures set forth in this division depending on the application type.
- E. Approval criteria. Project applicants must successfully demonstrate to the review authority 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 review authority 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.

Chapter 19.22 - CONCURRENCY

Reserved.

Chapter 19.24 - PUBLIC IMPROVEMENTS

19.24.100- Public improvements-design standards.

- A. Public improvements, private roads, private water and sewer connections, and private stormwater facilities must be constructed consistent with the most recent version of the Development and Engineering Standards promulgated by the City's Public Works Director.
- B. ~~All public improvements must be extended as necessary to provide a smooth transition to existing improvements both laterally across the street and longitudinally up and down the street for drainage and vehicular and pedestrian traffic.~~

~~19.24.120- Public improvements requirement.~~

- A. ~~Applicability. This section applies to a building permit for construction of any new building or structure; or for the addition to or repair of an existing structure, the cost of which within a 12-month period exceeds 50% of the existing structure's current assessed value.~~
- B. ~~A building permit must be conditioned to require public improvements as described below:~~
 - 1. ~~Where the street, road, or alley providing access to a building site is developed in accordance with City's Development and Engineering Standards but only on the side of the street not abutting the building site, the public street for the undeveloped portion of the street immediately adjacent to the building site must be developed to match the improvements on the portion of the street which is developed.~~
 - 2. ~~Where the building site abuts an existing arterial street as defined by the city functional classification system map, the public streets, alleys, and the storm sewer system abutting the property must be improved in accordance with City's Development and Engineering Standards.~~
- C. ~~For a building permit to construct a single-family or duplex residential structure, the Director of Public Works may waive all or a portion of the construction of improvements required in this chapter if the applicant records a covenant not to oppose establishment of a local improvement district to construct such improvements required. The covenant must be on forms approved by the city attorney, executed by all persons having an interest in the property for which application for a building permit is being made, and run with the land and be binding on future owners of such land.~~
- D. No driveway access is permitted onto Anaco Beach Road where the driveway access can be constructed on property owned by the applicant to a local access street.

Chapter 19.28 - PERMIT REVISION AND 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 10%;
 - 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
Preliminary Plat, Short Plat, Binding Site Plan	Time to submit final plat is as set forth in RCW 58.17.140.	0	n/a
Shoreline Exemption	1 year per SMP	0	n/a

Commented [CR135]: time to record the plat?

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
Reasonable Use Exception	5 years to establish use	1	1 year
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

Commented [CR136]: time to record the variance?

- 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 appropriate 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 Administrator 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

Chapters:

Chapter 19.32 Land Divisions
 Chapter 19.34 Boundary Line Adjustments
 Chapter 19.36 Conditional Uses
 Chapter 19.38 Variances

Chapter 19.32 - LAND DIVISIONS

Reserved.

Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS

Reserved.

19.34.010 - Purpose. (NEW)

The purpose of this Chapter is to:

- A. Establish criteria for the review and approval of boundary line adjustments.

19.34.030 - Application requirements and procedure. (NEW)

- 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 set forth in the application submittal checklist.
- B. Boundary line adjustments are reviewed according to the procedures in AMC 19.20.

19.34.020 – Review Criteria. (NEW)

- 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 substandard lots to qualify as a building site, or to consolidate lots to make a building site larger;
 - 2.3. To alter the size and/or shape of two or more lots, provided that no additional lots or non-conforming conditions are created;
 - 3.4. To make a lot, structure, setback, or buffer from a critical area/ environmentally sensitive area more conforming;
 - 4.5. 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. Be for the purpose of 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, creation of access easements, or require improvement of existing streets or private roads in order to meet current development standards;
6. Diminish or impair existing or future drainage, water supply, or sanitary sewage disposal;
7. Create a lot that contains insufficient area and dimensions to meet all applicable dimensional standards as set forth in the City's zoning, land use, building and fire separation regulations, and all required buffers and setbacks to critical areas /environmentally sensitive areas;
8. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision;
9. Create a lot without adequate vehicular access, including access for emergency response vehicles;
10. Result in a lot having more than one zoning and/or land use designation;
11. Result in a lot located partially within the city limits and partially within unincorporated Skagit County.

Commented [CR141]: what do you mean by area? zone? block?

19.34.050 – Final approval and recording. (NEW)

- 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:
 1. There is compliance with the requirements of this section, AMC 19.34; and
 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; and
 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; and
 4. The County treasurer has certified that all taxes on the land have been fully paid and discharged consistent with applicable requirements; and
 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; and
 6. 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 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 - 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 glare 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 the decision-maker.

Commented [CR142]: It's hard to avoid casting ANY light on nearby properties

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 or decreasing the required lot size or yard-setback dimensions;
 2. Increasing or decreasing street widths, controlling the location and number of vehicular access points to the property;
 3. Increasing or decreasing 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.

Commented [CR143]: for example, allowing smaller setback on one side in exchange for more on another side.

Commented [CR144]: the term yard is being deleted.

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;
6. 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 Areas.

Commented [CR146]: what about street standards, for example in Skyline or Cap Sante where the existing development pattern has no sidewalks or curbs or storm drainage

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% of the numerical standard in question.
2. A Level 2 variance is any variance that exceeds 25% 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 - 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 intent and 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 intent and 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.
- 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.

Commented [CR147]: does this allow a defense of "I didn't mean to do it"?

Commented [CR148]: this is good. Most of the older variances were not recorded and there is no way of proving whether your neighbor actually got a variance or is just encroaching.

DIVISION 4 - ZONING AND LAND USES

Chapters:

- Chapter 19.40 Zoning Districts
- Chapter 19.41 Permitted Uses
- Chapter 19.42 Form and Intensity Standards
- Chapter 19.43 Density Bonus Incentives
- Chapter 19.44 Supplemental Use Criteria
- Chapter 19.45 Annexation
- Chapter 19.45 Non-conforming Uses and Structures

Chapter 19.40 - ZONING DISTRICTS

19.40.010 - Generally.

A. Purpose. (17.04.020)

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 City of Anacortes Comprehensive Plan policies through land-use regulations;
2. Protecting the general public health, safety, and welfare;
3. Providing for adequate public facilities and services in conjunction with development;
34. Providing an efficient and Encouraging the most appropriate and compatible relationship of land uses and zones of land;
45. Providing for a transportation system that offers greater options, mobility, safety, and access in support of the City's growth strategy efficient and safe traffic flow and sufficient parking space for all uses; and
6. Providing for adequate light, air, access and privacy;
7. Providing for safety from fire and other dangers;
8. Allocation of sufficient land for all uses within the community;
59. Conserving the City's natural resources and attractions.; and
10. Implementing the Regulatory Reform Act (1995).

B. Zoning map and boundaries. (17.12.040, 17.12.020, 17.12.030)

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 Section 19.40.030 and mixed-use and ~~non-residential~~ industrial non-residential zones in Section 19.40.040.
2. Official zoning map. The designation, location and boundaries of the zones established by sections 19.40.030-.040 are as shown and depicted on the Zoning Map(s) of the City, which must be maintained as such, and which are hereby incorporated by reference in this section and maintained on file in at the Anacortes Planning, Community & Economic

Commented [CR152]: there are other non-residential zones that are not industrial

Development Department. Zoning for all land within the City of Anacortes is established as shown on the Official Zoning Map. This chapter must consist of the text hereof and official zone map signed by the mayor and the city clerk. The original map is to bear the same date as this chapter. Subsequent amendments, date, and changes must be listed on a duplicate copy of the original zone map. The zone map has been examined in detail by the city council after having been approved by the Anacortes Planning Commission and is adopted as a part of this chapter. If any conflict arises between the map and the text of this chapter, the text must prevail.

2. Boundaries. Boundaries of the zones referred to in this chapter must be determined and defined, or redefined from time to time, by adoption of amendments (rezones) to the zoning ordinance, by a map or maps showing the geographical area and location of said zones. The map or maps must be filed with the city clerk and be permanently displayed at a location available to the public. Each zoning map must be, upon final adoption, a part of this comprehensive zoning ordinance.

3. Zoning map interpretation Rules of construction. When uncertainty exists as to boundaries of any land use zone shown on the official zoning map, the following rules of construction must apply:

- a. Where zone boundaries are indicated as approximately following the center line of streets, alleys, railroads, or highways, the actual center line must ~~must~~ be construed to be the boundary.
- b. Where zone boundaries are indicated as running approximately parallel to the centerline of the street, the boundary line must be construed to be parallel to the centerline of the street.
- bc. Where zone boundaries are indicated on such map 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 ~~must~~ be construed to be the boundaries of such zone.
- cd. Where a zone boundary on such sectional maps divides a lot or tract into unsubdivided property, the location of such zone boundary must be determined by map scaling, unless the actual same is indicated by dimensions are shown on the map. thereon, must be determined generally by use of the scale appearing on such sectional area zone map, and specifically by precise measurements supplied by the City's computer Geographic Information System (GIS).

For the purpose of determining permitted uses and development form and intensity, the Director may allow minor adjustments (up to 10 percent increase or decrease in area, not to exceed one acre, of either zone on the applicable lot or tract) to the zoning map boundary. The criteria for making such a determination must include an evaluation of site topography, proximity of non-compatible uses adjacent to the subject property, existing property boundaries, and overall function and integration of the development with the community.

- de. 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. Zone boundaries indicated as following shorelines must be construed to follow such shorelines, and in the event of change in the shoreline must be construed as moving with the actual shoreline.
- f. Boundaries indicated as following railroad lines must be construed to be the center lines of right-of-way.
- eg. Where a public right-of-way is vacated, the vacated area must have the zone classification of the adjoining property that it merges with. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion must revert must apply to such vacated or abandoned street or alley.

fh. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Director is authorized to make a determination on planning commission must recommend and the city council determine, the location of such zoning boundaries. The Director's decision must be guided by the standards in subsections a through e of this section, the intent and language of the Anacortes Comprehensive Plan and the purpose statement of the zoning district where boundaries are in question. The decision of the Director must be subject to appeal pursuant to section § 19.40.020. The zoning map shall be adjusted to conform to such decisions, and these changes adopted as part of the next annual Comprehensive Plan amendment cycle.

4. Urban growth area.

These regulations must also apply within the city's unincorporated urban growth area except that the county will apply existing county application, review, approval and enforcement procedures and will retain its authority to approve administrative variances, to approve special use permits, and to conditionally approve expansion of nonconforming uses and structures.

Commented [CR159]: need a process for actually making the changes to the map

19.40.020 - Zone and map designation purpose. (NEW)

The purpose statements for each zone and map designation set forth 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
RESIDENTIAL ZONES (AMC 19.40.030)	
Residential Low Density 1	R1
Residential Low Density 2	R2
Residential Low Density 2A	R2A
Residential Medium Density 3	R3
Residential Medium Density 3A	R3A
Old Town	OT
Residential High Density 4A	R4A
Residential High Density 4A	R4A
MIXED-USE AND INDUSTRIAL-NON-RESIDENTIAL ZONES (AMC 19.40.040)	
Central Business District	CBD
Commercial	C
Marine Mixed-Use	MMU
Commercial Marine	CM
Commercial Marine 1	CM1
Commercial Marine 2	CM2
Light Manufacturing	LM
Light Manufacturing 1	LM1

Commented [CR160]: MANY OF THESE ARE NOT INDUSTRIAL ZONES

Commented [CR162]: if CM1 is deleted, should CM2 be re-numbered to CM1? Or are there other areas where a CM1 zone would be useful?

Table 19.40.020**List of zones.**

Zone Name	Abbreviation
Manufacturing and Shipping	MS
Heavy Manufacturing	HM
Industrial	I
Public Use	P
Aeronautical Zone	AZ
OVERLAY DISTRICTS (AMC 19.40.050)	
Medical Overlay	MED-O
Live/Work Overlay	LW-O
Mixed-Use Business Overlay	MUB-O

19.40.030 - Residential zones established. (Updates to 17.27-38)**A. Residential Low Density 1 (R1) (complete update of 17.38.010)**

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. These purposes are accomplished by all of the following:
 - a. Allowing single-family dwellings on large lots as the predominant use.
 - b. Allowing other dwelling types, such as accessory dwellings and cottage housing, under certain circumstances.
 - c. Allowing complementary non-residential uses under certain circumstances.
 - d. Providing a flexible system of bonus incentives (see chapter 19.43) that allow for an increase in density in exchange for community benefit features.
3. ~~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 throughout the City 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 transit uses and commercial services.
2. These purposes are accomplished by all of the following:
 - a. Allowing single-family dwellings in established neighborhoods as the predominant land use.
 - b. Allowing other dwelling types, such as accessory dwellings, duplexes, and cottage housing, under certain circumstances and in compliance with special design standards.

Commented [CR165]: no need to say this every time, it should be obvious that the areas designated for each zone in the comp plan are "appropriate" for those uses

Commented [CR166]: is this the right dividing line? what about Rock Ridge, the Highlands, etc. would A Ave be a better dividing line? Does not currently show a boundary on the map

Commented [CR167]: the goal should be to extend transit to all residential areas, regardless of their density, and especially if they are a distance from downtown. lack of bus service is not an excuse for zoning

- c. Allowing complementary non-residential uses under certain circumstances.
- d. Providing minimum lot sizes generally consistent with the established development pattern in the area.

~~3. 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. These purposes are accomplished by all of the following:
 - a. Allowing single-family dwellings in established neighborhoods as the predominant land use.
 - b. Allowing other dwelling types, such as accessory dwellings, duplexes, and cottage housing, under certain circumstances and in compliance with special design standards.
 - c. Allowing complementary non-residential uses under certain circumstances and in compliance with special design standards.

~~3. 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. These purposes are accomplished by all of the following:
 - a. Allowing a mix of single-family dwellings and duplexes.
 - b. Allowing other dwelling types, such as accessory dwellings, cottage housing, and low density multifamily under certain circumstances.
 - c. Allowing complementary non-residential uses under certain circumstances and in compliance with special design standards.
 - d. Providing for special design standards for most housing types to preserve and enhance the character of the existing neighborhoods, enhance the livability of developments, and promote compatibility between sites.

~~3. 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 foot) lots. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.
- 2. These purposes are accomplished by all of the following:

- a. Allowing a mix of single-family dwellings and duplexes.
- b. Allowing other dwelling types, such as accessory dwellings, cottage housing, assisted living facilities, and low density multifamily under certain circumstances.
- c. Allowing complementary non-residential uses under certain circumstances and in compliance with special design standards.
- d. Reinforcing the historical street grid pattern.
- e. Providing for special design standards for most housing types to **preserve and** enhance the character of **the existing** neighborhoods, enhance the livability of developments, and promote compatibility between sites.

~~3. 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. These purposes are accomplished by all of the following:
 - a. Allowing single-family dwellings as the predominant dwelling type.
 - b. Allowing other dwelling types, such as accessory dwellings, cottage housing, and low density multifamily under certain circumstances.
 - c. Allowing complementary non-residential uses under certain circumstance and in compliance with special design standards.
 - d. Providing for special design standards to **maintain-preserve** and enhance the historical character of the neighborhood and promote compatibility between sites.

~~3. 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. These purposes are accomplished by all of the following:
 - a. Allowing a mix of single-family, duplex, and multifamily dwellings, assisted living facilities, and boarding and rooming houses;
 - b. Allowing complementary non-residential uses under certain circumstances and in compliance with special design standards; and
 - c. Providing for special design standards for most housing types to enhance the character of the neighborhood, enhance the livability of developments, and promote compatibility between sites.

~~3. 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. These purposes are accomplished by all of the following:
 - a. Allowing a mix of single-family, duplex, multifamily dwellings, assisted living facilities, and boarding and rooming houses.
 - b. Allowing complementary non-residential uses under certain circumstances and in compliance with special design standards.
 - c. Providing for special design standards for most housing types to enhance the character of the neighborhood, enhance the livability of developments, and promote compatibility between sites.
 - d. Providing density and dimensional standards to moderate the density-impact of multifamily development and better ensure compatibility with existing development in this district.
3. ~~Use of this zone is appropriate for areas designated Residential High-Density in the comprehensive plan.~~

Commented [CR171]: Yes, this is where these belong. why should it matter whether or not dining and other services are provided to the residents, if the general appearance and impacts are similar to any other multifamily complex?

Commented [CR172]: are these defined anywhere? for example, a neighborhood coffee shop might be nice. is there a way to limit non-residential uses to small size and services mostly used by neighborhood residents rather than attracting outside traffic?

19.40.040 – Mixed-use and industrial-non-residential zones established.

(Updates to 17.15-26 and 17.39)

A. Central Business District (CBD)

1. This designation ~~has been applied~~ applies to the existing historic downtown commercial district in Anacortes. The purpose of the district is to reinforce downtown as the center of commercial, civic, and cultural activities within the city. ~~Downtown-The CBD~~ is expected to accommodate new development while reinforcing and enhancing its historic pedestrian-friendly character and scale.
2. These purposes are accomplished by all of the following:
 - a. Allowing a broad mix of commercial, retail, professional office, civic and cultural, and residential uses.
 - b. Emphasizing active uses on the ground floor ~~of along~~ Commercial Avenue.
 - c. Encouraging multi-story buildings with a mixture of uses.
 - d. Allowing single-purpose residential buildings along streets other than Commercial Avenue, to encourage downtown living.
 - d. Requiring transit-supportive residential densities (at least 15 dwelling units per gross acre) for new single-single-purpose residential developments.
 - e. Providing for special design standards to reinforce and enhance the historical and pedestrian-oriented character of the area.
3. ~~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 ~~that serves~~ serving local and regional residents and the traveling public.
2. These purposes are accomplished by all of the following:
 - a. Allowing for a wide variety of general service, retail commercial, and professional office uses.
 - b. Encouraging multifamily uses on upper floors along South Commercial Avenue and within mixed-use or single purpose buildings on most side streets.
 - c. Requiring transit-supportive residential densities (at least 15 dwelling units per gross acre) for new ~~single~~ single-purpose residential developments.
 - d. Providing for design standards to emphasize pedestrian-friendly block frontages, good internal circulation, and compatibility between sites, while facilitating safe traffic flow and vehicular access to businesses.
3. ~~Use of this zone is appropriate for areas designated Commercial in the comprehensive plan.~~

Commented [CR174]: while I agree that a lot can be done to make S Commercial better for pedestrians, we also need to acknowledge that this is a state highway and good vehicular access to businesses is important for their success

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.
2. These purposes are accomplished by all of the following:
 - a. Allowing for a range of compatible commercial, hospitality, cultural, and recreational uses.
 - b. Allowing for residential uses provided they are mixed with other permitted uses either vertically and/or horizontally.
 - c. Encouraging multi-story buildings provided they are designed and oriented to ~~maximize~~ facilitate public marine views and integrate human-scaled design details.
 - d. Creating a coordinated plan for development of large parcels rather than splitting them into small parcels and developing them as unrelated uses.
 - e. Providing special design standards that integrate all of the following:
 - i. Provide for physical and visual access to the water.
 - ii. Create a coordinated network of internal roadways and walkways that serves the envisioned mix of uses and creates a distinctive setting and identity for the district.
 - iii. Provide for pedestrian-friendly building frontages.
 - iv. Encourage building layout, orientation, modulation, and articulation to reduce the perceived scale of large buildings, add visual interest, and establish a distinct design character for the district.
 - v. Encourage the integration of public space and amenities associated with non-residential uses.
 - vi. Emphasize landscaping elements as a major character defining feature.
 - vii. Include design provisions that seek to minimize potential negative conflicts between different uses. ~~For example, provide compatible site edges and sensitive service area design.~~

Commented [CR175]: if we say "maximize" someone is sure to say the only way to do that is to build nothing

Commented [CR176]: what the heck is "sensitive" design? if you want screening or setbacks, say so. what is a compatible site edge?

- viii. Locate and design off-street parking to minimize negative visual impacts to pedestrian areas and uses.

~~3. 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 a marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways and the tourism trade is ~~the~~ of primary importance.
2. These purposes are accomplished by all of the following:
 - a. Allowing uses that primarily serve the needs of marine oriented and tourist activity.
 - b. Allowing multifamily housing, shipping terminals, and other uses which enhance the purpose of a marine-oriented district under special conditions and limitations.
 - 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 I (CM1)

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.

These purposes are accomplished by:

1. 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;
2. 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
3. Establishing basic design standards focused on building character and the pedestrian environment.

E. Commercial Marine 2 (CM2)

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. This designation commercial marine 2 district (CM2) is established to provides for a mix of commercial and industrial uses appropriate adjacent to the commercial marine 1 district and the industrial district and to provide public access to Fidalgo Bay. The shoreline within two hundred feet of Fidalgo Bay must be developed with water-dependent marine uses, or uses which provide significant public physical and visual access to the bay.

These purposes are accomplished by all of the following:

Commented [CR178]: agree this should be CM, the uses described here make no sense in that small area

1. Allowing ship and boat building and repair, marine sales and services, public and private recreation facilities, marinas, boat launch facilities, and other marine-focused uses.
2. Conditionally aAllowing manufacturing, storage and shipment of foods under special conditions and limitations, and limited retail.
3. Establishing basic design standards focused on the design of block frontages, pedestrian access, and waterfront access.building character and the pedestrian environment.
4. Providing for an increase in building size in exchange for public benefits.

~~Use of this zone is appropriate for areas designated Commercial Marine in the comprehensive plan.~~

G. Light Manufacturing (LM)

1. This designation provides for a mix of industrial structures and uses, service commercial uses 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. The light manufacturing district (LM) is intended to accommodate those businesses which are not compatible with uses found in the central business district, and industrial and other uses which do not create noise, smoke, odors, or other objectionable nuisances or hazards detrimental to uses in the LM district or surrounding districts.
2. These purposes are accomplished by all of the following:
 - a. Allowing light manufacturing, processing, and storage uses which do not create objectionable environmental nuisances, marinas, ship and boat building and repair, restaurants, shipping terminals, and limited retail uses;
 - b. Conditionally allowing single family dwellings, multifamily dwellings, lodging, and neighborhood grocery stores;
 - c. Establishing basic design standards for buildings over 50,000 square feet in area.
3. ~~Use of this zone is appropriate for areas designated Light Manufacturing in the comprehensive plan.~~

Commented [CR180]: I see that the zoning map keeps the area between 4th and 5th east of M in the LM zone. Are you ignoring the request of the residents here who overwhelmingly favor being part of Old Town and want to preserve historic housing close to downtown? there is a big difference between a house that is in a residential zone and one that is merely allowed as a conditional use (but a welding shop or fish processor could move in next door)

Commented [CR181]: are there any multifamily in this area?

H. Light Manufacturing I (LMI)

1. This designation provides for a mix of industrial structures and uses, service commercial uses 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. The Light Manufacturing I Zone (LMI/LM) is the SR-20/March Point industrial zone. ~~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 and which benefit from access to the state highway.
2. These purposes are accomplished by all of the following:
 - a. Allowing boat sales and repair, aquaculture, light manufacturing and, service commercial recycling facilities, processing of goods, storage, shipping terminals, parks, auto sales and service, retail sales, and other commercial uses;
 - b. Limiting retail uses to land intensive ~~heavy~~ retail uses and small scale general retail to minimize competition with uses in the CBD and C districts. Conditionally allowing grocery stores, marinas, offices, and recreational facilities.
 - c. Providing basic design standards for highway and block frontages to enhance the character of these areas no restrictions density and maximum site coverage.
3. ~~Use of this zone is appropriate for areas designated Light Manufacturing in the comprehensive plan.~~

Commented [CR182]: surprised to see Fidalgo Bay is still LM1 - could it be P or a residential classification? LM1 uses are not compatible with the natural reserve area of the bay.

Commented [CR183]: what about the topsoil, auto wrecking and similar uses? are they ok if screened?

Commented [CR184]: what is a "heavy" retail use?

I. Manufacturing and Shipping (MS)

1. This designation provides for manufacturing and shipping uses that can utilize the deep waters of the Guemes Channel. ~~Secondarily, the MS district provides for, and~~ uses supplementary to and compatible with the primary uses.
2. These purposes are accomplished by all of the following:

- a. Allowing manufacturing, storage, shipping facilities, offices of primary businesses, building and repair of boats and ships, marine sales and service, parks, and piers.
- b. Conditionally allowing marinas, neighborhood grocery stores, restaurants, recreational facilities, work-force housing, and limited small scale retail uses.
- c. Establishing basic design standards for buildings over 50,000 square feet in area.

~~3. Use of this zone is appropriate for areas designated Manufacturing and Shipping in the comprehensive plan.~~

Commented [CR186]: this could allow a large office building by itself? seems offices should be related to the businesses in this zone

Commented [CR187]: this area is for marine business, not for housing, and without a definition of "workforce" housing it is meaningless - city can't control who lives there

Commented [CR188]: maybe a few design standards for buildings along edges abutting other zones, but within the shipyard function should determine the design

J. 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 district are intended to provide protection principally against effects harmful to other districts.
- 2. These purposes are accomplished by all of the following:
 - a. Allowing industrial, office, repair, warehouse, processing, shipping terminal, and other industrial-similar uses which do not create objectionable environmental nuisances.
 - b. Establishing no limits on density or maximum site coverage.

~~3. Use of this zone is appropriate for areas designated Heavy Manufacturing in the comprehensive plan.~~

Commented [CR189]: this is exactly the zone where some such nuisances should be located. why have this wording in HM but not in MS or I, which are near residences?

K. 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. These purposes are accomplished by all of the following:
 - a. Allowing industrial, office, repair, warehousing, processing, and shipping terminal uses which do not create objectionable environmental nuisances.
 - b. Conditionally allowing marinas and buildings over 200,000 square feet in area.
 - c. Establishing basic design standards for buildings and block frontages.
 - d. Providing for an increase in building size in exchange for public benefits.

~~3. Use of this zone is appropriate for areas designated Industrial in the comprehensive plan.~~

Commented [CR190]: what is an "objectionable" environmental nuisance?

L. 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. These purposes are accomplished by all of the following:
 - a. Allowing public parks and recreation facilities.
 - b. Conditionally allowing common public uses such as schools, libraries, recreation facilities, museums, fire stations, hospitals, conference facilities, utilities, and other uses that serve the public that serve the public.
 - c. Conditionally allowing residential uses under the provisions the R2 zone.

Commented [CR191]: is a fire engine siren a nuisance?

3. Use of this zone is appropriate for any designation within the City provided the site is ~~strategically~~ appropriately located to accommodate common public uses.

M. Aeronautical Zone (AZ)

1. This designation provides for the Anacortes Airport and associated uses. The purpose of the AZ zone is to also ensure that the siting and development of the Anacortes Airport and aeronautical related facilities and uses are an Essential Public Facility, as defined in Chapter 36.70A RCW.
2. These purposes are accomplished by all of the following:
 - a. Establishing a development agreement between the City of Anacortes and the Port of Anacortes regarding Port-owned property, codified in 19.82.
 - b. Allowing airport operational uses, such as fueling, parking, hangars, terminals, fencing, and light manufacturing.
3. Conditionally allowing restaurants, overnight lodging for pilots, and other uses related to airport operations.
4. Establishing specific setback and other development standards for Port-owned property to enhance compatibility with surrounding neighborhoods.

Commented [CR193]: only the pilot, not any passengers or family members? how to control?

19.40.050 - Overlay districts. (NEW)**A. 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.

B. 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.

C. Mixed-Use Business Overlay (MUB-O)

This overlay designation provides the opportunity to integrate non-residential uses together with residential uses in a coordinated planned development of City-owned property. Such Non-residential uses must be limited to those uses that minimize external or physical impacts on residential uses. Non-residential uses may be developed as 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 commercial or manufacturing zones.

Commented [CR194]: I strongly object to extending this overlay to Commercial Ave. There is no compelling reason to allow the hospital to take valuable commercial property off the tax rolls and make it unavailable for the commercial businesses that are the primary purpose of the zone. This overlay should extend beyond the hospital-owned property to allow for private medical facilities and not give the hospital a monopoly.

Commented [CR195]: can we require a coordinated plan for the whole site to preclude piecemeal development?

Chapter 19.41 - PERMITTED USES

19.41.010 - Generally. (NEW)

- A. 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.
- B. Interpretation of use tables. Land uses within the City of Anacortes are allowed when identified in this chapter's use tables as allowed in the zone as identified on the city's official zoning map.
 1. If 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 or other permits required by AMC Chapter 19.14 International Codes.
 2. If no symbol appears in the use tables, the subject use is not allowed in that district, except for certain temporary uses.
 3. If 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 the general requirements of the code.
 4. Where a proposed use is not classified in the use tables and sections below, the director must apply the use provisions ~~to~~ 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 intent of the applicable zoning district, 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:
 - a. Consider the scale and type of buildings compared to other permitted uses in the district.
 - b. Consider the amount, type, and pattern of vehicular traffic anticipated for the use.
 - c. Consider the expected outdoor uses and activities associated with the use.
 - d. Consider the expected noises, smells, emissions, and unique visual impacts associated with the use.
 5. Clarification of uses and special conditions.
 - a. If a * appears after the use, then the use is defined in AMC 19.12.020.
 - b. Where an AMC reference/link appears after a use, then the use is subject to standards set forth in that section or chapter.
 - c. If a superscript number appears in use tables, the particular use may be allowed subject to the development condition with the corresponding number immediately following the table. If there are multiple numbers, then the use is subject to all applicable development conditions.
- C. Permanence. The use is considered permanently established when that use will be or has been legally established in continuous operation for a period exceeding 60 days. A use which will operate for less than 60 days is considered a temporary use, and subject to the requirements of a temporary use permit (see CITATION).
- D. Accessory uses. An accessory use, as defined in [citation needed] and identified on the use tables in this chapter, is permitted in any zone if:

Commented [CR196]: or shoreline permits?

1. It is on the same lot as the principal use to which it is accessory; and
2. It is of a nature customarily incidental and subordinate to, the principal use or structure.

19.41.020 - Uses permitted in residential zones. (NEW)

Table 19.41.020(A) below provides a summary of permitted housing types in residential zones and Table 19.41.020(B) provides the complete list of permitted uses in residential zones.

Table 19.41.020(A)									
Summary of housing types permitted in residential zones.									
This table is intended to summarize key differences in the types of permitted housing types between the residential districts. This table is for illustrative purposes only. Please see Chapter 19.41 for the detailed use provisions.									
Table legend: = Housing type permitted = Housing type allowed in limited circumstances or through special review process No symbol = Housing type not allowed.									
Housing Type		Zone							
		R1	R2	R2A	R3	R3A	R4	R4A	OT
Single household standard lot		●	●	●	●	●	●	●	●
Single household small lot					●	●	●	●	
Accessory dwelling unit		●	●	●	●	●	●	●	●
Cottage housing		●	●	●	●	●	●	●	
Duplex			○	●	●	●	●	●	●
Triplex					○	●	●	●	
Fourplex					○	●	●	●	
Townhouse					○	●	●	●	
Multifamily, 3 or more units							●	●	

Commented [CR198]: suggest using photos for the single family small lot and ADU that depict more modest, less suburban types

Table 19.41.020(B)
Uses permitted in residential zones.

Table clarification (see AMC 19.41.010.B for details):

1. Uses: P = permitted use; C = conditional uses; No symbol = use not permitted
2. If a * appears after the use, then the use is defined in AMC 19.12.020.
3. Where an AMC section is referenced after the use, then the use is subject to the development conditions specific to the subject use in that AMC section.
4. If a superscript number appears in the box, then the use may be allowed subject to development condition(s) described in the footnotes immediately following the table.

Use	R1	R2A	R2	R3A	R3	R4	R4A	OT
RESIDENTIAL, GENERAL								
Dwelling								
Single-family*	P	P	P	P	P	P	P	P
Single-family, small lot* (AMC 19.44.020)				P	P	P	P	
Cottage housing* (AMC 19.44.085)	P	P	P	P	P	P	P	
Duplex* (AMC 19.44.080)		CP	C	P	P	P	P	P
Triplex* (AMC 19.44.080)				C	P	P	P	
Fourplex*				C	P	P	P	
Townhouse* (AMC 19.44.090)				C ²	P ²	P	P	
Multifamily, 4 or more units*						P	P	
Live-work* (AMC ____)								
RESIDENTIAL, ACCESSORY								
Accessory structures* (AMC 19.44.020)	P	P	P	P	P	P	P	P
Accessory dwelling unit (ADU)* (AMC 19.44.030)	P	P	P	P	P	P	P	P
Barn	P							
Day care facilities*	P	P	P	P	P	P	P	P
Home occupations* (AMC 19.44.110)	CP	P	P	CP	P	P	P	P
Keeping of animals (AMC ____)	P	P	P	P	P	P	P	P
Pier, dock, float (AMC ____)	P	P	P	P	P	P	P	P
Wireless Telecommunications Antennas	See AMC 17.63							
RESIDENTIAL, GROUP								
Adult family home*	P	P	P	P	P	P	P	P
Senior-citizen-assisted housing/care/nursing-home				C	C	CP	C	
Boarding and Rooming houses*				C	C	P	P	C
Co-housing	C	C	C	C	C	C	C	
Community residential facility* Group home				C	C	C	C	
Nursing homes*								

Commented [CR203]: I object to considering assisted housing differently from an apartment building of the same size. And why the "senior citizen" designation? Why does it matter how old the residents are? If multifamily building is allowed in a zone, then it should be irrelevant how old the residents are or whether they receive some meals or other assistance within the building.

Use	R1	R2A	R2	R3A	R3	R4	R4A	OT
NON-RESIDENTIAL								
Agriculture, commercial*	P1							
Beauty salons						PC	PC	
Bed-and-breakfast (AMC 19.44.060)	C	C	C	C	C	P	P	C
Day care II facilities*		C	C	C	C	C	C	C
Grocery store, neighborhood (AMC 19.44.100)		C	C	C	C	C	C	C
Hospital						P	P3	
Medical office*				C	C	CP	CP3	C
Mortuary						PC	PC	
Nurseries	P	C	C	C	C	C	C	
Produce stand* (AMC 19.44.140)	P							
Private parking	C	C	C	C		C	C	
Religious institution*								
<10,000sf net leasable area (NLA)gross floor area (GLA)		CP	CP	CP	CP	CP	CP	CP
10,000-20,000sf GLA		C	C	C	C	C	C	C
>20,000sf GLA		C	C	C	C	C	C	C
Wireless Telecommunications Towers	See AMC 17.63							
Yacht club				C		C	C	
PUBLIC								
Library				C	C	C	C	C
Parks and plazas	P	P	P	P	P	P	P	P
Preschool*		C	C	C	C	C	C	C
Public safety facility*	P	C	C	C	C	C	C	C
Public agency or utility office								
Recreation (public) , indoor, local*	P	P	P	P	P	P	P	P
Recreation (public) , indoor, regional*Senior center				C	C	C	C	
Public parking	C	C	C	C		C	C	
School*		C	C	C	C	CP	CP	C
Utilities, local*	P	P	P	P	P	P	P	P
Utilities, regional*	C	C	C	C	C	C	C	C

Development conditions:

Global conditional use: Landmark building with any approved use, generally not permitted within the area's land use classification, which occurs or will occur in a landmark building recognized as such by the city council.

1. Pasture space for livestock to be provided at a minimum of 18,000 square feet per animal.
2. In the R3 and R3A zones a maximum of four townhouse units may be attached as a single structure.
3. Hospitals and medical offices are permitted uses in the Medical Overlay area only.

Commented [CR205]: Hospitals and medical offices should be in the medical overlay or commercial zone, NOT in residential zones - they are a commercial use, not a residential use. The dental office in Old Town is grandparented but we don't need to allow more. A therapist, for example, can be a home-based business, but if it grows into a clinic it should relocate to a commercial area. A mortuary is a commercial use and does not belong in a residential zone.

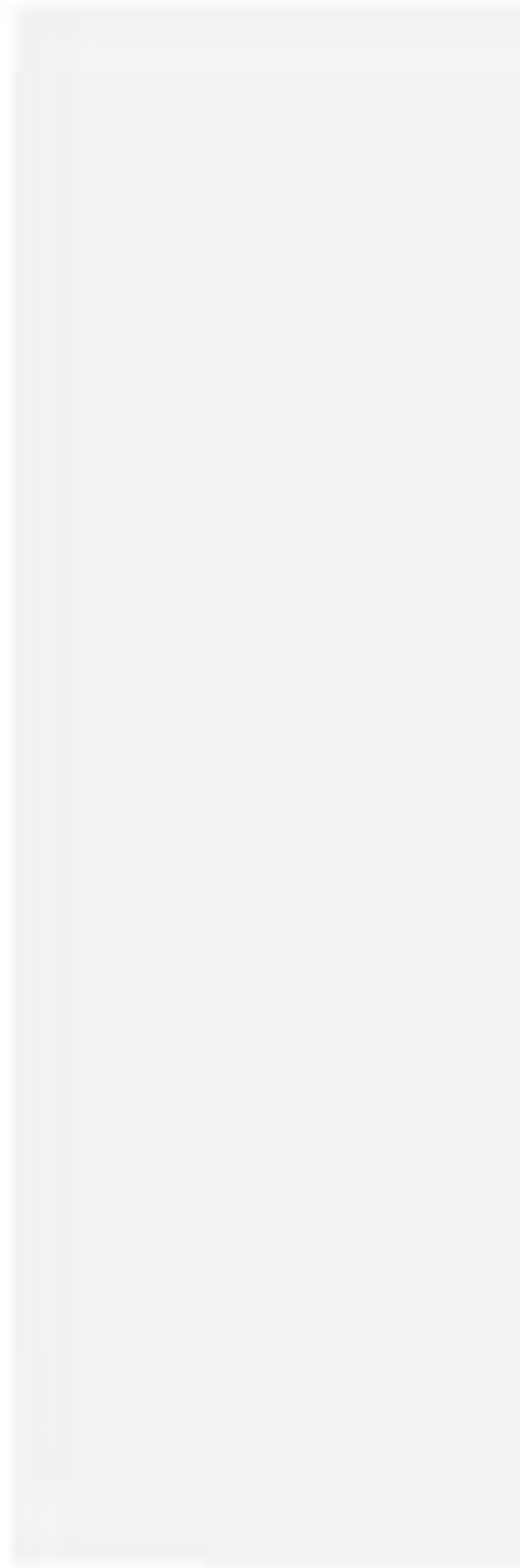
Commented [CR206]: Nursery is a commercial use. D Ave. nursery is grandparented, but that doesn't mean we should allow new ones and certainly not taking up space in limited multifamily zones

Commented [CR207]: the yacht club in the R3 zone would become a non-conforming use and could not expand

Commented [CR208]: why wouldn't this be C?

Commented [CR211]: I suppose this is meant for something like the Skyline clubhouse, but this implies it could go in anywhere as a permitted use - should be C. this isn't defined - could it be a poker club, indoor tennis court, swimming pool, ? not sure what is intended, but seems like recreational uses open to the local public aren't a residential use, and therefore should be conditional

Commented [CR213]: approved by whom?



19.41.030 - Uses permitted in mixed-use and industrial-non-residential zones. (NEW)

- A. Permitted retail sales, service, office, and industrial-other non-residential uses in mixed-use and industrial-non-residential zones.

Table 19.41.030(A)

Permitted retail sales, service, and industrial uses in mixed-use and industrial-non-residential zones.

Table clarification (see AMC 19.41.010.B for details):

1. Uses: P = permitted uses; C = conditional uses; No symbol = use not permitted
2. If a * appears after the use, then the use is defined in AMC 19.12.020.
3. sf = square feet.
4. Where an AMC section is referenced after the use, then the use is subject to the development conditions specific to the subject use in that AMC section.
5. If a superscript number appears in the table, then the use may be allowed subject to development condition(s) described in the footnotes immediately following the table.

Use	CBD	C	MMU	CM	CM1	CM2	LM	LMI	MS	I	HM
RETAIL SALES											
Automobile sales		P						P			
Boat & marine equipment sales		P		P		P		P	P	P ¹	P
Produce stand* (AMC 19.44.140)	P	P	P	P	P	P	P	P			
Retail* - based on individual establishment area:											
<5,000sf net leasable area (NLA)	P	P	P	P	P	P ¹		P ¹	C		P
5,000-50,000sf NLA	P	P	C								
>50,000sf NLA	C	C									
Heavy retail*		C						P			P
Marijuana, retail (AMC 19.44.120 ____)								P			
Nurseries		C						P			
SERVICE											
Automobile fuel/service station*		P						P			
Boat/marine equipment service		P	P	P	P	P	P	P	P		
Permitted use with drive through (AMC 19.44.075 ____)		P						P			P
Day care I facilities*	P	P	P	P	P	P	P	P			
Day care II facilities*	P	P	P	P				P			
Eating and drinking establishment	P	P	P	P	P	C	P		C		
General service establishments*	P	P	P	P	P	P		P			
Heavy service*		P						P			P
Hospital		C									

Commented [CR216]: Some residential uses are permitted or conditional in some of the non-residential zones. They should be included in this table. Add a black line with RESIDENTIAL and rows below that with single family, multifamily, live/work, and mixed use

Commented [CR217]: since there is an actual zone name of "Industrial" it is confusing to use the same term here, when what is really meant is the various non-residential zones

Use	CBD	C	MMU	CM	CM1	CM2	LM	LM1	MS	I	HM
Kennels*		C						P			
Medical office*	C	C									
Mortuary											
Nursing homes*	C	C	C								
Office Building	P	P	P	P		CP2		CP2	P2	P2	P2
Personal service establishment	P	P	P								
Water-based service uses*				P		P				P	P
INDUSTRIAL											
Aquaculture*								P			
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	P
Boat launch facility					P	P				P	P
Dry dock									P	P	P
Dry stack boat storage				P		P				P	P
Industry, heavy*					C	C			P	P	P
Industrial, light*		C			C	C	P	P	P	P	P
Marijuana, processing (AMC 19.44.120__)								P			
Marijuana, production (AMC 19.44.120__)								P			
Maritime administration									P	P	P
Pier, Wharf										P	P
Recycling facility								P		P	P
Research & development*	P	P	P	P	P	CP	P	P	P	P	P
Storage, self-service		P		P				P			
Ship and boat building & repair				P	P	P	P		P	P	P
Shipping terminal					C		P	P		P	P
Warehouse & storage					C	C	P	P	P	P	P
Water-based industrial uses*						P			P	P	P
OTHER											
Commercial signs											C
Highway-oriented signs								C			

Commented [CR223]: does this mean a stand-alone office building rather than the office portion of various businesses? If so, shouldn't we say "office building?"

Development conditions:

In the CM, CM1, CM2, MS, LM, and I zone any building with more than 200,000 square feet of total floor space and which is otherwise permitted in the underlying zone is a conditional use.

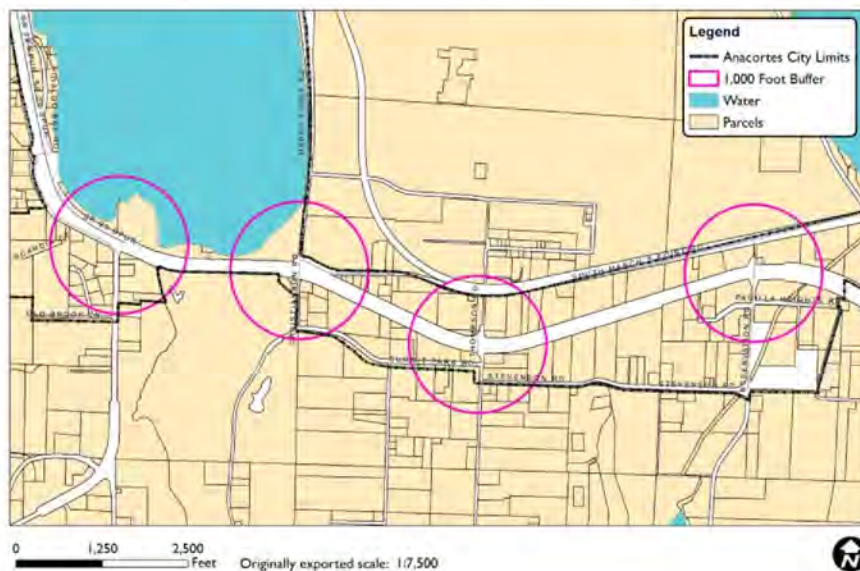
For any use in the LM and AZ zones, the processes or equipment employed, or goods stored, processed or sold must be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, refuse matter or water carried waste.

Any use in the LMI, I and HM-MS zones must not inflict upon neighboring districts smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the district or adjacent districts.

1. Subject use must be directly associated with a marina.
2. Office uses must be limited to no more than 50% of the ground level.
3. Retail uses in the LMI zone must be located within 1,000 feet of the Highway 20 intersections with Highway 20 Spur, March Point Road, Thompson Road, and Reservation Road. The distance shall be measured in a straight line from where the centerline of the Highway 20 right-of-way crosses the centerline of the intersecting road at the subject intersections.

Figure 19.41.030

Clarification on limits of retail uses in the LM zone.



Commented [CR227]: The HM zone is exactly where noxious stuff should be located - there are no residential zones nearby. So this should not apply to HM. Whereas, the MS zone directly abuts residential zones and the CBD (where nice hotel is located and downtown living is to be encouraged), so these impacts should be controlled. However, controlling or mitigating impacts does not mean NO impacts - it's a challenge to determine what is reasonable, but excluding the MS zone from these requirements leaves the door open to UN-reasonable impacts. Do include the MS zone.

Commented [CR229]: wording in these two paragraphs is similar but not quite the same. can we combine them? I like the first paragraph better.

Commented [CR232]: The arcs don't relate to property lines or roads. Does the entire facility, including parking, have to be within 1000 ft? or just the building? or just the primary entrance to the complex?

Commented [CR234]: the zoning map calls this S. March's Point Rd - be consistent. why is Christianson Rd not included?

Commented [CR235]: not sure what was intended for measuring, but sentence as previously written didn't make sense - is this what was meant?

- B. Permitted residential, temporary lodging, civic, cultural, recreation, entertainment, and accessory uses in mixed-use and industrial-non-residential zones.

Table 19.41.030(B)

Permitted residential, temporary lodging, civic, cultural, recreation, entertainment, and accessory uses in mixed-use and industrial-non-residential zones.

Table clarification (see AMC 19.41.010.B for details):

1. Uses: P = permitted use; C = conditional uses; No symbol = use not permitted
2. If a * appears after the use, then the use is defined in AMC 19.12.010.
3. Where an AMC section is referenced after the use, then the use is subject to the development conditions specific to the subject use in that AMC section.
4. If a superscript number appears in the box, then the use may be allowed subject to development condition(s) described in the footnotes immediately following the table.

Use	CBD	C	MMU	CM	CM1	CM2	LM	LM1	MS	I	HM
RESIDENTIAL											
Accessory dwelling unit	P	P						P	P ¹		
Dwelling											
Single-family*	P-10	P-10G					C ⁷	P ¹			
Townhouse* (AMC 19.44.090)	P ²	P ²	P ^{2,3}								
Multifamily dwellings, 5 4 or more units*	P ²	P ²	P ^{2,1}	C ⁴			C ⁷		C ⁸		
Live-work* (AMC ____)	PC	P	P						C		
TEMPORARY LODGING											
Bed and breakfast*	P	P					C				
Boatel				P							
Hotel/motel	P	P	P ¹	P			C				
PUBLIC, CULTURAL & ENTERTAINMENT											
Adult concessions (AMC 19.44.050)		P ⁹						P ⁶		P	P ⁵
Adult entertainment (AMC __)								P ⁶			
Adult retail		P ⁹									
Art gallery	P	P	P	P							
Campground				C							
Clubs and meeting halls	P										
Conference center					P						
Golf course								P			
Library	P	C									
Marinas, marine passenger terminal, boat loading ramp, and boat moorage				P	C	P	P	C	C	C	
Movie theatre				P	P						
Municipal service facility	P	P									

Commented [CR237]: should be limited to where other residential exists or is permitted - not storefront, above ground floor, etc. and only in conjunction with an existing SF. Otherwise, it should just be considered a form of dwelling unit in a multifamily building or mixed use

Commented [CR238]: currently allowed in CBD in an existing structure that was built and used as SF in the past - rationale is that if landlord can't find a commercial tenant it is better to use for housing than sit empty - but no new SF can be built

Commented [CR239]: I disagree that any residences should be added to the MS zone, except in the Marine Hardware block - this zone is not very big, and needs to be dedicated to uses requiring access to Guemes Channel - the CBD and R zones abutting MS is where worker housing belongs

Commented [CR241]: Should be conditional in CBD - how to coordinate with storefront and other issues? Live-work for an attorney or counselor would have different impacts than live-work for a welder or auto mechanic.

Commented [CR243]: but B&B's are allowed in residential areas and hotels aren't so maybe we should keep this category but move it to the residential chart

Commented [CR244]: seems like a hotel would be a good component of this mixed use area

Commented [CR246]: why wouldn't this just be a retail use?

Commented [CR248]: not sure why this should require a cond use in C zone but not CBD - wouldn't anything but the city library be sort of like a bookstore?

Use	CBD	C	MMU	CM	CM1	CM2	LM	LM1	MS	I	HM
Museum	P	P	P	P							
Parks and plazas	P	P	P	P	P	P		P			
Public transportation passenger terminal	P	P	P	P							
Place of assembly*											
< 30,000sf net leasable area (NLA)	P	P	P	P	P						
30,000sf NLA or more	C	C	C	C							
Public agency or utility office	P	P	P	P					P		
Public recreation facility				P	P	P		C			
Public safety facility	P	P	P	P	P	P	P	P	P	P	P
Recreation (public) , indoor*	P	P	P	P							
Recreation (commercial) , indoor*	P	P	P	P				P			
Recreation (commercial) , outdoor*	P			P	P	P		C	C		
Recreational vehicle park				C							
School	PC	PC	C								
Utilities, local*	P	P	P	P	P	P		P	P	P	P
Utilities, regional*	C	C	C	C	C	C	C	C	C	C	C
Wireless Telecommunications Towers	See AMC 										
Yacht club			P	P	P	P					
ACCESSORY											
Accessory structures* (AMC 19.44.020)	P	P	P	P	P	P	P	P	P	P	P
Accessory office								P			
Accessory retail sales	P	P	P	P	P	P	P	P	P	P	P
Cafeteria	P	P	P	P	P	P	P	P	P	P	P
Caretaker/security residence								P	P	P	P
Hazardous waste treatment and storage*	P	P		P			P	P		P	P
Home occupation	P	P	P	P	P	P	P	P	P	P	P
Parking Lot/Structure –Principal Use*	P	P	P	P	P	P	P	P	P	P	P
Pier/float/dock											
Temporary uses* (AMC 19.44.190)	P	P	P	P	P	P	P	P	P	P	P
Wireless Telecommunications Antennas	See AMC 19.44.180										

Development conditions:

1. Existing platted lots only. In no event will this allow a residential subdivision.

Commented [CR250]: not sure why museum would not be ok in C zone

Commented [CR252]: what about passenger loading for non-public use, such as cruise ship or whale watching?

Commented [CR253]: Port offices

Commented [CR256]: fitness center, handball court?

Commented [CR255]: why does it matter whether the use is commercial or public? it's the size, traffic, etc. that is important, not whether the city or a businessperson runs it. this is about zoning, not ownership or management.

Commented [CR257]: there is no definition for outdoor, nor for commercial vs. public - definitions are indoor local and indoor regional.

Commented [CR258]: seems like any business could have minor retail sales - for example, Thrive sells fitness clothing and food supplements

Commented [CR259]: why wouldn't a cafeteria simply be allowed in any business that wants to serve lunch for its employees?

Commented [CR261]: there are many existing residences in these zones, and in some zones various types of new residences are allowed - so shouldn't the residents be allowed to have home-based businesses?

2. Use not permitted on the ground level within or adjacent to a block frontage with Storefront designation.
3. The subject residential uses are allowed:
 - a. On upper floors throughout the site; and
 - b. Within single purpose buildings on up to 1/3 of the area of the site covered by buildings (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title and are part of an approved site development plan.
4. Multifamily units provided that it can be demonstrated that the uses will not weaken the district's tourist or marine-oriented purpose, nor diminish the marine values inherent in the district 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 preferred.
5. Only located north of S. March Point Road and east of Reservation Road.
6. Between Christiansen and Reservation Roads only.
7. Pre-1978 residential uses in this zone are considered permitted uses.
8. Multifamily dwellings in the MS zone are allowed only in the block bounded by 2nd and 3rd streets, Commercial Ave. and O Ave. and must be part of a mixed-use project, and residential units must be no larger than 800 square feet each.
9. The subject use is permitted south of 22nd Street only.
10. Single family dwellings permitted in existing structures only. No new single family in the C or CBD zones.

Commented [CR264]: This implies that 1/3 of site can be covered by residential buildings. If max lot coverage is .50, then only 17% would be non-residential. Intent should be that non-residential is the primary use.

Commented [CR265]: without a plan how can we tell what proportion is in this use?

Commented [CR266]: do not weaken the Port's purposes in the MS zone by allowing residential uses anywhere in the zone except the Marine Hardware block.

19.41.040 – Public use district uses. (17.26.020-040)

A. Permitted uses.

1. Public parks and related recreation facilities.
2. Single-family residences are permitted with the following conditions:
 - a. Single-family residences shall be a permitted use in the public zone if such single-family residence complies with the specifications contained in the R2 zone in the following areas: for minimum lot size, minimum setback requirements, maximum density, maximum land lot coverage, and maximum building height.
 - b. Single-family residential units will be permitted only on property contained in the public use district that is has been continuously in private ownership on since November 18, 1991.

B. Accessory uses. The maintenance of buildings and other structures such as tool sheds, garages, and storage areas normally regarded as accessory uses in connection with any of the permitted uses.

C. Conditional uses. It is not feasible to itemize all potential public uses which may be applied for, therefore, use classifications are provided to define those general uses which are to be considered. The planning department shall review applications to determine whether or not the use applied for meets the public use criteria as follows:

1. Uses commonly known as public use such as public schools, public libraries and museums, fire halls stations, hospitals, funeral homes, cemeteries, meeting and conference facilities, theaters, concert halls, and other public facilities and buildings typically owned by public entities.
2. Uses common to activities of public nonprofit organizations such as meeting halls and religious institutions sports fields
3. Local and regional utilities. Public utility facilities (except for offices) such as telephone exchanges, gas and water regulation stations, transmission lines and towers, electrical substations, water

Commented [CR269]: why would a religious institution be in a public zone? separation of church and state would imply otherwise, there is a difference between a building used primarily as a church (and owned by the religious institution), and simply renting space in a public building for a church to use.

reservoirs and pumping stations, and water and sewage treatment plants. Note: Power generation is not a permitted use.

4. Single-family residences which are related to a primary use, such as a ~~church rectory or a park manager's residence~~.
5. Commercial and public parking. Private parking.

If upon review of an application for a public use, the planning director is uncertain whether or not the use meets the criteria for public use outlined above, a determination on use classification shall be requested from the planning commission. The planning commission's determination shall be appealable to the city council within ten days of the decision of the planning commission. (Ord. 2482 Att. A § 5 (part), 1999; Ord. 2316 (part), 1994)

Commented [CR270]: what about solar panels?

Commented [CR271]: why would a church rectory be on public property?

19.41.050 – Aeronautical zone district uses. (17.39.020-.040)

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 shall 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 shall 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 twelve thousand five hundred square feet of interior 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 shall not exceed thirty-five 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., ~~(ix) aircraft fuel sales~~. This term shall not include any living or sleeping quarters ~~except as permitted per C.2. below~~. All aeronautical uses shall 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 shall 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 shall 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, shall 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 interior 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 shall 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 shall be a conditionally permitted use within the North Aviation Area.

19.41.060 – Overlay district uses.

A. Medical Overlay. Supplemental permitted uses include

1. Hospitals.
2. Medical offices.
3. Nursing homes.

~~4. Senior citizen assisted housing.~~

B. Live/work Overlay: Supplemental permitted uses include live-work dwellings.

C. Mixed-Use Business Overlay: Supplemental permitted uses include:

1. Artisan manufacturing.
2. Day care II facilities.
3. Eating and drinking establishments with less than 1,000 square feet of enclosed dining area.
4. General service establishments.
5. Neighborhood grocery store
- ~~5. Nurseries.~~
6. Offices, professional.
7. Personal service establishments.
8. Retail with less than 5,000sf of gross leasable area.

Commented [CR272]: assisted housing is not a "medical" use and does not need to be in the "medical overlay" text because multifamily housing is a permitted use in the underlying R4 zone. Such housing should be merely a type of multifamily building and should be allowed anywhere that multifamily is permitted. the amount and type of assistance provided within the facility should be irrelevant. the age and/or disabilities of the residents should also be irrelevant. a facility could change over time - for example, it might start out as assisted living for people with disabilities and later be converted to luxury condos with its own in-house dining - or the other way around. if a multifamily building is restricted to seniors or low income or disabled because of the terms of its funding, that is a separate issue - not related to the zoning code, which is concerned with bulk and scale, traffic, etc. of the building, not the demographics of its residents

Commented [CR273]: a nursery needs a fairly large flat site for the plants - this area is on a hillside and a nursery seems a poor fit with the other proposed uses

Chapter 19.42 - FORM AND INTENSITY STANDARDS

19.42.010 - Generally. (NEW)

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; and
3. To minimize environmental impacts of development.

B. Interpretation of tables.

1. The form and intensity standards tables address the form and intensity of development specific to individual zoning districts. The zoning district is located on the vertical column and the form/intensity topic being addressed is located on the horizontal row of these tables.
2. Where an AMC reference appears after the form and intensity measure, then the use or development is subject to standards set forth in that section or chapter.
3. If a superscript number appears in the table, refer to the development condition with the corresponding number immediately following the table.
4. If a cell is blank, then there are no standards for the particular measure or it is not applicable to the zone.
5. AMC 19.42.040-100 provides clarification and exceptions to the form and intensity standards herein.

19.42.020 - Form and intensity standards for residential zones. (NEW)

The following table describes the form and intensity standards in residential zones.

Table 19.42.020								
Form and intensity standards for residential zones.								
Measure	R1	R2A	R2A	R3A	R3A	R4	R4A	OT
LOT SIZE & DEVELOPMENT INTENSITY (AMC 19.42.040-.060)								
Lot size for single-family home, minimum (square feet)	15,000	7,500 ¹	7,500 6,000	6,000	6,000	3,000	3,000	6,000
Lot size for duplex, minimum (square feet)		9,000 9,000	9,000 7,500	7,500 6,000	5,000	4,200	4,200	7,500 ²
Additional lot size needed for additional unit beyond duplex, minimum (square feet)				2,500 ²	2,000	1,200	1,200	2,500
Minimum lot width								
Lot with alley access (feet)	100	50	60 50	45	30	30	30	60 50
Lot without alley access (feet)	100	50 60	60	50	50	30	30	50
Density maximum (dwelling units/gross acre)	2	46	4	9See lot size min. above	28None	18 None		9

Commented [CR275]: be consistent with column headings - number, then number+letter

Commented [CR276]: there is no R3A shown on the map

Commented [CR277]: If SF area is smaller in R2A than in R2, then duplex area should also be smaller.

Commented [CR278]: if new policy is that bulk standards govern in multifamily areas, not the number of units, this is irrelevant

Commented [CR279]: larger than duplex is not permitted in Old Town

Commented [CR281]: It makes no sense to require a wider lot with alley access, if anything, alley access should enable access on narrower lots

Commented [CR282]: if new policy is that bulk standards govern in multifamily areas, not the number of units, this is irrelevant

Table 19.42.020**Form and intensity standards for residential zones.**

Measure	R1	R2A	R2A	R3A	R3A	R4	R4A	OT
Density maximum with bonus (dwelling units/gross acre)(AMC _____)	4	-	-	-	-	-	-	-
Floor-area-ratio-maximum (AMC 19.42.060)	0.40	0.45	0.45	0.80	0.80	1.20	1.0	0.50
Lot coverage, maximum percentage	35%	35-40%	35-40%	50%	50%	50%	50%	50%
Impervious area, maximum percentage including structures	55%	60%	60%	70%	70%	70%	70%	70%
HEIGHT (AMC 19.42.070)								
Height, maximum (feet)	3525	3525	3525	3525	3525	40	3530	3525
SETBACKS (feet) (AMC 19.42.080-100)								
Street setback, minimum (AMC 19.42.080.B)	20	20	20	20	20	10	10	10
Street setback - garage, minimum (AMC 19.42.080.B)	25	25	25	25	25	20	20	20
Front setback - arterial, minimum	30	30	30	25	25	20	20	20
Interior side setback, minimum (AMC 19.42.080.C)	10	5 ²	5 ²	5 ²	5	5 ⁸	5 ⁸	5 ⁸
Interior-side-setback-second-story, minimum (AMC 19.42.080.D)	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5
Side street setback, minimum (AMC 19.42.080.E)	20	10	10	10	10	10	10	10
Side street setback - arterial, minimum	25	20	20	20		20	20	20
Rear setback, minimum (AMC 19.42.080.F)	20	20	20	20	20	10 ⁹	10 ⁹	10 ⁹
Accessory building setbacks (AMC 19.44.020.E) (where they differ from setbacks above)								
Interior side setback, minimum	3-5 (see AMC 19.44.020.E for details & exceptions)							
Rear setback, minimum	0-20 (see AMC 19.44.020.E for details & exceptions)							

Development conditions:

1. A single-family house must be allowed on any lot of record as specified in Section 17.60.020.
2. No less than fifteen feet on both sides combined.
- x. The setbacks for Skyline #6 PUD must be one-half the underlying zone for front and side setbacks with a minimum of five feet. The rear setback must be one-half 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. (Ord. 1490, 1969)
7. Units in a multifamily development of two or more units may be attached or detached, provided that the underlying property must not be subdivided and sold separately unless the subdivided lots meet the setback, lot coverage, parking, and other requirements for the buildings thereon.
8. Five feet or one foot for every five feet of building height, whichever is greater.

Commented [CR275]: be consistent with column headings - number, then number+letter

Commented [CR276]: there is no R3A shown on the map

Commented [CR284]: delete the FAR concept. the draft FAR ratios would virtually eliminate two-story houses. would result in max 25% lot coverage in OT and 22.5% in R2 if building a two-story house. The whole FAR concept is unnecessary if we use lot coverage and setbacks.

Commented [CR285]: in current code you can build a larger house on a min. size lot in R3 than on a min. size lot in R2 (35% of a min lot in R2 allows 2,625 sf house, while 50% of a min lot in R3 allows a larger 3,000 sf house). that has never made sense to me. changing 35% to 40% would allow same size house to be built on a min. lot in either zone (but the R2's would have more open space for the same size house because of bigger lot).

Commented [CR286]: keep lot coverage limits - current code has 2 concepts that work together: setbacks and lot coverage. setbacks assure at least some distance from neighbors and a consistent streetscape. lot coverage limits create added open space for light and air, but it can be anywhere on the lot that it's most useful for the particular design.

Commented [CR288]: this would be useful to make sure there is some pervious area on each lot - but it is different than lot coverage. we need both concepts.

Commented [CR289]: need a definition of impervious surface. percentage needs to be enough to allow for a long driveway plus reasonable amount of patio area, but still provide some pervious areas. in multifamily, parking is an issue.

Commented [CR291]: intent here seems to be to keep the garage from dominating the facade, but this will result in longer impervious driveway. on steep slope the extra 5' could increase the driveway difficulty, in other cases not a problem. could other types of modulation be allowed to accomplish the same goal? one size does not fit all.

Commented [CR293]: it makes no sense structurally in building a house to set the second story walls in 2.5 ft from the first story walls because they would not be resting on the walls below and would require separate (more costly to build) support plus a roof on the lower floor projection. since lots are oriented many different directions, and roofs may slope many different directions, this requirement would only accomplish a useful "daylight plane" in a few cases and elsewhere would just result in unnecessary complexity with little or no benefit. if more daylight between houses is truly needed, just increase the setback, don't add complexity (cost).

Commented [CR295]: Seattle has had standard 5' side setbacks for decades. seems to work OK

9. Ten feet or one foot for every four feet of building height, whichever is greater.

19.42.030 - Form and intensity standards for mixed-use and ~~industrial-non-residential~~ zones. (NEW)

The following table describes the form and intensity standards in mixed-use and ~~industrial-non-residential~~ zones.

Table 19.42.030											
Form and intensity standards for mixed-use and industrial-non-residential zones.											
Measure	CBD	C	MMU	CM	CMI	CM2	LM	LMI	MS	I	HM
LOT SIZE & DEVELOPMENT INTENSITY (AMC 19.42.040-.060)											
Lot size, minimum (square feet)											
Density maximum for multifamily dwellings (dwelling units/acre)		28		28 ⁴	28						
Lot coverage, maximum		50%		50%	50% ⁶	50% ⁶	60%		60% ¹²	50% ⁶	
Density minimum (dwelling units/gross acre)	15	15	15 ¹⁵				-				
Floor area ratio, base maximum					0.5	0.5	-				
Floor area ratio, maximum with bonus					1.0 ⁹	1.0 ⁹					
Impervious area, maximum percentage											
HEIGHT (feet) (AMC 19.42.070)											
Height, base maximum	50	40	45	35	30	30	35	50 ¹¹ 65 ¹	50 ¹³	3040	50 ¹⁴ 65 ¹
Height, conditional maximum with bonus	65 ¹⁶	55 ¹⁶	65 ¹⁶	50 ⁵	40 ⁸	50 ⁸	50 ¹⁰			50 ⁸	
SETBACKS (feet) (AMC 19.42.080-100)											
Street setback, minimum	0 ¹	0 ¹²	0	20	20	20	10	10	10	15	15
Interior side setback, minimum (AMC 19.42.080.C)	0 ¹	0 ¹²	0 ¹	0 ¹³	0 ¹³	0 ¹³	10	10	10	10	10
Rear setback, minimum (AMC 19.42.080.F)	0 ¹	0 ¹²	0 ¹	0 ¹³	0 ¹³	0 ¹³	10	10	10	10	10
Accessory building setbacks (AMC 19.44.020.E) (where they differ from setbacks above)											
Interior side setback, minimum	0 ¹	0 ¹	0 ¹	0 ¹	0 ¹	0 ¹	3-5 (see AMC 19.44.020 for details & exceptions)				
Rear setback, minimum	0 ¹	0 ¹	0 ¹	0 ¹	0 ¹	0 ¹	0-10 (see AMC 19.44.020 for details & exceptions)				

Commented [CR300]: I disagree that regulating impervious surface achieves the same thing as regulating lot coverage. Lot coverage limits assure that some of the area will be open space between buildings for light, air, views, and a general feeling of openness rather than buildings packed together. For example, an enclosed garage and open parking lot may cover the same impervious area, but the garage blocks the view and casts shadows. Maybe consider adjusting these %'s but keep the concept of limiting the area covered by buildings.

Commented [CR302]: Get rid of FAR's. Decide how high the building can be and how much area it can cover, then let the user decide how many floors to put inside and how to subdivide it. Give the businesses flexibility depending on the use. floor area is useful for parking requirements, exiting and some other things, but FAR concept is not needed.

Commented [CR305]: be sure this coordinates with landscaping requirements

Commented [CR306]: doesn't block any views to have higher limits in this area, so why not allow higher options for businesses?

Commented [CR307]: why not allow taller buildings if needed for heavy industry without CUP

Commented [CR309]: this is well intentioned, but doesn't work in real life. skinny little "view corridors" really don't add any value, since most people are driving by and you can't really see the bay unless you're looking straight east between buildings - in a few seconds you've passed the "view". instead of a bonus height, why not simply allow 40 ft (same as R4 across the street) and keep it simple. streets and parking lots can be the view opportunities, or if you want to offer height bonus for a view corridor, make it at least 50 ft wide so there really is a view. views from R ave can be blocked by off-site buildings east of T ave. does not provide views for residents on west side of R except rare instance where apartment window lines up directly with the view corridor

Conditions:

1. Along any property line adjoining a residentially zoned district with no intervening street or alley, there the minimum setback must be the same as the applicable minimum a setback for the adjacent zone of at least ten feet. No setback is required at other property lines.
2. Along property lines adjoining residential zone districts with no intervening street or alley, there must be a setback of at least five feet.
3. Except ten feet where the property line adjoins a different zone which has required property line setbacks.
4. Residential development must be approved as a conditional use.
5. Requires a vote of the city council upon demonstration that the excess height would not be adverse to the established policies, standards, and uses in the general vicinity and would enhance one or more of the policies or standards.
6. Except that boat building and repair may be up to seventy-five percent. The city may consider and approve lot coverage in excess of these percentages through the conditional use process. Each proposed building must designate its individual lot lines, for purposes of determining FAR, maximum lot coverage, landscaping, view corridors, etc. If a building is part of a larger complex, a master site plan will show how standards are met for the total master planned site.
- ~~7. The area east of "T" Avenue and north of the alley between 2nd Street and 3rd Street must have a thirty-foot maximum building height.~~
- ~~8. The following methods below may increase the base maximum height limit by 20 ten feet if both of following conditions are met each:~~
 - ~~a. The height may be increased by ten feet if:~~
 - ~~1. The long dimension of the portion of the building over the base height limit is set perpendicular to a "lettered" avenue and the width of the portion of the building over the base height limit parallel to a "lettered" avenue is no greater than 140 feet.~~
 - ~~2. A minimum of thirty feet of clear space is maintained between buildings on-site for a view corridor, so that views of Fidalgo Bay are maintained, and the long dimension of the building is at least twice the short dimension. This view corridor must be continuous from Fidalgo Bay to the nearest public street, and not blocked by other buildings, fences, or dense landscaping; parking lots may be allowed in the view corridor.~~
 - b. The height may also be increased by ten feet if the building incorporates a sloped roof having a pitch of at least 4:12 but not more than 12:12, and the ridge of the roof is perpendicular to "lettered" streets so that views of Fidalgo Bay parallel to the ridge of the roof are maintained. Only the portions of a building incorporating such a sloping roof must qualify for the ten-foot increase.
9. The FAR maximum may be increased according to the following:
 - a. The FAR may be increased by .25 if a development project includes permanent amenities adjacent to the Tommy Thompson Trail which are available to the general public and constructs them according to specifications established by the city council.
 - b. The FAR may also be increased by .25 if a development project includes a portion of the waterfront esplanade and constructs it to specifications established by the city.
 - c. The FAR may be increased by up to .25 by the following method: For each five percent of total lot area that is developed as public open space, a five percent increase in the FAR must be allowed, up to a twenty-five percent maximum increase. Qualifying public open space may include pedestrian walkways (excluding those required by other provisions of this Code), arcades, plazas, seating areas, landscaping in excess of that required by other provisions of this Code, bikeways, permanent view easements, watercourses and fountains, courtyards and similar publicly accessible open spaces.
 - d. Subsections A, B and/or C of this section may be combined, but in no case must the FAR exceed 1.0. If the waterfront esplanade or railroad corridor trail has been provided by other means, then a FAR increase for that feature must not be given.

Commented [CR315]: this "view" bonus is meaningless. see comment above at 19.42.070

10. Thirty-five feet for residential, except that nonresidential structures over 35 feet in the Guemes Channel LM zone may only be approved through the conditional use process. A conditional use permit for heights between 35 and 50 feet in the Guemes Channel LM zone 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 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.

~~11. Thirty-five feet for residential structures.~~

13. Temporary equipment used in the primary permitted use and not constituting a building or permanent enclosure, such as cranes or scaffolding, may exceed this maximum height. The Director administrator 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.

14. Requirements for structures in excess of 50 feet must be considered on an individual basis through the conditional use process.

15. Minimum density in MMU zones does not apply west of Anacopper Mine Road.

16. Bonus height in applicable zones are subject to compliance with affordable housing provisions set forth in Chapter 19.43.

Commented [CR318]: what is the rationale for apartment buildings being shorter than the adjacent non-residential buildings? what about mixed-use with residential above? In this LM1 zone they can all be the same because views are not an issue.

19.42.040 – Minimum lot width exceptions. (NEW)

PLACEHOLDER TO ADD EXCEPTIONS HERE – ADDRESSING PRIVATE ROAD ACCESS – AND INCLUDING PROVISION FOR COURTYARD ACCESS.

19.42.050 – Density calculations. (NEW)

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 rights-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention 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 new subdivisions, unless otherwise noted herein.
2. All site areas may be used in the calculation of the maximum allowed residential density (including half of existing street rights-of-way around the perimeter of the site and any new street rights-of-way internal to the site).
3. For the purpose of meeting maximum density requirements for subdivisions in applicable districts, 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 sub-sections A and/or B above by the applicable

Commented [CR319]: how does this work with ADU's? Do they count in the maximum density calculation? What if someone adds an ADU later?

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.

19.42.060 – Floor-area ratio calculations. (NEW)

The maximum floor-area ratio calculations set forth in AMC 19.42.020 above, include the total floor area of all buildings on a lot, excluding elements described below, divided by the area of the lot. Floor area with ceilings over 17.5 feet in height are counted twice.

Certain elements which do not contribute to visual bulk are exempt from floor-area ratio calculations:

A. Subterranean basements, including underground parking areas.

B. Daylight basements.

C. Detached accessory dwelling units.

D. Detached garages accessed from an alley.

E. Accessory storage structures and sheds no larger than 144 square feet and 12 feet in height.

19.42.070 – Building height and exceptions. (NEW)

The following structures may be erected above the height limits set forth in AMC 19.42.020 above:

- A. 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 10 feet in non-residential and mixed-use zones, provided the area with the added height is limited to what is reasonably necessary to screen or enclose the use. Such structures constructed for non-residential or multifamily uses area subject to screening standards in AMC _____.19.62.060.E.
- C. Fire or parapet walls may exceed the height limit by up to five5 feet in the R-4 zone and 10 feet in non-residential and mixed-use zones.
- D. Except as may otherwise be prohibited by the FAA Regulations, the height limitations of AMC 19.42 this Ordinance must 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.

19.42.080 – Setback measurements. (NEW)

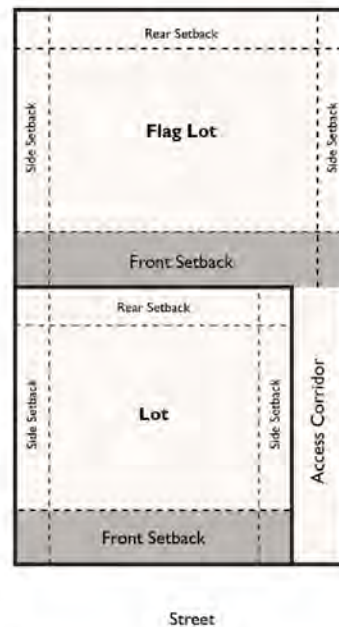
The provisions herein applies to required minimum setbacks as set forth in the form and intensity standards tables in this chapter.

- 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, or in the case of access corridors for single-family residential development, from the nearest edge of the easement to the foundation line- outside face of the sheathing or supporting members of the structure. Setback directions shall be determined as provided in subsections B-E below.
- B. Street setback. 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. For corner lots, the street setback is measured from the street right-of-way that is the property's street address and primary access. For flag lots, the side towards the access corridor shall be considered the street setback and all other setbacks will follow suit [see figure 19.42.080(B)].

Commented [CR321]: FAR does not make sense for housing. Not sure what you're trying to achieve and whether FAR does, in fact, achieve it. What is "visual bulk"? If I'm standing next to it at ground level, even a garage or ADU may seem bulky. This doesn't deal with different impacts depending on where the ADU is located on the lot.

Commented [CR322]: what if a floor or bay window extends past the foundation?

Figure 19.42.080(B)
Setbacks on flag lots.



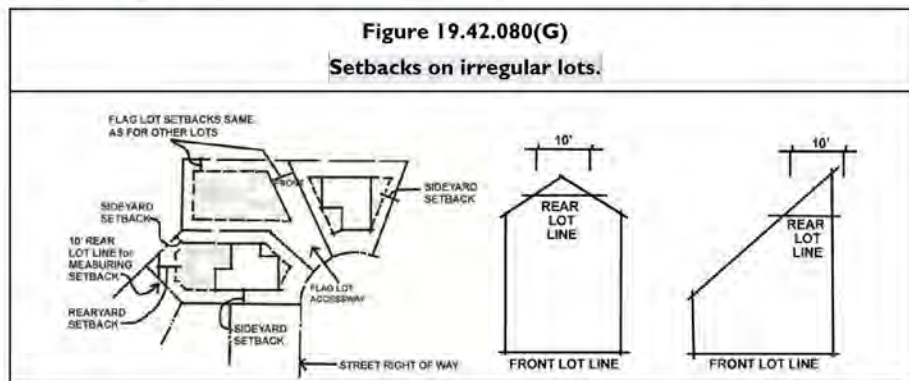
Commented [CR324]: flexibility is ok but be careful how you word it. existing neighbors who expect to be next to a 20' setback (or have a view across that setback) may be surprised to find a new house only 5' away because it's now a side yard of a newly created lot

- C. Interior side setback. The interior side setback is measured from the side lot line adjacent to another ~~private~~ property to a line parallel to and measured perpendicularly from the side lot lines, at the depth prescribed for each zone.
- ~~D. Interior side setback—second story. The interior side setback for the second story is measured as provided in subsection C above, except to the setback line of the second story (the story above the ground level or first story).~~
- 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. Setback measurements for irregular lots. Setback distances established for residential districts are based on rectangular lots. Nonrectangular lots, lots with three sides or more than four sides, ~~with curved property lines~~, and other nonstandard lots require special measurement techniques in order to achieve the purpose of setback requirements:
 - I. 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 shall be considered the rear lot line for purposes of determining required setbacks and for interpretation of other provisions of this code (see illustration).

Commented [CR325]: could be next to public property

Commented [CR326]: the idea of a greater setback for the second story is a bad one - creates structural difficulties, can look weird, and accomplishes little. see comment at setback chart

2. Side Setbacks. All lot lines which are not front or rear lot lines shall be considered side lot lines for the purpose of measuring setbacks.
3. Determination by Director. Where a building site is situated such that any of the property lines are not readily determinable, or where it is unclear which should be considered the front, rear, and side, required setbacks shall be as determined by the Director in compliance with the following criterion: required setbacks shall 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 nor incompatible with surrounding uses.



Commented [CR327]: the lot at the upper left of this illustration does not appear to have any rear yard.

19.42.090 – Permitted projections into required setbacks. (NEW)

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 front or rear yard, provided such projections are:
 1. Limited to two per building elevation.
 2. Not wider than 10 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 front or rear yard.
 2. Two feet into the side yard.
- C. Covered porches and entries may project up to 6 feet into the street setback.
- D. Uncovered porches and decks may project up to 6 feet into the front or rear yards setbacks.
- E. Storefront weather protection projections into the public right-of-way are acceptable, provided they don't interfere with street trees or extend beyond the edge of the sidewalk or present a hazard to vehicles.
- F. 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.

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 8-9 feet in height.
5. Electrical equipment cabinets and similar utility boxes and vaults.
6. Stormwater water management facilities.
7. Fences per AMC 19.67.
8. Uncovered porches and decks not exceeding +8-24 inches average height above the finished grade.
9. Rockeries and, retaining walls in conformance with the standards in AMC____, and curbs provided these structures do not exceed a height of 7 feet from the property line grade, and raised garden beds.

10. Garbage/recycle bin enclosure

- G. No projections are allowed into a regional utility corridor or into an access easement or utility easement.

19.42.100 – Setback modifications.

~~In addition to providing the standard street setback, a~~ A lot adjoining a planned street identified in the comprehensive plan, transportation plan, and/or capital improvement program must provide additional-a street setback sufficient to accommodate construction of along the planned street meeting the same standards as though the street were already constructed.

Commented [CR330]: to allow for structural cross-beams

Commented [CR331]: for example, on a sloped lot, a deck could be 30" above grade on one edge, but only 6" on another side

Commented [CR333]: in some cases, sewer and other easements run through the setbacks - don't want those to be blocked - need room for equipment if maintenance is required

Commented [CR334]: not sure what this means - allowing construction equipment on my lot? allowing the street to be built in my setback? why wouldn't it just be the standard street setback as though the street is there? why should I provide more setback for a planned street than a real street,?

Chapter 19.43 - BONUS INCENTIVES (NEW)

19.43.010 - Generally.

A. Purpose.

B. Applicability.

1. The bonus incentive provisions of this chapter apply to the following situations:
 - a. Density bonuses in the R-I zone (see section 19.43.020).
 - b. Height bonuses in several zones as set forth in table 19.42.030 (see section 19.43.030).
 - c. R-4 zone affordable housing bonus incentives (see section 19.43.040)
2. The provisions of this chapter are optional.

19.43.020 – R-I zone density bonus provisions.

NOTE: These are forthcoming. The concept is that developments could go from 2-4 units/acre by clustering lots and integrating trails and/or public open space

19.43.030 – Height bonus provisions.

NOTE: Details are still in the works here. Below are preliminary concepts being considered – height bonuses in the CBD, C, and MMU zones as set forth in Chapter 19.42 would be allowed provided they comply with the following:

1. For every three dwelling units occupying space above the base height limit, one dwelling unit must be provided that meets the affordable housing requirements set forth below. Dwelling units above the base height limit larger than 1,400 square feet qualify shall be counted as two units. Dwelling units meeting the affordable housing requirements must be built on-site and may be anywhere within the building(s).
- Income limit. All affordable rental units developed required under this chapter must be affordable to and occupied by households with an income of 50 percent or less of the area median income (determined by HUD) as adjusted by family size for Skagit County.
- Affordability. For purposes of this Chapter, "affordable" means that the total housing costs, including basic utilities as determined by the City, may not exceed 30 percent of the income limit stated in _____.
- Duration. Rental-Affordable rental units required under this chapter must serve only income-eligible households for a minimum period of 50 years from the date of the certificate of occupancy.
- Agreement. An agreement in form and substance acceptable to the City must be executed providing level and duration of affordability, tenant qualifications, reporting, monitoring, and other applicable topics. The agreement must be recorded with Skagit County Auditor's Office. The agreement must be in effect at the time building permits are submitted or as otherwise agreed upon between the City and the applicant, and must be recorded prior to granting of a Certificate of Occupancy.
- Monitoring. The City reserves the right to establish in the affordability agreement referred to in subsection C of this section, a program for monitoring compliance with the requirements of this section and monitoring fees for the affordable housing units, which can be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.
- POTENTIALLY CONSIDER A MODEST MINIMUM UNIT SIZE.

Commented [CR339]: no apodments?

19.43.040 – R-4 zone density bonus provisions.

Details forthcoming.

19.43.050 – Affordable housing requirements.

In order to qualify for the affordable housing bonuses above, the following provisions must be met: **(SEE BULLETS ABOVE UNDER HEIGHT BONUS PROVISIONS – IN THE WORKS)**

Commented [CR340]: we had discussed eliminating density measures and letting the market determine how many units to fit in a building of a certain size. For example, if the building footprint is 3,000 sf, with 3 floors, there could be two 1,500 sf units per floor or four 750 sf units per floor or three 500 sf units per floor (or some combination of sizes). the bulk and scale of the building would be the same for neighborhood appearance, although parking spaces might limit some options.

Commented [CR341]: not sure how this would work with regard to neighborhood compatibility, since more units could create a bigger bulkier building. currently, our greatest need is for smaller (thus more affordable) apartments, but builder may make more profit with larger luxury units (which we also don't have many of) and this has a disincentive to build the small units. what kinds of incentives would be persuasive to the builder without resulting in buildings that overwhelm the neighborhood?

Chapter 19.44 - SUPPLEMENTAL USE CRITERIA

19.44.010 - Generally.

The requirements described in this chapter apply in addition to any other requirements of this code.

19.44.020 - Accessory buildings, storage, and docks.structures. (17.48.010)

- A. Construction timing: Accessory buildings must not be constructed prior to the commencement of construction of the main primary building.
- B. Height limit: Accessory buildings must not exceed one story or 16 feet in height, measured from the average grade under the building. Accessory buildings featuring which include an accessory dwelling unit are subject to the height limits in AMC 19.44.030.
- C. Size limit: Accessory buildings in all residential zones, except R1 must not exceed 1,000 square feet in size. Tent structures in the I, MS, LMLM, LM1LMLM, CM, ~~CM1~~, CM2, HM, and AZ Districts may exceed 16 feet in height, but must comply with height restrictions of the zone.
- D. Land use: Uses and buildings customarily accessory to the established principal use must be allowed in all cases unless specifically prohibited or restricted.

E. Lot Coverage: Accessory buildings must be counted when calculating the total lot coverage, with the exception that one accessory building not exceeding 144 sq. ft. in area is allowed in addition to the maximum lot coverage in all residential zones.

EF. Setbacks: Accessory buildings- structures are subject to all applicable zoning code setback requirements for the zone in which they are located, including lot coverage limitations and setbacks. Below are supplemental setback provisions for certain accessory buildings:

1. Where the rear lot line does not abut a platted alley, a detached accessory structure no larger than 144 square feet and 12 feet in height may be placed within three feet of the interior side property line and within five feet of the rear property line.
2. Where the rear lot line abuts a platted alley, the following standards apply for accessory structures:
 - a. Minimum interior side setback: three feet.
 - b. Minimum rear setback (to alley property line): 0 feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of 10 feet from the alley property line to allow adequate turning distance for vehicles. No portion of the structure may extend beyond the property line into the alley.
 - ~~c. Detached garages placed off of an alley must be setback at least 15 feet from the primary structure.~~
 - d. Detached accessory dwelling units (whether they are attached to or within a garage or free-standing) are subject to the setback standards in AMC 19.44.030.
3. Tent structures must be considered accessory buildings, and may be located within side and rear yard setbacks, but not in a front yard-setback nor in a side yard- setback that faces a street. Tent structures must be constructed and maintained so as to not present a safety, health, or fire hazard. Tent structures are not permitted in residential zones.

Commented [CR342]: this is the Wyman's water feature, hard to imagine a tent there.

Commented [CR345]: #1 is intended to apply to sheds, not ADUs. 144 sf isn't just a tiny house, it's a miniscule house. Do we want to allow that?

Commented [CR346]: A detached garage can be 1,000 sf, an ADU can be 900 sf. with no specific limit on length of a wall. Does this 3' setback only apply to the portion within the usual 20' rear setback, and then the wider setback would apply. If so, how to word it so that's clear.

Commented [CR347]: this is un-workable on a typical urban lot, a garage is 20' or more deep, and if it is 15' from the house, that forces the house to be 35' from the alley, or 45' if it's entered perpendicular to the alley. since an attached garage is allowed to occupy the space right next to the house, why wouldn't a detached garage be permitted to be as close as fire codes allow? If open space is desired, it doesn't have to be between the structures. In fact, depending on sun orientation, desire to save mature trees, slope, and many other factors, it may be preferable to have the open space elsewhere.

- E. Outside storage of non-operating vehicles for longer than 180 days is prohibited in all residential areas zones.
- F. Noncommercial floats and piers are not to exceed eight feet in width. Floats and piers are not to extend into the waterway beyond adjacent floats and piers, or extend fifty feet beyond the ordinary high water mark if perpendicular to the shoreline. There must be no more than one float or pier per lot, and noncommercial floats, or piers must not have multiple fingers, or more than two mooring sides in excess of five feet. Boat launch facility structures which extend above ground level require a conditional use permit in all residential use districts.
- G. ~~All antennas and towers created in the city prior to December 31, 1995 must be registered by June 30, 1996 to be "grandfathered" in. 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 front or side setback areas, but may be located within the rear setback area. (Ord. 2557 (part), 2001; Ord. 2470 § 12, 1998; Ord. 2381 § 1F, 1995; Ord. 2316 (part), 1994)~~ 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 front or side setback areas, but may be located within the rear setback area. (Ord. 2557 (part), 2001; Ord. 2470 § 12, 1998; Ord. 2381 § 1F, 1995; Ord. 2316 (part), 1994)
- H. Accessory buildings are subject to all applicable building code provisions, including the requirement to obtain a building permit, unless specifically exempted by the building code.
- HI. Accessory buildings are subject to all applicable zoning code requirements for the zone in which they are located, including lot coverage limitations and setbacks. Tent structures must be considered accessory buildings, and may be located within side and rear yard setbacks, but not in a front yard nor in a side yard that faces a street. Tent structures must be constructed and maintained so as to not present a safety, health, or fire hazard.
- J. Cargo containers ~~must be~~ are prohibited in all residential zones; ~~except that temporary containers for the purpose of moving must be permitted for a period not to exceed thirty days in any twelve-month period and temporary cargo containers used at constructions sites not to exceed the completion of the construction project.~~
- K. Cargo containers must not be placed on developed streets and alleys.
- L. Within one year of adoption of this ordinance, non-conforming cargo containers and tent structures must conform with AMC 17.48.010 or be removed.
- I. In residential zones, accessory buildings over 120 square feet may not be corrugated metal sided.

Commented [CR351]: this isn't really needed but I think it's good to keep here as a reminder to folks that they need a permit

19.44.030 - Accessory dwelling unit (ADU). (19.44.020)

- A. **Purpose.** The purpose of ~~an allowing~~ accessory dwelling units 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. Develop housing units in single-family 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.
- B. **Applicability.** This section applies to accessory dwelling units.
- C. Accessory dwelling units may be approved in the R1, R2, R3, R4, R4A, and R4 zones.

B. Standards and criteria.

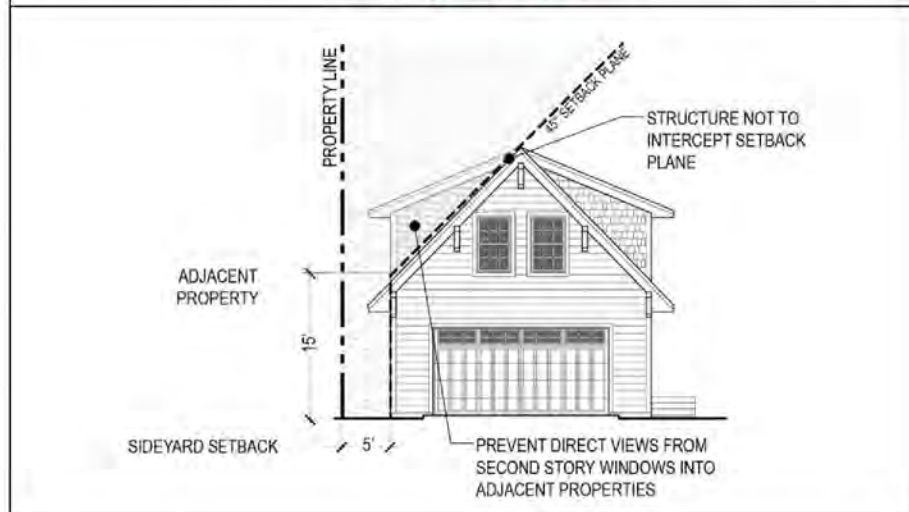
1. Establishment: An ADU may be established by any one or combination of the following methods:
 - a. Alteration of interior space of the an existing residence; or.
 - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence; or.
 - c. Addition of attached living area onto an existing residence or accessory structure;.
 - d. Construction of a detached living area; or.
 - e. New construction.
2. Number: Each single-family residential unit may have only one ADU, and these two units may not be condominiumized.
3. Occupancy:
 - a. ~~One of the dwelling units must be occupied by one or more owners of the property as the owner's permanent and principal residence. "Owners" include title holders and contract purchasers. The applicant must record a notice against the property title with the county auditor, on forms provided by the department, describing this requirement.~~
 - b. The total number of persons who may occupy the principal and ADUs combined may not exceed the number of persons that are defined by this title as a "family."
4. Maximum size: The habitable floor area of the ADU may not exceed nine hundred square feet.
5. Maximum height: ADUs are subject to the height limits for the applicable district, whether the units are attached or detached to the primary structure. However, detached ADUs are subject to the height/setback plane requirements in subsection B.7 below.
6. Minimum setbacks: Attached ADUs are subject to the setback requirements for the applicable district. 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: 5 feet.
 - b. Minimum rear setback (to alley property line): 0 feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of 10 feet from the alley property line to allow adequate turning distance for vehicles.
 - c. ~~Detached ADUs placed off of an alley must be setback at least 15 feet from the primary structure.~~
7. Height/setback plane: Detached accessory dwelling units are subject to the following height/setback plane: From a height of 15 feet at the minimum side and rear setbacks set forth in AMC 19.44.020.E, buildings must step back at a 45 degree angle away from the side or rear property line as shown in figure 19.44.030(B)(7) below.

Commented [CR355]: 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 amount of available rentals. There are likely to be only a few in any neighborhood, so it's not going to create a problem. Suggest deleting this.

Commented [CR357]: ~~this is un-workable on a typical urban lot. it would totally prevent any ADUs from being built in existing rear yards, which are typically 20' deep.~~ since an attached ADU is allowed to occupy the space right next to the house, why wouldn't a detached ADU be permitted to be as close as fire codes allow? If open space is desired, it doesn't have to be ~~between~~ the structures. In fact, depending on sun orientation, desire to save mature trees, slope, and many other factors, it may be preferable to have the open space elsewhere.

Figure 19.44.030(B)(7)

Clarifying the height/setback plane for detached accessory dwelling units along side and rear yards setbacks.



Commented [CR358]: This would require a hip roof if the ADU is in a corner, and if it's over a garage, there would hardly be any living space under the roof. Unless you forbid ALL windows on second floor, you can still see into adjacent yards from a window set back from the roof plane. Setback on alley can be zero, so how would the setback plane work there? Need more analysis of how this would work in real life.

8. Living facilities: Any accessory dwelling unit included within a primary residence must have no interconnected interior spaces. An accessory dwelling unit includes a bathroom, a kitchenette, and separate access to the street without entering the main residence.
9. Parking: A minimum of three off-street parking spaces must be provided for the principal and accessory dwelling units. Where on-street parking is available in front of abutting the lot, only two off-street spaces must be provided for the principal and accessory dwelling units.
10. Entrance: The appearance and character of the dwelling must be maintained when viewed from the surrounding neighborhood. Only one entrance to the residential structure may be located on any street-side of the structure; provided that this limitation must not affect the eligibility of a residential structure which has more than one entrance on the front or street side on the effective date of the original ADU ordinance. The entrance to the ADU must not be on the same side of the structure as the entrance to the primary residence.

19.44.050 – Adult concessions (entertainment and retail). (17.10.200)

- 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. No adult concession shall 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 church or other religious facility or institution.

3. One hundred feet of any park or any public facility or open space zone..
 4. Three hundred feet of another adult concession.
 5. For adult entertainment, oOne hundred feet of any residential zone, for adult entertainment..
 6. For adult retail, tThirty feet of any residential zone, for adult retail..
- C. The distance provided herein shall must be measured by following a straight line, without regard to intervening buildings, from the nearest point on the property line or the zoning district boundary to the specified concession.
 - D. No person owning, operating or managing an adult concession or their employee or agent shall may invite, allow, or permit any person under the age of eighteen years to enter or remain on the premises of any concession.
 - E. On the exterior of any concession there shall must be no window, marquee, or other display of any manner describing, identifying, depicting or portraying "specified anatomical areas", or "specified sexual activities" (sSee AMC 5.35.030).
 - F. Violation of the use provisions of this section is declared to be a public nuisance per se, which shall must be abated by a civil action only and not by criminal prosecution.
 - G. Concession establishments may be identified with signs on the exterior of the establishment in accordance with Chapter 17.40. All signs shall must comply with subsection (E) hereof. No advertising, text, pictures or depictions shall may be permitted anywhere in the windows, on the site, sidewalk or street (tent "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, will may be accepted, subject to the interpretation of the planning director or her/his designee.
 - H. There shall may be no more than one concession business operating in the same building, structure or portion thereof.
 - I. 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.

19.44.060 - Bed and breakfasts. (19.44.040)

- A. 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.
- B. Applicability. This section applies to all bed and breakfasts.
- C. Requirements.
 - 1. The owner must be the operator of the facility and must reside on the premises.
 - 2. The owner's quarters and guest rooms must all be in the main building.
 - 3. 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, and may not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes..
 - 4. The use must provide off-street parking, including at least two spaces for the owner and one for each guest room.
 - 5. ~~A home must have been in single-family use for two years before it qualifies for conversion into a bed-and-breakfast.~~

Commented [CR361]: why should it be illegal to build a home with a couple of rooms to rent out for a B&B? It's the function that counts, not when it is built.

19.44.070 - Day care (residential and commercial).**19.44.075 - Drive-in/drive-through.**

- A. In addition to applicable design standards in division 6 of this title, the following apply to permitted uses with drive-throughs/drive-ins facilities.
 - 1. Screening of vehicular circulation areas may be required to control glare affecting public right-of-way or adjacent properties.
 - 2. Noise from drive-through speakers must not be audible from adjacent residential properties.
 - 3. Vehicle ingress/egress must be located and designed to minimize conflict with pedestrians and other vehicular traffic.

19.44.080 – Design Standards - Dwelling, single-Single family dwelling, —small lot, duplex & triplex.

- A. Purpose.
 - 1. To enhance the character of the street neighborhood.
 - 2. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape.
 - 3. To de-emphasize garages and drive-aisles driveways as major visual elements along the street.
 - 4. To provide usable open space for residents.
- B. Entries.

1. 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.
2. 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. Residential garages.

1. Where a lot abuts a ~~paved~~ alley, the garage or off-street parking area are ~~encouraged required to take access be accessed~~ from the alley. ~~Where topography, lack of existing improvements, or other conditions make alley access impracticable, the Public Works Director or designee may waive this requirement.~~
2. The garage vehicle door(s) may occupy no more than 50 percent of the ground-level façade facing the street.

~~For lots where the garage vehicle door(s) face the street at least two of the following design details must be utilized:~~

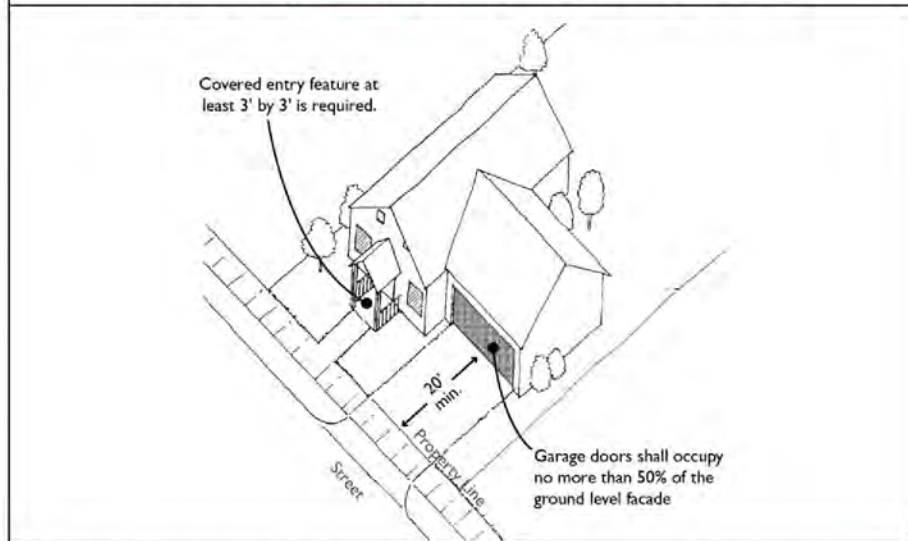
Commented [CR363]: Many alleys are not paved, but are regularly used. Others have never been developed even with gravel. Is it city intent to eventually have them all paved? If so, who pays? Just because it's a gravel alley isn't a reason to allow street-side access, but some other reasons could be valid.

D. Street improvements. (17.34.110)

1. R4: Twenty feet of frontage or an easement to twenty feet of street frontage is required on an improved public street with a continuous access route not less than twenty feet wide from the street to the primary portion of the lot. If a private street is proposed, or the twenty feet minimum access to the street frontage is by means of an easement, a conditional use permit is required. Where the zoning administrator approves development fronting on a street which is not improved to current city standards, no building permit shall be issued without a deed restriction being recorded that stipulates that the property owner will not oppose an L.I.D. for street and utility improvements in the future. No new curb cuts shall be permitted on any street to a lot that is serviced by an alley. ~~Where topography, lack of existing improvements, or other conditions makes alley access impracticable, the Public Works Director or designee may allow for a new curb cut on the street. Existing curb cuts may be maintained.~~

R3: Thirty feet of frontage is required on an improved public street. If a private street is used, a conditional use permit is required. Where city ordinance permits development fronting on an unpaved city street, no building permit shall be issued without a deed restriction being recorded that stipulates that the property owner will not oppose an L.I.D. for street and utility improvements. No new curb cuts shall be permitted on any street to a lot that is serviced by an alley. Where topography, lack of existing improvements, or other conditions makes alley access impracticable, the Public Works Director or designee may allow for a new curb cut on the street. Existing curb cuts may be maintained.

Figure 19.44.080(C)(1)

Key single family—~~small-lot~~, duplex, and triplex design standards.

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-three~~ of the following design details are utilized. ~~For front-loaded lots where the garage vehicle door faces the street and the garage is placed at least 5-five feet behind the facade of the dwelling containing the main entry, at least one of the following design details must be utilized:~~

- ~~a. The wall of the garage facing the street and containing the garage doors is set back at least 5 feet behind the wall of the dwelling facing the street.~~
- ~~ab. A decorative trellis over at least the entire width of the garage doors;~~
- ~~bc. A window or windows are placed above the garage on a second story or attic wall; space under roofline;~~
- ~~cc. A balcony or overhanging second floor that extends out over past the garage facade at least two feet or is inset from the garage facade at least 4 feet, and is at least 8 ft. wide; and includes columns;~~
- ~~de. Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages; Limiting each garage door to a maximum size of 9 ft. wide x 8 ft. tall.~~
- ~~ef. Windows - at least 6 sq. ft. of windows on in the each garage door;~~
- ~~f. Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail; and/or.~~

Commented [CR366]: these apply regardless of the size of the lot, so "small lot" doesn't apply

The illustration implies that the front setback is only 15' for the house - should be 20' for house and 25' for garage

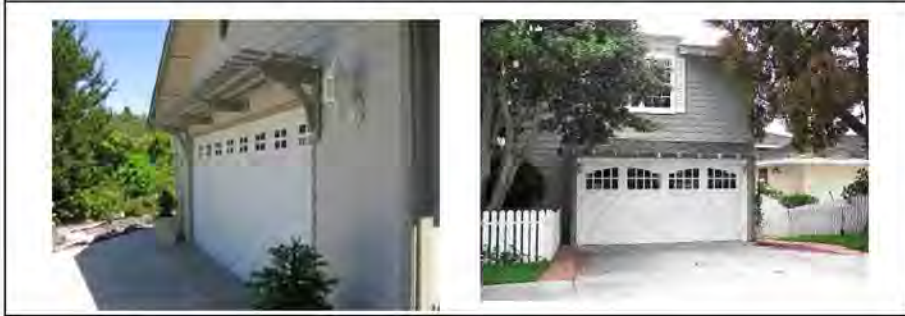
Commented [CR367]: The 5 ft. should be one of the design options, not a requirement. It could be a problem with a steep driveway, and adds to the impervious surface.

Commented [CR368]: Columns could look silly with some designs, and get in the way of turning radius in and out of garage in some cases. Columns shouldn't be a requirement. Minimum overhang and width to preclude tiny token balcony.

Commented [CR369]: without a specific size, a tall RV door or other non-standard size might be claimed to be "single"

Commented [CR370]: This could lead to all sorts of silly things attached to the doors with a claim that they are "decorative details". Could add a definition, but better to just delete it.

Figure 19.44.080(C)(2)
Garage design detail examples.



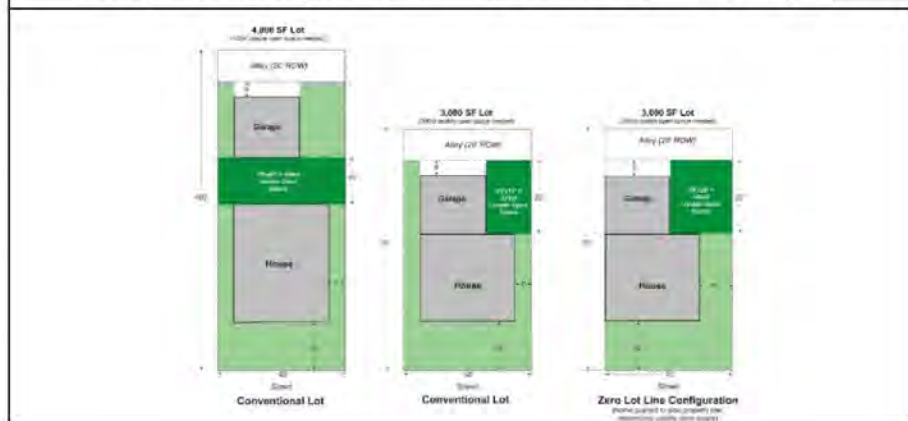
Commented [CR371]: both of these examples are a double door with windows and trellis. Change one to single doors with an overhang or setback, to illustrate other options

- D. Driveway access standards – see section XXXXXX.
- E. Minimum useable open space for alley-loaded lots. All new alley-loaded dwelling units must provide a contiguous open space within the side or rear yard with a minimum dimension of 15 feet ~~on all sides in any direction. The shape of the open space may be irregular as long as no section is less than the required 15 feet wide. The required area may be subdivided into two or more areas provided that each area meets the 15 foot width requirement.~~ The open space(s) must be equivalent to 10 percent (minimum) of the lot size ~~(excluding area within an adjacent alley or right-of-way).~~ For example, a 6,000 square foot lot would require a contiguous open space of at least 600 square feet, or 20 feet by 30 feet in area. ~~Drive-aisles Driveways and paved parking areas~~ must not count in the calculations for usable open space. Additions must not create or increase any non-conformity with this standard.

Commented [CR372]: This is well-intentioned, but may not be workable. Why does it have to be in the rear or side yard? On many lots, the south (sunny side) faces the street, not the alley, so that's where the open space is desirable. This would preclude entering a garage parallel to the alley unless the 15' is between the house and garage or there is a 15' side yard. On a 30' wide lot, there would only be room for a 12' wide garage. Need to analyze various scenarios based on Anacortes setbacks and lot size to see how this would work in real life. If we stick with lot coverage and forget FAR, then we don't need this because there would automatically be a percentage of open space.

Commented [CR373]: These illustrations don't reflect reality in Anacortes. These examples must be from some other city. Our typical alleys are 16' wide. Garage doors must be set back 10' from alley, not 6'. Front setbacks are 20', not 15'. Blocks typically measure 100 ft. from edge of alley to front lot line. Alleys are not part of the measurement. 3,000 sf lots are typically 30' x 100' based on our blocks (not 40x75). Show at least one example where open space is L-shape. Why couldn't you have two min. 15x15 spaces, as long as the total is met? Allow some flexibility.

Figure 19.44.080(E)
Examples of how to provide the minimum amount of usable open space.



D. Street improvements. (17.34.110)

1. ~~R4: All residential zones:~~ Twenty feet of frontage is required on an improved public street, or an easement to twenty feet of street frontage ~~is required on an improved public street~~, with a continuous access route not less than twenty feet wide from the street to the primary portion of the lot. If a private street is proposed, or the twenty feet minimum access to the street frontage is by means of an easement, a conditional use permit is required.

Where the Director approves development fronting on a street which is not improved to current city standards, no building permit shall be issued without a deed restriction being recorded that stipulates that the property owner will not oppose an L.I.D. for street and utility improvements in the future.

No new curb cuts shall be permitted on any street to a lot that is serviced by an alley. Where topography, lack of existing improvements, or other conditions makes alley access impracticable, the Public Works Director or designee may ~~allow for~~ approve a new curb cut on the street. Existing curb cuts may be maintained.

~~R3: Thirty feet of frontage is required on an improved public street. If a private street is used, a conditional use permit is required. Where city ordinance permits development fronting on an unpaved city street, no building permit shall be issued without a deed restriction being recorded that stipulates that the property owner will not oppose an L.I.D. for street and utility improvements. No new curb cuts shall be permitted on any street to a lot that is serviced by an alley. Where topography, lack of existing improvements, or other conditions makes alley access impracticable, the Public Works Director or designee may allow for a new curb cut on the street. Existing curb cuts may be maintained.~~

Commented [CR375]: Are there any circumstances where access could be allowed via an alley and the easement to the street would not be required?

Commented [CR376]: All R zones should be the same with regard to access.

19.44.085 – Dwelling, cottages.(NEW)

A. Purpose.

1. Provide opportunities for creative, diverse and high-quality infill development that is compatible with existing neighborhoods.
2. Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes in accordance with the Comprehensive Plan.
3. Support compatibility with existing neighborhoods by promoting high-quality design.
4. Support more efficient use of urban residential land.
5. ~~To e~~Enhance the character of the street neighborhood.
6. ~~To p~~Provide usable open space for residents.

Figure 19.44.085
Cottage housing development examples.



B. Block frontages. Cottage housing developments are subject to the landscaped block frontage standards as set forth in AMC 19.61.060. This includes standards for entrances, façade transparency, weather protection, parking, landscaping, and sidewalk widths.

C. Requirements.

1. Lot size. Cottages are exempt from minimum lot area standards provided they comply with density and design standards herein.
2. 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 6 cottages would be equivalent to 3 dwelling units.
3. Minimum and maximum number of cottages. Cottage housing developments must contain a minimum of four cottages. Four to 12 cottages may make up a cluster. There is no limit on the number of clusters provided all other standards are met.
4. Separation. At least 10 feet separation between cottages.
5. Building height.
 - a. 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, except a dormer may have a minimum slope of 3:12 (limited to one dormer not more than 12 feet wide per roof section).
 - b. Accessory structures in cottage housing developments have a maximum height of 18 feet.
6. Cottage size. Cottages must be no larger than 1,200 gross square feet in total, with a ground floor footprint no larger than 800 gross square feet.
7. Common open space.
 - a. Minimum size. Common open space must be at least 400 square feet per cottage.
 - b. Minimum dimensions. Common open space must have no dimension less than 15 feet. At least 30 percent of the required common open space must have a minimum width of 25 feet. Additional common open space with smaller dimensions may be provided, but will not count toward the minimum size requirement.
 - c. Elements. Common open space may include a lawn, courtyard, plaza, garden, or other shared central open space, but not parking areas.
 - d. Access. Cottages must be within 60-100 feet walking distance of the common open space.
 - e. Orientation. Cottages must be oriented around and have the main entry from the common open space. Common open space must have cottages abutting on at least two sides and must abut at least 50 percent of the cottages in a cottage housing development;

Commented [CR377]: As written this would allow a 15'x107' open space for a 4 unit cluster or 15'x320' for a 12 unit cluster. That's basically just a sidewalk and doesn't give the cottages much breathing room or space for groups to gather.

Commented [CR378]: In a cluster of 12 cottages, it might need to be a little farther to walk.

8. Private open space.
 - a. Minimum size. The minimum private open space adjacent to each cottage must be at least 200 square feet. The private open space must be usable (not on a steep slope) with no dimension less than 10 feet, and have access from the cottage via a door, porch, or walkway.
 - b. Porches. Cottage facades 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 7 feet on any side.
9. Parking and driveways.
 - a. Off-street parking standards are set forth in AMC 19.65.020.
 - b. ~~Parking areas must be located to the side or rear of cottage clusters and not between the street and cottages. Parking is prohibited in the front and between the cottages and the required private or common open space.~~
 - c. Parking and vehicular areas must be screened from public street and adjacent residential uses by landscaping or architectural screens. For parking lots adjacent to the street, at least 10 feet of Type C landscaping (AMC 19.66) must be provided between the sidewalk and the parking area (see image to the left). For parking lots along adjacent residential uses, at least five feet of Type A, B, or C landscaping (AMC 19.66) must be provided.
 - d. Parking must be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley).
 - e. Garages may be attached to individual cottages provided all other standards herein are met and the footprint of the ground floor, including garage, does not exceed 1,000 square feet. Such garages must be located away from the common open spaces.
 - f. No more than one driveway access to the street per cottage cluster or per 100 ft. of street frontage may be permitted, except where clusters front onto more than one street.

Commented [CR379]: This would require long driveways that add impervious surface, limit flexibility in locating the cottages and open space, put some cottages farther from their parking, and conflict with c. If garages can be attached to individual cottages, why couldn't a parking space be located next to the cottage?

Commented [CR380]: If there is a large cluster with wide street frontage, having 2 points of access (one in, one out, with U-shaped one-way driveway) could be an efficient layout.

19.44.090 – Dwelling, townhouses. (NEW)

A. Purpose.

1. To enhance the character of the street neighborhood.
2. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape.
3. To de-emphasize garages and drive aisles driveways as major visual elements along the street.
4. To provide usable open space for residents.
5. To reduce the apparent bulk and scale of large townhouse buildings.
6. To promote architectural variety that adds visual interest to the neighborhood.

Commented [CR381]: drive aisles is not defined, and driveways is a commonly understood term

B. Block frontages. Townhouses are subject to the landscaped block frontage standards as set forth in AMC 19.61.060. This includes standards for entrances, façade transparency, weather protection, parking, landscaping, and sidewalk widths. Supplemental standards specific to townhouses:

1. Setbacks. See AMC 19.42 for minimum building and garage setbacks for the applicable district.
2. Private garages facing the street - maximum garage widths:
 - a. 12 feet where townhouse dwellings are at least 30 feet wide.

- b. Individual garages facing the street are not allowed for townhouse dwellings less than 30 feet wide. Garages may be provided to the rear of the dwelling via alley access or shared driveway as depicted in figure 19.44.090(B).

Figure 19.44.090(B)
Townhouse development examples.



C. Special entry standards. 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:

- 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.
- Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than 4 feet.

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

Figure 19.44.090(C)

Good and bad Acceptable and unacceptable examples of garage/entry configurations.



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).

D. Access and parking:

1. Off-street parking standards for townhouses are set forth in AMC 19.65.020 as a type of multifamily residential use (based on the number of bedrooms).
2. See section [REDACTED] for driveway standards.
3. Internal drive-aisle driveway standards:
 - a. Must meet minimum widths and other standards (such as turning radii) of any city adopted International Fire Code.
 - b. Minimum building separation along uncovered internal drive aisles must be 24 feet. 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 drive-aisles vehicle areas, which often function as usable open space for residents.
 - c. Upper level building projections over drive-aisles vehicle areas are limited to three feet, and must comply with provisions in (a) above.

E. Usable open space. Townhouse dwellings must provide open space at least equal to 10 percent of the building living-space habitable floor area, not counting automobile-storage garages, storage lockers, and similar spaces. The required open space may be provided by a-one or more of the following ways:

1. Usable 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 19.67.
2. Balconies, roof decks and/or front porches.

Commented [CR383]: could be a side or rear porch

Figure 19.44.090(E)

Examples of usable open space adjacent to townhouse units.



F. Building design.

1. Townhouse articulation. Townhouse buildings must comply with residential building articulation standards as set forth in section **C** except that the articulation intervals must be no wider than the width of two units in the building. Thus – if individual units are 15 feet wide, the building must include at least three articulation features for all facades facing a street, common or other shared open space, and common parking areas at intervals no greater than 45-30 feet.
2. Repetition with variety. See Figure 19.44.090.F.1. Townhouse developments must employ one or more of the following “repetition with variety” articulation guidelines:
 - a. Reversing the elevation of two out of four dwellings at least every third building in a row.
 - b. 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.
 - c. 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).
 - d. Other design treatments that add variety of or provide special visual interest, such as different cladding materials, different window sizes and groupings, different roof slope, different porch designs, bay windows, trellises, 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.

Commented [CR384]: It's really tricky to strike a balance between enough variety to avoid plain boxes, not getting a hodge-podge of details and materials, and not adding so many requirements that it adds to the cost of affordable housing. Beauty is in the eye of the beholder. Some people consider a plain white box beautiful because of its simplicity. Other people find it offensively cheap looking.

Commented [CR385]: what do you mean by “reversing the elevation”? Left-right but the same detailing?

Figure 19.44.090(F)(1)

Acceptable townhouse configuration employing the repetition with variety concept.



Commented [CR386]: Both of these examples are fairly high-end materials and detailing, with a traditional look. All that “articulation” is expensive. Please provide a wider range of examples, including contemporary styling and more “affordable” materials and details.

Figure 19.44.090(F)(2)**Acceptable townhouse buildings integrating the “repetition with variety” guidelines.**

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

19.44.100 - Grocery store, neighborhood. (17.36.040A, 17.34.040A, 17.28.040A)

Not to exceed 1,200 square feet of retail sales floor space and 3,200 square feet total building floor space, and may include an area for eating (i.e. a neighborhood coffee shop). No such grocery uses must be allowed closer than a one-quarter mile radius of an existing grocery store.

19.44.xxx - Hazardous waste treatment and storage facilities. (17.49)

On-site hazardous waste treatment and storage facilities must be allowed as an accessory use to a permitted use provided such facilities comply with the State Hazardous Waste Siting Standards and Anacortes and State Environmental Policy Act Requirements in the following districts: heavy manufacturing (HM), industrial (I), light manufacturing (LM), light manufacturing I (LM I LM), central business district (CBD), commercial marine district (CM), commercial district (C), and for permitted medical facilities in other districts.

19.44.110 - Home occupations. (19.44.045)

- 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.
 - I. 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 primary use of the premises must be residential and at no time may the home occupation exceed twenty-five 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 allowed signs.
 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.
- 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.

Commented [CR389]: Why can't you add an allowed accessory building or enlarge a home within allowed parameters, regardless of whether the home occupation is being conducted in the existing or new space? There is no prohibition on building a new home that would accommodate a home occupation, so why should there be a limit on changing an existing home, as long as it still gives "no exterior indication of the occupation"?

~~17.54.100 - Manufactured home. (17.54.100)~~

~~A manufactured home may be placed on any lot that is appropriately zoned for a single-family residence provided that the following conditions are met:~~

~~A. Manufactured home be a new manufactured home.~~

~~B. The manufactured home shall 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 shall be enclosed by concrete or an approved permanent wall finished with standard residential materials, which can be either load bearing or decorative.~~

~~C. The manufactured home shall comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.~~

~~D. The manufactured home shall be thermally equivalent to 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.~~

~~F. This section does not override any legally recorded covenants or deed restrictions of record.~~

Commented [CR390]: This is irrelevant in terms of the zoning code. It does not matter whether a home is stick built, modular, factory built, or a combination of building methods. If it meets the dimensional and setback requirements of the zoning code (and design standards, if any), it is allowed.

This is confusing the BUILDING code with the zoning code. State law defines requirements for constructing a manufactured home, but that has nothing to do with the zoning code.

19.44.120 - Marijuana producers, processors, and retailers. (17.64.070 and 19.44.060)

Reserved.

19.44.130 - Mobile food vendors. (New)

19.44.140 - Produce stand. (New)

Purpose?

- A. A produce stand must be located 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.
- B. 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 (R) District~~, unless a greater setback is required for the zoning district in which it is located.
- C. 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 building.
- D. The produce stand may be a permanent or temporary structure.

Commented [CR395]: With a 20' setback, if your lot is only 30 or 40 ft. wide, you can't have one.

Commented [CR397]: could store it in the back yard like a garden shed

19.44.150 - Public utilities. (17.64.010)

19.44.160 - Recreational vehicle parks. (19.60)

- A. Minimum standards. Recreational vehicle parks must meet the minimum standards of the Washington Department of Social and Health Services and the county health department.
- B. Streets and recreational vehicle spaces.
 - 1. 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. Drainage ways;
 - c. Streets, alleys, sidewalks and other public ways;
 - d. Water supplies;
 - e. Sanitary wastes;
 - f. Parks and playgrounds;
 - g. 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 paved, covered with gravel or other material to minimize erosion, or protected with a vegetative cover.

- 2. Intersections.
 - a. Intersections of recreational vehicle park streets with local streets or major arterials or highways must be kept to a minimum. Streets serving recreational vehicle parks must connect with arterial streets so as to not generate traffic on local streets. Intersections of recreational vehicle park streets with arterials or collector streets must be designed so as to cause the least possible - minimize interference with traffic movement.
 - b. No more than two streets may intersect at one point.

Commented [CR400]: the least possible would be zero

- c. Streets must intersect at right angles, except when topography dictates otherwise, and in no case must the angle of intersection be less than sixty degrees.
- d. Two streets meeting a third street from opposite sides must meet at the same point on their centerlines or must be offset at least one hundred twenty-five feet.
- e. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds of the individual roadways.
- 3. Culverts or bridges must be provided by the subdivider where drainage channels intersect any street right-of-way. Where culverts are required, they must extend at least across the entire improved width of the street.
- 4. The developer must submit a general tree clearing plan indicating site vegetation to be removed. Plantings may be required for buffering, screening, or soil erosion protection, and are subject to approval by the city council.
 - a. A tree preservation plan must be provided when required by Chapter 16.50.
- 5. Streets and roads must be arranged to discourage through traffic.
- 6. Horizontal alignment of streets must ensure adequate sight distances. When street lines deflect more than five degrees, connection must be made by horizontal curves.
- 7. Roads in recreational vehicle parks must comply with requirements established by the city engineer. Streets should be wide enough to accommodate the contemplated parking and traffic load. Moving lanes must be at least ten feet wide and twelve feet wide if a one-way street and parallel parking lanes, if provided, must be at least eight feet wide.

C. Internal design.

- 1. Recreational vehicle spaces must be arranged to facilitate placement and removal of vehicles from individual-spaces.
- 2. 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.
- 3. Recreational vehicle ~~lots-spaces~~ must be separated from each other and from other structures to allow at least ten feet separation between parked vehicles ~~and other vehicles or structures~~.
- 4. The density must not exceed twenty recreational vehicle spaces per acre of gross site area.
- 5. 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.
- 6. The ~~city council~~ 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.
- 7. 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 occupants of the RV park~~. 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~~. ~~The city may accept a cash donation in lieu of the dedication of land that would have been dedicated. For the purpose of this section, the fair market value is the value of the unsubdivided, unimproved land. Such cash donation must be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.~~

Commented [CR401]: Most of these requirements should be in street standards and this section should simply say that the RV park must meet street standards

Commented [CR402]: It is unrealistic to expect the city to develop parks close enough for the RV occupants to use, or to do so in a timely manner to serve them. This recreational space should be within the park itself.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. Retail sales. No retail sales uses should be allowed within the park unless a specific site for such use, limited-intended to serve primarily park users, is approved by the city council as part of the conditional use permit.
- I. Ownership. In all cases the entire area of an RV parks must be maintained in single ownership, and the property must not be subdivided or condominiumized.

19.44.165 - ~~Religious institutions.~~ Places of Assembly (New)

- A. Purpose. This section is intended to ensure that the unique impacts associated with religious institutions, schools, theaters, fraternal organizations, yacht clubs, community clubhouses, sports facilities, and other places of assembly are addressed while still allowing for a wide-range of possible locations for religious assembly.
- B. Requirements.
 - 1. The use must comply with the parking regulations for a place of assembly, except that in no event shall parking be in excess of one space per three seats in a residential zone.
 - 2. The storage of buses or vans over 10,000 pounds gross weight is permitted on-site only under-if the 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 rights-of-way or obstruct sight visibility from any driveway;
 - d. Structural and/or natural screening, as approved by the City, must screen the vehicles from neighboring properties. The screening requirement or amount of screening may be eliminated or reduced in industrial- non-residential zones to the extent that the storage of vehicles is treated uniformly with other uses in the same zone.
 - 3. Shorelines. Within the Shoreline Jurisdiction, site development must comply with the general standards of the zone in which it is located, except as otherwise provided in subsection (D) below. The maximum building height, exclusive of steeples, bell towers, crosses or other symbolic religious icons mounted on the rooftop is 35 feet. An additional building height

Commented [CR404]: Is there a legal reason why zoning code should treat *religious* places of assembly and *religious* schools any differently than other places of assembly (theater, conference center) and schools? Can't we just include churches and places of worship as a sub-category of Places of Assembly? This seems like a basic way to separate church and state - don't treat a church differently from a non-religious use with similar impacts

allowance of 15 feet is allowed for symbolic religious icons, steeples, clock towers, bell towers, crosses or other similar items mounted on the rooftop of located on the building.

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 maximum height for separate structures on-site, such as bell towers, clock towers, crosses, statuary, or other symbolic religious icons, is 15 feet.
 6. The proposed structure(s) must comply with the applicable building design standards (AMC 19.63).
- C. Additional requirements by size.

19.44.170 – Restaurant sidewalk uses. (17.10)

- A. Restaurant sidewalk use permit.
1. Restaurant sidewalk use permits are conditional uses which shall be processed by the Director/administrator, with appeal of decision to the city council.
 2. The Director/administrator is authorized and may to issue restaurant sidewalk use permits in the central business and commercial districts upon application provided that:
 - a. The use fulfills the conditions regulating such uses as set forth below; and
 - b. ~~The Director-administrator finds that~~ The request will not cause detrimental effects to the surrounding neighborhood.
 3. Conditions Regulating Restaurant Sidewalk Use Permits.
 - a. There shall be five feet of unobstructed sidewalk area to provide pedestrian passageway across the entire sidewalk use area.
 - b. Once a restaurant sidewalk use permit has been issued it shall not be transferable to another person or to a location other than stated in the permit; nor shall the specified conditions be changed, except that if a business ownership or management is transferred to a new entity, but essentially the same business continues, the sidewalk use may continue, with notification to the City of the change in ownership or management.
 - c. A sidewalk use business shall not use utilities such as water and electricity, except by conventional, permanent connections.
 - d. Applicable Permits Required. All regular business license requirements shall be met before any sidewalk use business can be conducted. A sidewalk business dispensing food shall not operate except upon proof that the business has all valid licenses or permits required by any authority having jurisdiction over the conduct of the business to be conducted by the applicant, for example, Skagit County Health Department food service license and food handlers permits, or any other applicable license or permit required by the city, county, or state.
 - e. Clean-Up Requirements. Each sidewalk business must provide a sufficient litter receptacles for customer use, and must keep the area within a fifty-foot radius of any sidewalk business

Commented [CR406]: This is tricky. It should be OK for a small group of people to meet in someone's home to worship, study, meditate, and socialize. But when that group gets large enough to impact neighborhood parking and traffic, they should move to a more appropriate assembly location. How would you (or should you) differentiate between a group of 20 worshipers and someone who invites 20 people to watch football on their big screen TV every week? Is football a religion?

reasonably clean of all litter and trash that originates from the drink and/or food sold by the sidewalk use business, such as wrappers, sacks, cups, napkins and the like.

- f. Furniture, fencing, and other appurtenances of the sidewalk use shall not be attached to the sidewalk, building, or other structures, so that they may be moved for emergency access or special events, and can be removed during periods when the sidewalk use is not active, such as in winter weather. Seasonal discontinuance of the sidewalk use shall not invalidate the permit, but the permit shall expire if the use is not actively pursued for a period of one year or more.

B. ~~Procedure for sidewalk use permits:~~

- ~~1. Applications for restaurant sidewalk use permits may only be made by the adjacent property owner/lessor and shall be made to the Director/administrator.~~
- ~~2. Upon receipt of an application the Director/administrator shall require notification by mail and/or posting to all abutting property owners and/or renters. This notification shall describe the location and activity requested.~~
- ~~3. One calendar week after notification the Director/administrator may either grant or deny the application. If granted, conditions of the permit (if any) shall be attached and a copy sent to abutting property owners and/or renters.~~
- ~~4. Any aggrieved party shall have five working days from date of decision to appeal the decision of the Director/administrator to the city council. The appeal is to be filed with the city clerk. The permit shall not become valid until expiration of five days. An appeal stays the validity of the permit until a decision is made by the city council.~~
- ~~5. If after issuance of a permit, the restaurant sidewalk use violates any of the conditions placed upon the permit, or if the restaurant sidewalk use permit is found to be having a detrimental effect upon the surrounding neighborhood, the Director/administrator, upon thirty-30 days notice, shall have authority to revoke or place additional restrictions on the permit.~~
- ~~6. The application fee shall be one-quarter of that set for home occupation permits.~~

C. ~~Liability—sidewalk permits:~~

- ~~1. City Not Liable. Neither the city nor its employees shall be liable for any claim, loss, injury or damage to persons or property of whatsoever kind or nature, caused in whole or in part by or arising directly or indirectly out of the issuance of any license hereunder, or the conduct or operation of any such sidewalk use business.~~
- ~~2. Indemnity. Prior to the operation of a sidewalk use business, the owner shall execute and deliver to the city on a form supplied by the city planning department, an agreement in writing to defend, indemnify and hold harmless the city and its employees from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the operation of such sidewalk business.~~
- ~~3. Liability Insurance Required. Prior to the operation of a sidewalk use business, the owner shall file with the city planning department evidence of commercial general liability insurance. The limits of such policy shall be not less than one million dollars combined single limits per occurrence.~~
~~The city shall be an additional insured party on such policy. Such policy shall insure against liability from injury or damage resulting from applicant's occupancy of or activities on public right-of-way under the license to be issued. Said insurance shall be maintained in effect during the term of the license. The applicant shall provide a certificate of insurance evidencing the~~

Commented [CR408]: This procedure and liability information should be somewhere in the permits and procedures sections, not here. This section is for physical stuff, not procedural stuff.

~~required coverage, and a copy of the endorsement naming the city as an additional insured on the policy. The city retains the right to request a certified copy of the policy.~~

19.44.180 - Schools. (17.64.020)

- A. Public and private schools shall be allowed by conditional use permit in all residential use districts. A school is defined as an establishment for non-adult education. Adult education facilities are to be considered as commercial enterprises.
- B. The planning commission shall place appropriate conditions and restrictions upon the school to mitigate possible adverse impacts to surrounding uses or to the students. Particular attention shall be given to traffic circulation, safety, and parking needs. Outdoor lighting and noise from activities shall also be considered. (Ord. 2316 (part), 1994)

(Ord. 2794, § 1(Att. A), 12-15-2008).

19.44.190 - Temporary uses. (17.64.030)

- A. Cargo containers.
 - 1. Cargo containers are prohibited in all residential zones; except that temporary containers for the purpose of moving may be permitted for a period not to exceed thirty days in any twelve-month period, and temporary cargo containers used at construction sites not to exceed the completion of the construction project.
 - 2. Cargo containers must not be placed on developed streets and alleys.
 - 3. ~~Within one year of adoption of this ordinance, non-conforming cargo containers and tent structures must conform with AMC 17.48.010 or be removed.~~

Chapter 19.45 - ANNEXATION

19.45.010 - 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 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 attached zoning map. The LMI zone at March Point must be governed by the rules and regulations in Chapter 17.19. 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 19.49 - NONCONFORMING USES AND STRUCTURES

19.49.010 - Purpose.

The purpose of this chapter is:

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

(Ord. 2992 § 1 (Att. A), 2016)

19.49.020 - General rule.

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

~~(Ord. 2992 § 1 (Att. A), 2016)~~

Commented [CR413]: Don't need these old references in the new code?

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 district in which it is located.
- C. A nonconforming use may not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed. ~~(Ord. 2992 § 1 (Att. A), 2016)~~

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

Commented [CR414]: As long as the nonconforming use or structure continues, we should encourage the owners to keep it in good repair and be an asset to the neighborhood, rather than letting it deteriorate.

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

- A. Routine maintenance and repairs may be performed on a nonconforming structure or building.
- 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 zoning district 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.

D. Cosmetic changes (such as new siding, windows, or roofing), changes to improve energy efficiency, changes to a structure to address unsafe conditions, or upgrading inadequate utilities shall not be considered alterations.

(Ord. 2992 § 1 (Att. A), 2016)

Commented [CR415]: As long as the nonconforming structure continues, we should encourage the owners to keep it in good repair and be an asset to the neighborhood, rather than letting it deteriorate.

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 zoning district 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 ~~department~~ Director may initiate a Level 2 review to determine if the abandonment has occurred.

The Director may extend the one-year time frame for up to one additional year if extenuating circumstances, such as pending legal action or illness of the owner, prevent re-occupation of the structure.

(Ord. 2992 § 1 (Att. A), 2016)

DIVISION 5 - COMMUNITY DESIGN

Chapters:

- Chapter 19.50 Introduction
- Chapter 19.51 Public Street Improvements
- Chapter 19.52 Streetscape Design
- Chapter 19.53 Subdivision Design and Block Structure

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, and accommodate the needs of people with disabilities 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 subdivisions, including binding site plans.
- C. All other development within the city where public improvements are required (see AMC 19.51).

19.50.030 - Relationship to other street design plans and standards.

The provisions herein supplement the road standards set forth in AMC Chapter 16.32 and the most recent version of the development and engineering standards promulgated by the city's public works director. Where there is a conflict between the provisions of this division and other codes, the _____ provisions herein shall apply.

Commented [CR416]: The intent of design standards is laudable, but resulting development may not be what is envisioned. It is impossible to predict exactly how the standards will be applied to a specific case, and individual ideas of what is attractive don't always agree. Beauty is in the eye of the beholder.

It is quite possible to design a very unattractive building that meets every one of the requirements. It is also possible to design a very attractive building that meets none of the requirements. No matter how many rules you make you can't legislate beauty.

Anacortes has grown for over 120 years. Many handsome historic buildings were built with no zoning codes or design guidelines at all. There are a few very attractive buildings, a few very unattractive ones, and most fall somewhere in between.

Tastes change over time, and what is considered lovely in one era is looked down upon by a later generation. If the current code only allows current design expressions, then innovations and new design expressions will be stifled.

We must take care to include in this code only very important principles of design and not get bogged down in details.

Commented [CR417]: Not everyone can walk or ride a bike.

Chapter 19.51 – PUBLIC STREET IMPROVEMENTS

19.51.010 - Purpose. (New)

- 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. Encourage non-motorized travel through safe and attractive street design that accommodates a variety of transportation modes.

19.51.020 – Applicability. (New)

- A. Construction of or provision of public right-of-way improvements is required as condition of approval of the following development activities:
 1. Subdivisions, short subdivisions, and binding site plans.
 2. Alteration of, or addition to, a single family residence when the estimated value of the proposed structural improvements exceeds 50% of the Skagit County Assessor's value of the existing structure(s) on the subject property within a 12-month period.
 3. Alteration of, or addition to, a commercial, industrial, or multi-family building when the estimated value of the proposed structural improvements exceeds 25% of the Skagit County Assessor's value of the existing structure(s) on the subject property, within a 12-month period.
 4. One or more new or additional residential, commercial, or industrial units will be created.
 5. A change of use to a more intensive use of property that will result in increased impact to the transportation system.
 6. Five or more new parking stalls on the subject property will be created.
 7. A new access point to a public street will be created.
- B. Applicants for building alterations or additions are exempt from providing public right-of-way improvements if the cost of the street improvements along the property frontage is greater than 20 percent of the ~~value~~-cumulative ~~value of~~ building alterations or additions in any five-year period. The cost of street improvements must include, but is not limited to, roadway asphalt, storm drainage, curb and gutter, landscape strip, street trees, and concrete sidewalk.

Commented [CR420]: What if the improvements are non-structural? For instance, gutting and completely re-doing the interior but not changing the structure?

Commented [CR421]: How to determine the value of structural improvements? If there are no structural changes it doesn't count?

Commented [CR424]: What is the definition of a commercial or industrial unit? These are not defined. Would simply subdividing a retail space into two smaller retail spaces with the same square footage and functions constitute "creating" a new commercial unit?

19.51.030 – Right-of-way designation map adopted. (New)

- A. The Transportation Element of the Anacortes Comprehensive Plan designates public rights-of-way and streets based on their functional classification and must be consulted to determine which standards in this chapter apply. The following streets 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 and highway system.

2. Minor Arterials. Streets that provide for movement of through traffic, ~~must also provide considerably more access for local traffic that originates or is designed to connections between residential neighborhoods, connect~~ commercial, retail, ~~industrial~~ or activity centers, ~~and connect to principal arterials along a corridor.~~
3. Collectors. Streets that ~~assemble- gather~~ and concentrate ~~residential traffic from a residential or non-residential area~~ and direct it toward the higher order arterial system.
4. Local Access Streets. Streets that primarily serve residential neighborhoods and some commercial uses, ~~carry little through traffic,~~ and generally connect to collectors or minor arterials.

Commented [CR427]: A collector could be within a non-residential area, not just residential.

19.51.040 – Integration with SEPA. (New)

The regulations in this section are not intended to supersede or preclude the application of SEPA requirements to mitigate adverse environmental impacts. Each development application subject to review under the provisions of this chapter and under the provisions of SEPA may be conditioned or denied pursuant to SEPA, with respect to transportation related impacts and traffic safety impacts, independently from the provisions of this chapter; provided, that environmental review under SEPA may rely upon compliance with this chapter to adequately mitigate identified adverse environmental impacts.

19.51.050 – Minimum public street improvement requirements. (New)

- A. Minimum geometric standards.** Minimum standards for right-of-way, pavement, travel lanes, sidewalks, landscape strips and other element widths are set forth in _____.
- B. Typical required improvements for ROWs.** The Public Works Director or designee must determine required improvements based on the standards and criteria in this chapter. Typical required public improvements include the following improvements on the same side of the street as the subject property:
 1. Paved roadway.
 2. Street lighting.
 3. Sidewalks or other pedestrian facilities.
 4. Curb and gutter.
 5. Utilities including storm drainage, wastewater, domestic water and fire systems.
 6. Street landscaping and appurtenances.
 7. 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.
 8. Dedication of public right-of-way.
 9. Power and telecommunications conduit for new and existing utilities.
- C. 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.

D. 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.

1. Property frontage. Property frontage includes the extent of the property as projected to the right of way.
 - 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 property frontage abutting the right-of-way.
 - b. When an existing right-of-way is not already paved, improvements must be installed, including a minimum 24 feet of pavement from the face of curb, for the entire extent of the property frontage abutting the right-of-way.
2. Paved connection. When the required improvements for the subject site are not connected to an existing improved street by a paved surface, the applicant must provide at least 24 feet of pavement, including curb and gutter, connecting the property frontage improvements to the existing improved street.
3. 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.
4. Increased dimensions. The applicant may increase the dimensions of any required improvement or install additional improvements in the right-of-way with the written consent of the Public Works Director.
5. Existing alleys.
 - a. 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.
 - b. For single family developments with three or more units using the alley for primary vehicular access, the applicant must improve the apron extending 20 feet from the nearest improved street toward the subject property.
 - c. 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:
 - i. Replacement of the alley driveway apron and curb;
 - ii. Installation of storm drainage and other utilities;
 - iii. Repair of existing paving;
 - iv. Installation of crushed rock in gravel alleys.
5. Transition to existing improvements. If improvements required by this chapter will are planned to connect with improvements in the same ROW that do not conform to this chapter, the following applies:
 - a. If the improvements will are planned to 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.

Commented [CR429]: it is not clear what area is meant by "apron" in this section and in b.

Commented [CR430]: One cannot predict with certainty that anything will or will not happen. But one can determine whether such things are planned - such as in the Capital Improvement Plan.

- b. If the improvement will connect with existing improvements of a lesser dimension, the following applies, as determined by the Public Works Director:
 - i. If the dimensions of the existing improvements ~~will not~~ are not planned to be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - ii. If the dimensions of the existing improvements ~~will~~ are planned to be increased in the future, the applicant must install the required improvements in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
- 5. Replacement of damaged or substandard existing improvements. For properties that have existing improvements, the applicant must remove and replace any damaged or substandard 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, and installation of street trees.
- 6. Relocation of existing franchise utilities. Franchise utilities must be relocated as required, including relocation underground, to accommodate necessary improvements.
- 7. In neighborhoods where an entire area has been built to a lesser standard (for example, without sidewalks or curb and gutter or storm sewers, or with narrower rights of way or pavement than currently required), and there are no city plans to upgrade the neighborhood, the Public Works Director may waive some or all of the street improvement requirements, provided that the property owner signs and records an agreement not to oppose such improvements in the future, whether implemented by local improvement district (LID) or other means.

Commented [CR431]: Such as Skyline and Cap Sante.

19.51.060 – Dedication of right-of-way. (New)

- A. Existing ROW.** If a 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. However, the Public Works Director may authorize a reduction in the dimensions of the dedication or allow construction of the improvements in an easement, if the full amount of the required dedication would create a sub-standard lot or preclude reasonable development of the property.
- B. New ROW.** The Public Works Director may require the applicant to make land available, by dedication, for new rights-of-way and utility infrastructure if it is reasonably necessary as a result of the proposed development activity.

Commented [CR432]: There are many places where old rights of way are substandard and enlarging them would severely impact the adjacent property owners, but there is little public benefit to be gained by widening the street slightly, particularly in residential neighborhoods where there is little traffic.

19.51.070 – Modifications, deferments, waivers, and construction-in-lieu. (New)

- 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.
- B. Review process.**
 - I. 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-I.

- a. A modification, deferment, waiver, or sidewalk construction-in-lieu request that is approved under (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.
2. If (B)(1) of this section does not apply, the Public Works Director may grant a modification, deferment, waiver, or sidewalk construction-in-lieu in writing under the provisions of this section.

C. Modifications.

1. A modification to the nature or extent of any required improvement may be granted for any of the following reasons:
 - a. The improvement as required would not match the existing improvements.
 - b. Unusual topographic or physical conditions preclude the construction of the improvements as required.
 - c. Other unusual circumstances preclude the construction of the improvements as required.
 - d. The applicant proposes special amenities such as wider planter strips, meandering sidewalks, and/or curb gutter bump-ins to save significant trees or other natural features, or stormwater infrastructure that exceeds minimum standards.
 - e. A modified standard for a particular street or neighborhood has been approved by City Council (see the Public Works Pre-Approved Plans and Policies Notebook for a description of the Neighborhood Access Street Improvement Modification and Waiver Process).

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 in the City's 6-year Capital Improvement Plan; or
 - b. Other unusual circumstances preclude the construction of the improvements as required.
2. If the applicant meets the above criteria for deferment, he/she is only obligated to install, ~~or reimburse the City for construction of at a future date,~~ improvements from the center line of the ROW to the property line at a future date.
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.

1. A waiver to the requirement to install the required improvements may be granted for any of the following reasons:
 - a. The installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or

- b. 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 established 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 will not accept the applicant's proposed sidewalk construction-in-lieu if the Public Works Director determines that it is in the City's interest that the improvements be installed abutting the subject property, taking into account such factors as the pedestrian safety impacts that result from the development. The City may accept a 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 off-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, ACFL, etc.
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.

Commented [CR436]: This seems like a really strange program. It is not clear whether it applies only to sidewalks or to *all* street improvements. If there aren't any sidewalks in the entire neighborhood, can't they just be waived?

Commented [CR437]: Is it on-site or in the ROW? Can't be in both places at once.

Commented [CR439]: Does this mean that if sidewalks are waived, then the value of the sidewalk must be spent elsewhere, but other waived improvements, such as storm sewers are not included? Who constructs the in-lieu improvements - the applicant or the City? If it's a small amount, can the City accumulate funds until enough to build something substantial?

Chapter 19.52 - STREETSCAPE DESIGN

19.52.010 – Overview. (New)

Streetscapes are often broadly defined as the areas between buildings that are occupied by the public street right-of-way and related street, sidewalk, and landscaping improvements, and any setback areas on private property. Anacortes's streetscapes are among the most important urban design features of the community because their appearance, character and the impressions they evoke create the public image of the city. Streetscape design also impacts the ability of residents and visitors to move from place to place. Anacortes's transportation goals emphasize safety, options and mobility in the design of its transportation system. To accomplish this goal, streets need to be both safe and attractive to the range of users, including pedestrians, bicyclists, motorists, and transit users.

19.52.020 – Applicability. (New)

Forthcoming.

19.52.030 - Arterial and collector streetscape design. (New)

Forthcoming.

19.52.040 - Local access street design. (New)

Forthcoming.

Chapter 19.53 - SUBDIVISION DESIGN AND BLOCK STRUCTURE

19.53.010 - Purpose. (New)

The purpose of this chapter is to:

- A. Enhance the character and livability of Anacortes's neighborhoods.
- B. Encourage compact and walkable neighborhoods.
- C. Promote "eyes on the street" for safety.
- D. Promote subdivision design that reduces energy consumption.
- E. Integrate open spaces, natural elements, and recreational features into the design of developments.
- F. Facilitate pedestrian and vehicular connections between neighborhoods.

19.53.020 - Block design & connectivity standards. (New)

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 shall be the responsibility of any future developer of the abutting land.
- 2. Continuation of streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall 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 accessways connections. Short internal pathways can improve pedestrian mobility within developments. Examples could include an accessway-public sidewalk between lots in the middle of a block or at the end of a cul-de-sac.

B. Residential zones. New residential developments ~~must~~ 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-Blocks need not be rectangular, but a~~ street network dominated by long, irregular loop roads and cul-de-sacs must provide connections to adjacent areas at appropriate intervals wherever feasible 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 by the reviewing authority per AMC 19.20.250 provided the alternative design meets the purposes of the standards (see AMC 19.53.010 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 set forth 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 reviewing authority may relax the standards provided the proposed design maximizes pedestrian and vehicular connectivity on the site given the constraints.

C. Commercial and light industrial zones. Text.

19.53.030 - Open space/parks. (New)

Parks and open space integrated into subdivisions shall 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. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area. Access meeting ADA standards shall be provided where not precluded by steep terrain or existing conditions.

Figure 19.53.030(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 read or chat with friends or just 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 mid-day, 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 should be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space for its intended purposes.

Commented [CR445]: Aesthetic appeal is very subjective. What if I don't like the design of the park bench?

Figure 19.53.030(B)
Examples of inviting park design.



Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.

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 but does not subject adjacent properties to glare;
3. Landscaping and fencing. Avoid configurations that create dead-end paths and dangerous hiding spaces by providing views and paths into and out of spaces or minimize views;
4. Entrances should be prominent, well lit, and highly visible from inside and outside of the space; and
5. Maintenance. Open spaces must utilize commercial grade materials that will last a long time 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.

Commented [CR446]: These are poor examples - mostly lawn with just a couple of benches that don't even face each other for conversation. Find better examples, with meandering paths, play areas, picnic tables, secluded areas for quiet reading, interesting plants (not just acres of grass). Looks like someone could be arrested for walking across the grass in these examples - doesn't invite activities.

E. Must be well maintained. Open space must be maintained by the land owner(s) unless the city or other public authority accepts ~~and offer of dedication~~ responsibility for maintenance, or the land is transferred into public ownership.

19.53.040 - Lot design. (New)

Lots within subdivisions must be designed to allow placement of homes to address functional design issues including vehicular access, while meeting requirements of this code. 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~~ Lots must be able to be reasonably developed without creating nonconforming structures, uses or lots.

The placement and orientation of lots and homes should consider privacy, solar orientation, view potential, access, location of 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.

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 zero-lot line and courtyard access configurations (as described below) or related design schemes provided they meet access, design, and other applicable standards set forth in this Title.

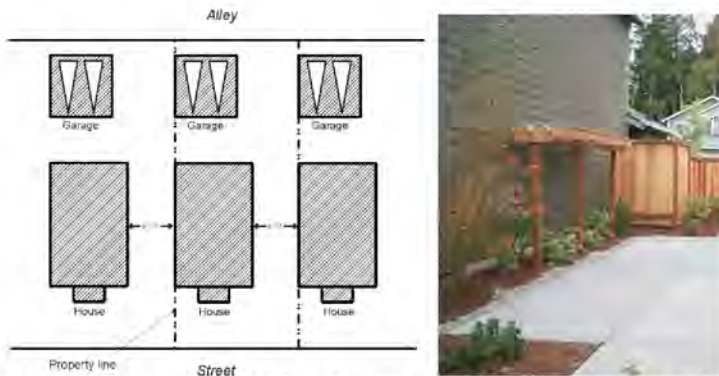
A. Zero lot line. This is a configuration where the house and/or garage is built up- close to or against one of the side property lines, providing the opportunity for more usable side yard space on the opposite side. Standards:

1. Dwelling units and accessory structures may be placed on-against one interior side property line. The opposite side yard must be at least 10 feet. Also see AMC 19.44.080 for small lot single family development standards, including minimum usable open space requirements.
2. 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 the side of the structures with zero setback are allowed, except for windows that do not allow for visibility into the side yard of the adjacent lot. Examples include clerestory windows above 5 feet or obscured-windows with obscure glass. See figure 19.53.040(A) below for an example of a privacy wall for a zero lot line house.
3. Eaves along a zero lot line may project a maximum of 18 inches over the property line.
4. Lots intended for zero lot line homes must be noted on the plat, together with minimum side yard areas and maximum building envelopes.
5. A zero setback is not permitted against a property line if the adjacent lot has (or could legally build) a structure closer to the property line than 10 feet.
6. Zero lot line lots must include recorded language specifying how and by whom the exterior wall on the lot line will be maintained (for example, allowing access via the adjacent yard to paint the wall).

Commented [CR448]: Who decides what is "difficult"?

Commented [CR449]: When the Old Town standards were developed a few years ago, residents were adamant about not having extensive blank walls. Blank walls are a requirement in zero lot line homes. Is this a conflict?

Figure 19.53.040(A)
Zero lot line design.

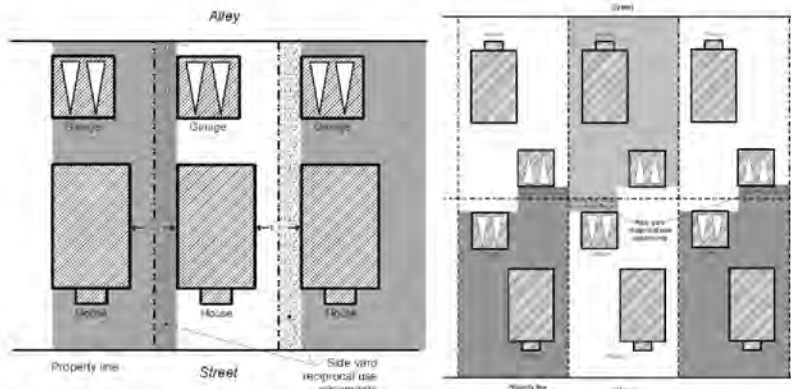


Zero lot line layout example (left). The right image shows the side yard and privacy wall for a zero lot line house.

B. Reciprocal use easement lots. This works similar to the zero lot line configuration, except that the homes and accessory structures meet the standard setbacks and easements are granted on one side yard to allow consolidated use of the side yards by the adjacent property [see figure 19.53.040(B) for an example]. Also, configurations providing for reciprocal use easements in the rear yard are allowed to maximize usable open space. Standards/provisions:

1. Reciprocal use easements shall be noted on the plat. Easement areas may be used for minimum usable open space requirements set forth in AMC 19.44.080(E).
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 yard of the adjacent lot. Examples include clerestory windows above 5 feet or ~~obscured~~-windows with obscure glass. See figure 19.53.040(A) above for an example of a privacy wall.
3. Areas within reciprocal use easements may count towards usable open space requirements for applicable lots.
4. This approach is intended to make more efficient use of the space for small lots in a subdivision specifically designed for such shared use. It is not intended to preclude nor impose requirements on private agreements for shared use of space in other locations and situations.

Figure 19.53.040(B)
Reciprocal use lots examples.



Example of a reciprocal side yard easement configuration (left image) and reciprocal rear yard easement configuration (right image)

C. Courtyard access lots. This includes a series of lots clustered around a private internal roadway. Standards:

1. Maximum number of lots served by a courtyard access: five (this includes lots fronting the street on either side of the courtyard access).
2. Maximum length of a courtyard access: 100 feet (or deeper if approved by the fire code official). The length may be increased to 150 feet if all structures beyond 100 feet of the street are equipped with automatic fire sprinkler systems.
3. Surface width of courtyard access: 15 feet minimum, to provide access for ambulances. Provisions shall be made to keep the access clear of snow, vehicles ("no parking" signs), and vegetation, and other obstructions.
4. An ~~A~~ recorded easement of 20 feet in total width must be secured over the applicable parcels to allow lots legal access to the public street. A maintenance agreement for maintaining the access roadway must be required for all applicable lots and must be recorded on the plat.
5. Buildings accessed from a courtyard access are limited to two stories in height, due to aerial fire apparatus access-size limitations.

Commented [CR450]: The example on the right has the "car" triangles pointing opposite from the example on the left. The example on the right should have hatching in the white areas where they extend into the adjacent property.

Commented [CR451]: is this measured to the property line, to the face of the garage door, to the nearest edge of the structure, or to the farthest edge of the structure?

Commented [CR453]: could be all on one lot or unequal sides, depending on the particular size of the lots.

Figure 19.53.040(C)
Examples of courtyard access lots.



Commented [CR454]: Label the front and side yards. Interior lots do not appear to have the required 20 ft. front yards. Where is the 15 ft. wide open space? Illustrations should be realistic by complying with all requirements even if they are in another part of the code.

D. Pedestrian-access-only entry lots. This includes configurations where one or more lots are clustered around accessed from a pedestrian easement and/or common open space and do not front on a street or have vehicular access [see figure 19.53.040(D) for an example]. Most cottage housing developments (see AMC19.44.085) are an example of this.

Standards:

1. A pedestrian entry-access easement ~~must~~ must be provided to all homes that do not front on a street, alley, or common open space.
2. Pedestrian entry-access easements must be at least 5-10 feet wide with a 5-foot minimum width sidewalk constructed per the most recent version of the development and engineering standards promulgated by the city's public works director.
3. Fire sprinklers are required for homes more than 100 feet from a fire access road.
4. Buildings within pedestrian-access only entry lots are limited to two stories in height.
5. Homes more than 150 feet from a street will require must have fire department access as defined in the current International Fire Code (IFC).
6. These lots must contain private detached or shared garages off an alley or other access if approved by the public works director. Pedestrian-access lots shall have their required parking spaces or garages located within 150 feet of the dwelling unit.

Commented [CR455]: How can one lot be a cluster?

Commented [CR456]: This is unnecessary. It is a given that wherever a feature such as a sidewalk, street, utilities, etc, is required, it must be built to the appropriate standard.

Figure 19.53.040(D)

Pedestrian-~~access only entry~~ lot configuration examples.



- E. **Alley-Access lots.** This includes configurations where lots are provided with vehicular access by an alley ~~improved to current City standards, designed per the most recent version of the development and engineering standards promulgated by the city's public works director.~~ Pedestrian access to each alley access lot must be provided by either a public street or a pedestrian easement a minimum of 10 feet wide with a five-foot minimum ~~width sidewalk constructed per the most recent version of the development and engineering standards promulgated by the city's public works director.~~

DIVISION 6 - PROJECT DESIGN

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. (NEW)

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 downtown's~~ 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. ~~Enhancing~~ ~~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.

Commented [CR457]: As a general principle, there should be a hierarchy of design requirements based on the location and type of zone.

Projects in the CBD should have the most restrictive design guidelines and be especially related to pedestrian scale. This is our historic downtown and the "showpiece" of Anacortes. It is where people congregate.

The C zone should also be attractive, particularly along Commercial Ave. and should be safe and inviting for pedestrians, but needs not be built as much to pedestrian scale as the CBD. Customers for many businesses, such as a grocery store or auto repair shop arrive primarily by car. Being on the state highway, convenient vehicle access and parking is an important factor for businesses. Larger buildings are expected in this zone, and scale of design requirements can be larger.

Except along highway 20 and R Ave. where some requirements such as increased landscaping can provide an attractive streetscape for passing motorists, design requirements in the industrial type zones should be minimal. Building design should be allowed to respond to the needs of the particular business with few restrictions. These are working areas, not tourist or residential areas.

The Block frontage designations respond to this hierarchy. Other design requirements should also be applied in ways that do not put too many restrictions on areas where they are not needed, such as industrial types of zones and uses, and the side and rear facades where few people will see them. (This is not to say that side and rear areas should be neglected - they will be seen by side and rear neighbors.)

19.60.020 - Applicability and compliance. (NEW)

- 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.

- 1. **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.

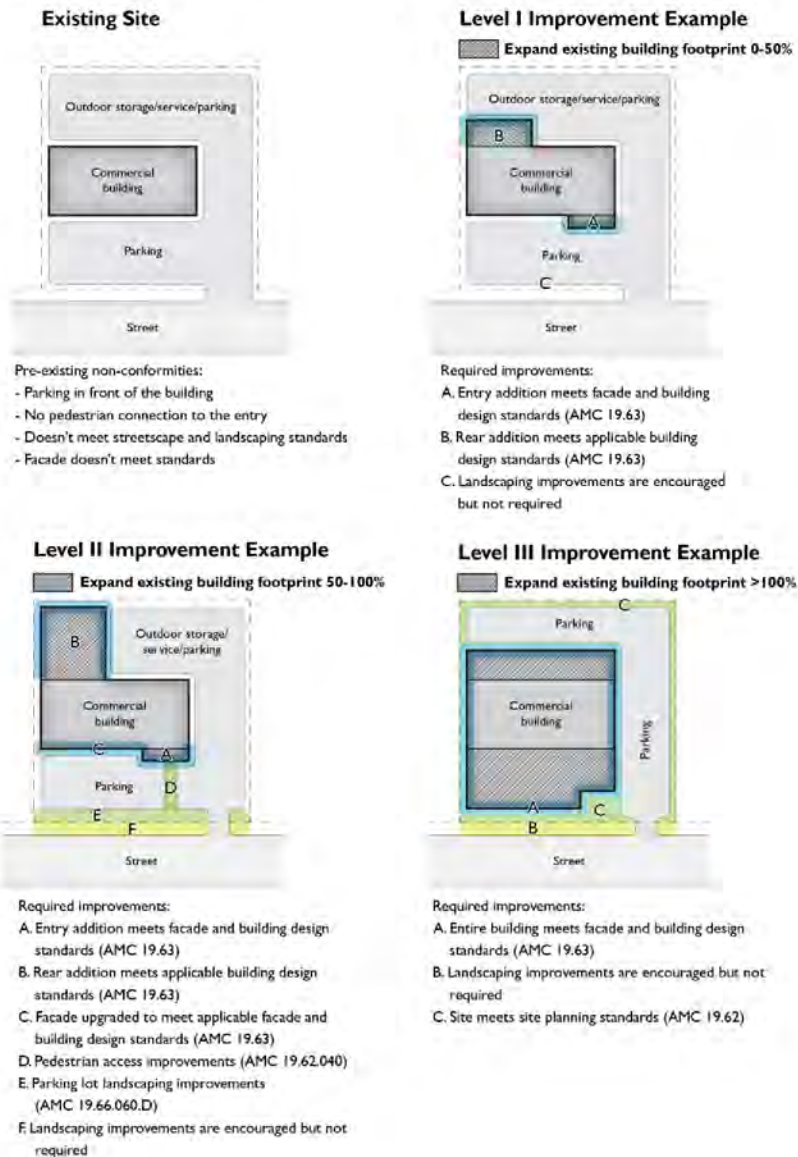
For example, if a property owner decides to replace a building facade's siding, then the siding must meet the applicable exterior building material standards, but elements such as building articulation would not be required.

- 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 the block frontage standards (chapter 19.61), which address building frontages, entries, parking lot location, and front yard 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 chapter 19.65.)
- b. Comply with applicable site planning standards (chapter 19.62).
- c. Comply with all building design provisions of chapter 19.63, 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.
- d. Comply with the off-street parking, landscaping, and signage provisions of this division that relate to proposed improvements.
- 3. **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 ~~those~~ 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. (NEW)

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 19.20.250 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-block frontage~~ standards
- 19.61.100 - "Gateway" block frontage standards
- 19.61.110 - "~~Other~~Undesignated" standards (streets with no designated block frontage)
- 19.61.120 - "Trail" block frontage standards
- 19.61.130 - "Esplanade" block frontage standards
- 19.61.140 - Where properties front onto multiple streets
- 19.61.150 - Where properties have multiple designations along one frontage
- 19.61.160 - High visibility street corners.
- 19.61.170 - Block frontage designation master plan

19.61.010 - Purpose. (NEW)

- 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.
- E. To provide adequate parking for businesses, in appropriate locations, with convenient, safe vehicular access.
- F. To promote the safety of persons using parking areas and ease of access between parking areas and the buildings they serve.

19.61.020 - Applicability. (NEW)

The provisions of this chapter apply to all nonresidential and multifamily development, except ~~where otherwise as~~ noted below and in this chapter.

- A. Development in the HM zone when not adjacent to Highway 20.
- B. Development in the MS zone except for applicable block frontages designated storefront, landscaped, or mixed as set forth in AMC 19.61.040.
- C. The director may waive or relax these provisions in the I, LM, ~~LMI~~, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's

Commented [CR459]: In section 19.61.030 the term "street frontage" is used. In some other places "block frontage" is used. Since some standards change mid-block or on various sides of the block, the term street seems more appropriate. **Whichever term is used, be consistent.**

Commented [CR460]: Since these are terms with other meanings in different contexts, suggest putting them in quotes here to indicate that they refer to a specific frontage type (i.e. "landscaped" refers to a specific frontage type, but all frontage types require landscaping)

Commented [CR461]: The word *other* is used in various ways in the general text and can easily be confused with the "Other" designation category. Using the title *Undesignated* avoids this confusion. Change all instances where this occurs.

Commented [CR462]: There seems to be an attitude that parking lots are BAD, but they also have positive attributes. Parking lots can be quite attractive if landscaped well. They provide open space and view corridors. They provide important vehicular access to businesses. Hiding parking behind the building may increase security for the pedestrian on the sidewalk, but it can mean less security for the vehicles and people in the parking lot. There are tradeoffs.

Commented [CR463]: Wow! This is way too broad. Why have standards if the director can simply waive them whenever he/she wants to?

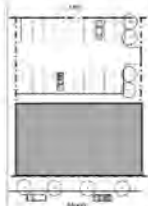
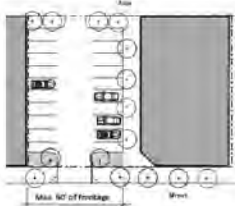
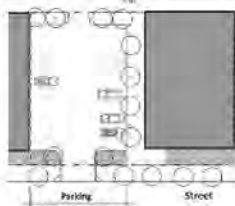
physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of block frontage standards.

19.61.030 - How to use this chapter. **(NEW)**

Site orientation standards for individual properties depend on the ~~type of street block frontage type designated for that location. properties front onto. Thus, consider the~~The following steps ~~will help~~ in using this chapter:

- A. Go to the maps in Section 19.61.040 to find the property and the ~~street block~~ frontage type designation. For multifamily and non-residential development in residential zones, the standards for ~~landscaped-Landscaped~~ block frontages apply. For ~~applicable~~ development that fronts onto multiple streets, see provisions in Section 19.61.140.
- B. Go to the appropriate code section in this chapter for the site orientation standards for ~~the applicable street block frontage type designation.~~ Table 19.61.030 includes a summary of the ~~street block frontage types designations.~~

Table 19.61.030
Summary of 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 and may occupy up to 60' of frontage. - 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.
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.
Gateway		No parking lot location restrictions, except for a 10 feet setback from street frontage.	- Landscaping to soften façades and buffer parking and outdoor storage. - Landscaped screening required for metal and opaque fences. - Minimum façade transparency requirements per setback.

Commented [CR465]: Alleys in Anacortes run perpendicular to Commercial Ave, not behind the buildings. Show an alley on the side of the building, with parking accessed from the alley.

Other Undesignated	Storefront or Landscape Frontages allowed	No parking lot location restrictions	• Landscaping soften façades of non-storefronts and buffer parking areas. • Minimum façade transparency requirements per use and setback.
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19.61.040 - Block frontage designation maps. (NEW)

Figure 19.61.040(A)

Anacortes block frontage designations maps index.

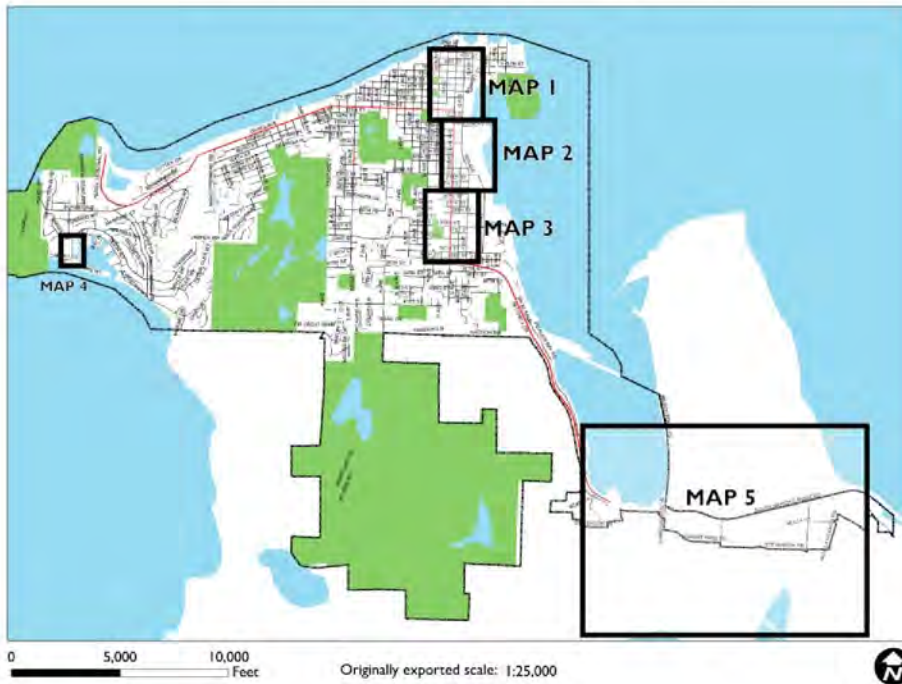
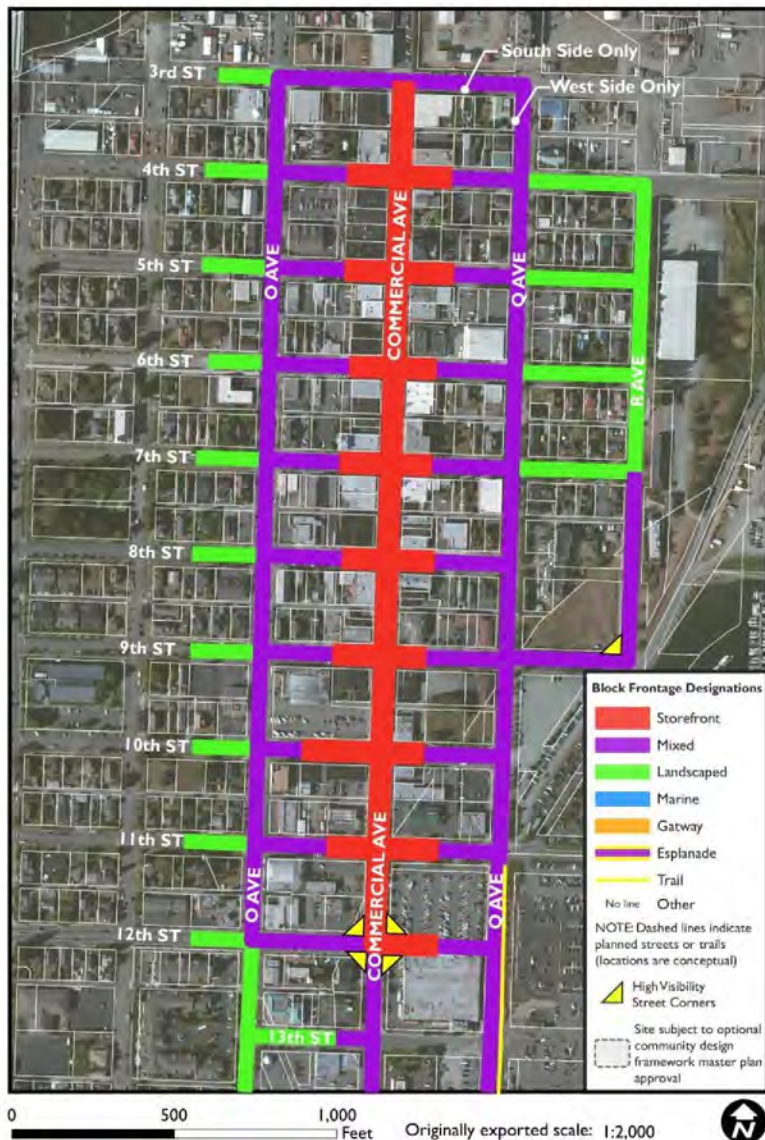


Figure 19.61.040(B)

Anacortes block frontage designations map for the downtown area.



Commented [CR466]: "Gateway" is misspelled in the map keys.

Commented [CR467]: Suggest extending the Storefront designation north to 2nd Street "west side only" to include the historic Marine Hardware block. This is consistent with the Port's stated intent to retain those historic buildings.

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)

Block frontage designations map for central Commercial Avenue and Central Waterfront.



Commented [CR468]: Why the 2 blocks of Storefront between 19th and 21st? There is hardly any existing storefront type development in those blocks to relate to, just an odd mix of little old buildings. The **Mixed** designation should apply in these blocks.

Storefront should only be **required** in the CBD. On south Commercial it should be optional unless there is a block already developed with storefronts or there is a clear reason why the block is uniquely suited to be developed with storefronts in the future. That is not the case in these blocks.

Delete the *high visibility street corners* at 20th St. There is nothing there worth accenting, the one two-story existing building would not meet the standards, 20th does not connect to anything important, the two sections of 20th don't even line up, and the east section of 20th is a substandard width. Save the *high visibility* designation for places where it makes more sense.

Figure 19.61.040(D)

Block frontage designations map for the south Commercial Avenue area.

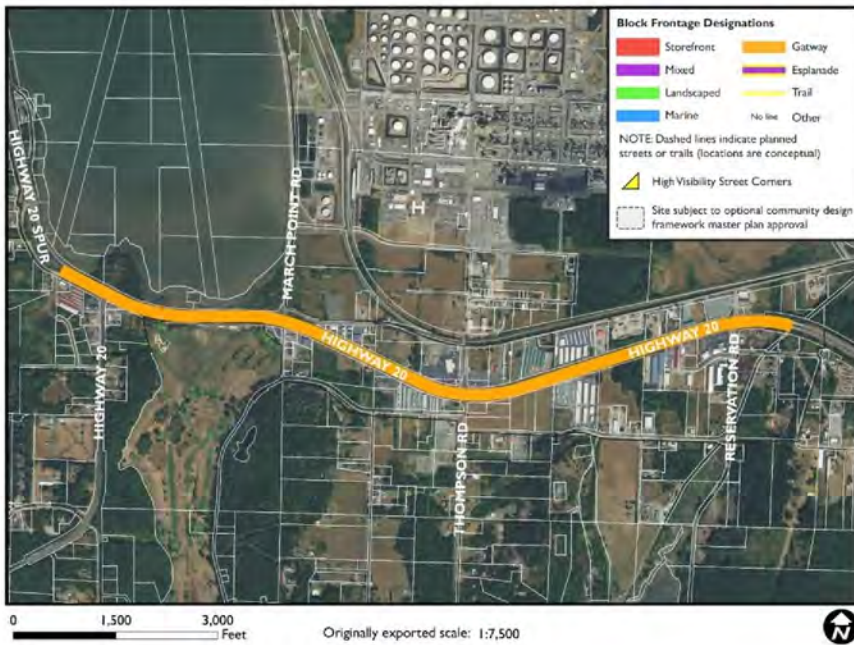


Figure 19.61.040(E)
Block frontage designations map for the Skyline area.



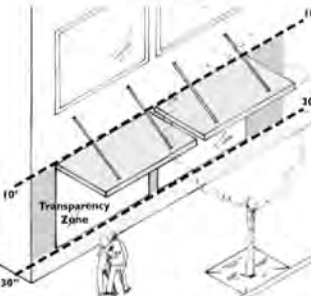
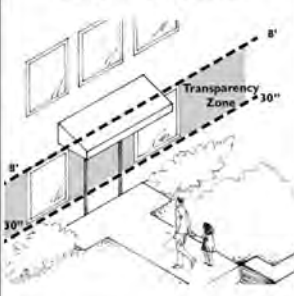
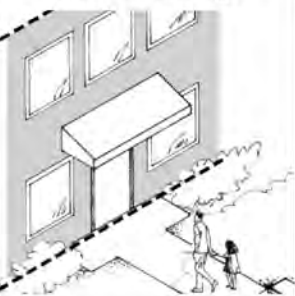
Commented [CR469]: Side of the street facing Burrows Bay at the south end is residential. Standards should apply to the inland side only.

Figure 19.61.040(F)
Block frontage designations map for the March Point area.



19.61.050 – About the transparency standards. (NEW)

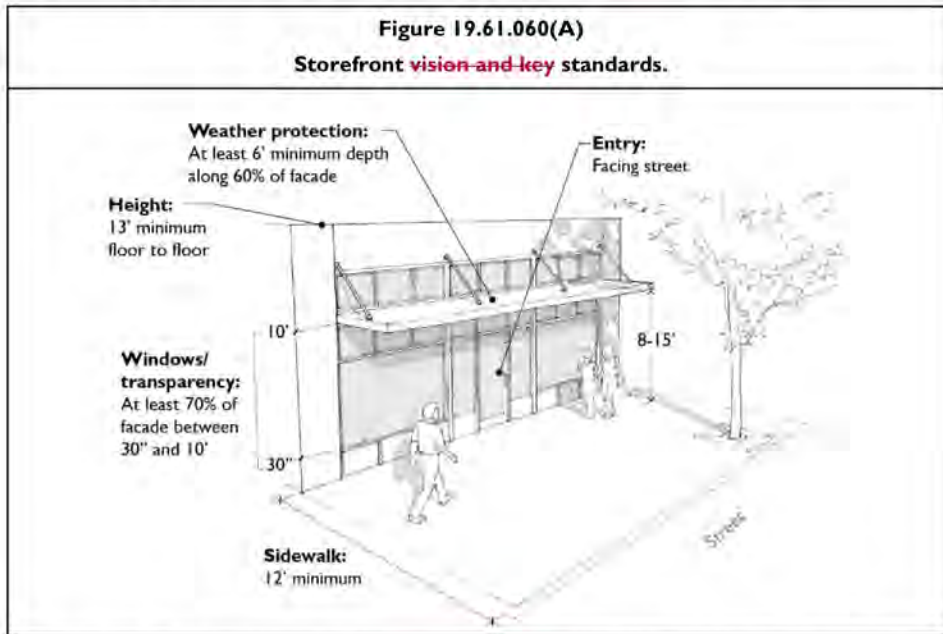
All block frontage designations contain distinct minimum façade transparency standards. The purpose of these standards are to maintain “eyes on the street” for safety and create a welcoming pedestrian environment. Table 19.61.050 below includes details in how they are measured.

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 Window area that is covered, frosted, or perforated in any manner that obscures visibility into the storefront space must not count as transparent window area. Exception: Window signs conforming with AMC ____ may be counted as transparent window area provided the areas generally around the sign are transparent.		
Display windows Display windows may be used for up to 50% of non-residential transparency requirements, provided they are at least 30" deep <u>and to allow changeable displays and the interior wall is non-structural so that it can be easily removed if the windows are not used for displays.</u> Tack-on display cases as in the far right example don't 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. (NEW)

- A. Purpose.** Storefront block frontages are the most vibrant and active shopping and dining areas within Anacortes. Blocks designated as storefront blocks **frontages** include continuous storefronts placed along the sidewalk edge with small scale shops and many business entries.



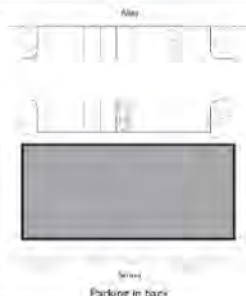
- B. Standards.** All development on sites ~~containing~~ **with** a storefront block frontage designation must comply with the standards in Table 19.61.060(B) below:

Table 19.61.060(B) Storefront block frontage standards.		
The ➞ symbol refers to departure opportunities in 19.61.060(C) below.		
Element	Standards	Examples and Notes
Ground level		
Land use	Non-residential uses specified in 19.41.030 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	20' minimum ➞ (applies to new buildings only) ➞	

Commented [CR471]: This should not be eligible for reduction. Anything less would just be a facade, and very few uses could actually conduct a pedestrian-oriented business in such a small space.

Table 19.61.060(B)
Storefront block frontage standards.

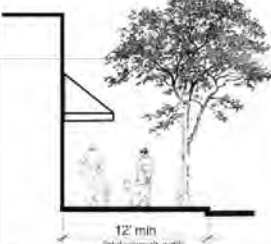
The ➞ symbol refers to departure opportunities in 19.61.060(C) below.

Element	Standards	Examples and Notes
Building placement	Buildings must be placed at the front property line/back edge of the sidewalk. Additional setbacks are allowed for a widened sidewalk or pedestrian-oriented space (19.62.030.D).	 Corner building example
Building entrances	Primary building entrances must face the street. For corner buildings, primary entrances may face the street corner.	
Facade transparency (see AMC 19.61.050)	At least 70% of the storefront transparency zone) ➞	
Weather protection	Weather protection over the sidewalk is required along at least 75% of the storefront facade, and it must be a minimum of 6' deep and have 8' to 15' of vertical clearance. ➞ <u>Make the vertical clearance of the new awning consistent with existing awnings in the same block where feasible.</u> Retractable awnings may be used to meet these requirements. Weather protection projections must not interfere with street trees, street lights, street signs, or extend beyond the edge of the sidewalk	
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. ➞	 Alley Parking in back

Commented [CR472]: This should be defined to require permanent materials. Fabric awnings should not be allowed because they deteriorate with wind and rain and easily become tattered and unsightly.

Commented [CR474]: To the extent that sidewalk use permits allow outdoor seating and dining under the awnings, they will NOT provide weather protection for pedestrians - even with an 8' awning most people will walk beyond the edge of the awning as they pass by the seating area. Averaging is NOT useful - imagine walking under a wide section, then getting rained on at the narrow section.

Commented [CR475]: Change this illustration to reflect actual Anacortes configuration. Put the alley next to the building (perpendicular to the street) and access the parking from the alley.

Table 19.61.060(B) Storefront block frontage standards.		
The ☞ symbol refers to departure opportunities in 19.61.060(C) below.		
Element	Standards	Examples and Notes
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.	

Commented [CR476]: What is the current typical setback? Is it more important to meet a new wider standard or to match existing buildings?

C. Design Departure criteria. Departures ~~to from~~ the storefront standards in Table 19.61.060(B) that feature the ☞ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

- ~~1. Retail space depth. 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. ~~The Reduction may be granted only if the~~ proposed alternative design treatment of façade area between ground level windows provides visual interest to the pedestrian, visibility to the businesses, and mitigates the impacts of any large blank wall areas. ~~No Transparency must not be reduced to~~ less than 40 percent of the façade between 30 inches and ten feet above the sidewalk ~~may be approved with a departure.~~
3. Weather protection. Other proposed alternative design treatments must provide equivalent weather protection benefits.
4. ~~Parking location. 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. ~~Vehicular access. A single curb cut on storefront streets for vehicular access to parking areas may be considered if the applicant demonstrates alleys or adjacent properties cannot provide access due to property configuration, street layout, or topography. The curb cut and driveway must be designed to accommodate safe and comfortable interactions between vehicles and pedestrians.~~
6. Sidewalk width. Alternative designs may be considered where topographical challenges exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development, including ADA standards.

Commented [CR478]: Depth should not be eligible for reduction. Anything less would just be a facade, and very few uses could actually conduct a pedestrian-oriented business in such a small space. Intent of the zone is to encourage retail businesses, not just a tiny office fronting the street with something else behind.

Commented [CR479]: Disagree with allowing any parking on Storefront frontages. Storefronts should be storefronts. Period.

Commented [CR480]: Disagree with allowing parking access on Storefront frontages. Storefronts should be storefronts. Period. There is an alley in every block already to access rear parking. Don't want someone to design a new building without access to the alley and then claim they "need" access from the street. Design it for alley access in the first place. Or record an agreement for off-site parking. Don't break up the storefronts.

19.61.070 - Landscaped block frontage standards. (NEW)

- 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.

Figure 19.61.070(A)**Landscaped frontage vision and key standards.**

- 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.**

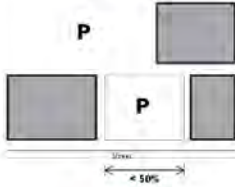
The ➡ symbol refers to departure opportunities in 19.61.070(C) below.

Element	Standards	Examples and Notes
Ground level		
Land use	See uses specified in 19.41.030.	
Building placement	10' minimum setbacks are required, or greater where specified for the applicable zoning district in Chapter 19.42.	
Building entrances	At least one building entry must be visible from the sidewalk.	
Façade transparency	For buildings designed with ground level	
		Landscaped frontage example

Commented [CR481]: This example has steps, which would not meet ADA requirements. Choose a better example with a level entry.

Table 19.61.070(B)
Landscaped block frontage standards.

The ☞ symbol refers to departure opportunities in 19.61.070(C) below.

Element	Standards	Examples and Notes
(see AMC 19.61.050)	non-residential uses, at least 25% of the ground floor between 4'-8' above the sidewalk. ☞ Transparent window area must be provided along at least 15% of the facade of the building (all vertical surfaces of the facade). ☞	meeting setback, entry, and transparency standards.
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 <u>or within the buildings</u> . For <u>single buildings, as well as</u> multi-building developments, no more than 50% of the street frontage can be occupied by off-street parking and driveways. ☞ Vehicular access.....	ACCEPTABLE 50% OR LESS PARKING IN FRONT  NO MORE THAN 50% PARKING IN FRONT 
Landscaping	All areas between the sidewalk and the building must be landscaped, except for walkways, porches, decks, and other areas meeting the definition of pedestrian-oriented space (AMC 19.63.030.D). <u>Areas between buildings and the adjacent vehicular access and parking areas must be landscaped.</u> Landscaped areas may contain landscape types B, C, or D, including rain gardens and other forms of stormwater management (AMC 19.55.050).	

Commented [CR485]: change text on illustrations - delete "50% or more (less) in front", change to "50% or more (less) of street frontage"

Commented [CR482]: This language doesn't allow for an L-shaped building with the parking inside the L, but not over 50% of the width. (The parking would be in front of the rear portion of the building.) Or a site with several buildings, some of which are along the back of the lot, but behind the parking?

Commented [CR483]: The 50% of frontage applies whether it's one building or more than one.

Commented [CR486]: This is the same photo as above. Use a different photo to show that a range of landscaping types is acceptable.

Table 19.61.070(B)
Landscaped block frontage standards.

The ➡ symbol refers to departure opportunities in 19.61.070(C) below.

Element	Standards	Examples and Notes
	See chapter 19.66 for other landscaping standards.	
Sidewalk width	See ____ for applicable sidewalk widths.	

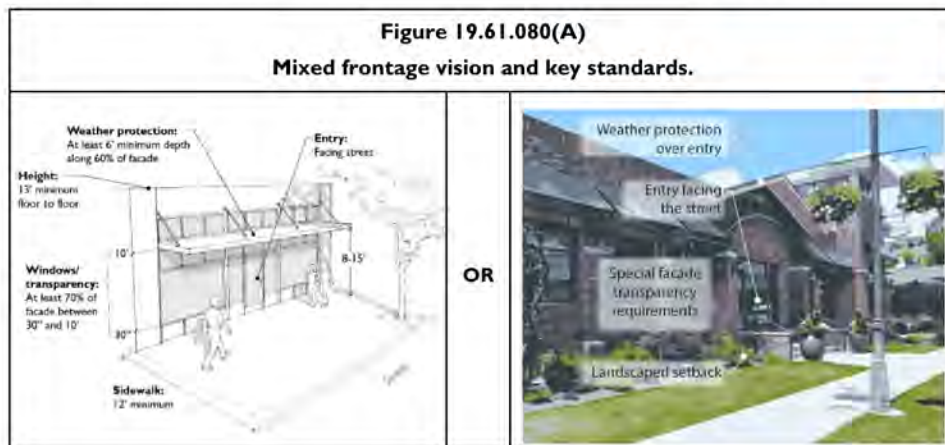
C. Design Departure criteria. Departures ~~to from~~ the landscaped block frontage standards in Table 19.61.070(B) that feature the ➡ symbol will be considered for approval by the Director per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building entrances: ~~Block frontages Sites~~ with environmental or topographical constraints, ~~and/or~~ those facing busy arterial streets and/or with minor pedestrian traffic may warrant some flexibility to this standard (particularly in residential zones), provided that if the building entrance is not visible from the street, the pedestrian route to the entrance shall be clearly indicated.
2. Façade transparency: Reduced transparency ~~is may be allowed~~ approved where the design treatment of façade area between ground level windows provides other visual interest to the pedestrian and mitigates impacts of any blank wall areas. Up to a ~~50~~ 25 percent reduction in the minimum amount of window transparency may be approved via departure.
3. Parking location: Corner lots, small lots, topographical constraints, 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. If the only viable location for parking is along the street frontage, additional landscaping may be required as a condition of the approval.

Commented [CR487]: The 50% reduction is too much. It would allow buildings with only a few tiny windows. Considering where the Landscaping block frontages are located, such small transparency may be undesirable. Run some test examples to see how it would really look.

19.61.080 - Mixed block frontage standards. (NEW)

- 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 as set forth 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 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 standards set forth above. The minimum setback for buildings that do not meet applicable storefront block frontage standards is 10' or greater where specified for the applicable zoning district in Chapter 19.42. ➞	
Facade 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 facade 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. ➞	

Table 19.61.080(B) Mixed block frontage standards.		
The ➡ symbol refers to departure opportunities in 19.61.080(C) below.		
Element	Standards	Examples and Notes
	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.

Commented [CR488]: Choose a different photo than the one below, to illustrate a wider range of design options.

C. Design Departure criteria. Departures ~~to~~ from the mixed block frontage standards in Table 19.61.080(B) that feature the ➡ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Minimum setback: Provide design treatments that create an effective transition between the public and private realm. For example, a ~~steep-porch~~ design or other similar treatments that utilize a low fence, retaining wall, and/or hedge along the sidewalk may provide an effective transition.
2. Façade transparency: Reduced transparency is allowed where the design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. Up to a ~~50-25~~ percent reduction in the minimum amount of window transparency may be approved ~~via~~ as a design departure.

Figure 19.61.080(C)

Acceptable examples of possible setback departures.



The landscaped and ~~steep-porch~~ frontages above are possible departure examples with reduced setbacks for non-storefront facades. The combination of landscaping elements, façade transparency, low fencing, and a variety of façade materials and detailing help to create an effective transition between the public and private realm and provide visual interest.

19.61.090 - Marine street standards. (NEW)

- 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-~~ when utilizing a design departure.
- B. Standards.** Development must conform to either storefront or landscaped block frontage standards as set forth above, 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 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 standards set forth above. The minimum setback for buildings that do not meet applicable storefront block frontage standards is 10' or greater where specified for the applicable zoning district in Chapter 19.42. ☞	 Storefront example.
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 facade of the building (all vertical surfaces of the facade), 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. ☞	 Generous ground level transparency example with modest landscaped setback.
Parking location and vehicle access	Developments are subject to storefront or landscaped parking location standards depending on the chosen frontage type. ☞ Vehicular access.....	The unique nature of these marine-oriented sites and uses often require some flexibility in building and parking area locations.

- C. Design Departure criteria.** Departures ~~to-from~~ the ~~marine-Marine~~ block frontage standards in Table 19.61.090(B) that feature the ☞ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Minimum setback: Provide design treatments that create an effective transition between the public and private realm. For example, a ~~steep-porch~~ design or other similar treatments that utilize a low fence, retaining wall, and/or hedge along the sidewalk may provide an effective transition and create visual interest.
2. Façade transparency: Reduced transparency is allowed where the design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. Up to a ~~50~~ 25 percent reduction in the minimum amount of window transparency may be approved via- through a departure.
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 one of the following conditions apply:
 - a. There is an acceptable tradeoff of public benefits associated with the proposed building and parking lot location. Examples include....
 - b. The planned use makes it difficult or impossible to meet the parking location standards given the site context. Examples include....

19.61.100 - Gateway block frontage standards. (NEW)

- A. Purpose.** Gateway block frontage designations ~~serve-apply to~~ strategic areas along properties ~~fronted by fronting on~~ Highway 20 ~~where there is a desire in order~~ to provide attractive landscaped development frontages visible from the highway, which is the major route, or gateway, into Anacortes.
- B. Standards.** All development on sites containing a gateway 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 19.61.100(C) below.	
Element	Standards
Building placement	10' minimum 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 facade of the building (all vertical surfaces of the facade). ☞
Parking and outdoor storage location	Parking lots and outdoor storage areas shall be setback at least ten feet from the gateway block frontage property line and screened with Type A, B, or C landscaping as defined in AMC 19.66.050. ☞
Landscaping	All areas between the property line and any <u>building, parking, or storage area</u> must be landscaped - except for <u>This area may include</u> walkways, 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

Commented [CR491]: If an exception is needed, add it in the sections for those uses, where someone looking for requirements for the use doesn't have to search for it in another table. These tables already say that they apply unless there are specific requirements elsewhere.

Table 19.61.100(B) Gateway block frontage standards.	
The ☞ symbol refers to departure opportunities in 19.61.100(C) below.	
Element	Standards
	fencing and opaque fences: - For fences less than 4-1/2' tall, at least 5' of Type A, B, or C landscaping (see AMC 19.66.050) 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 19.66.050) is required in front of the fence. No landscape screening is required for split rail or similar low decorative fencing.
	PLACEHOLDER FOR GRAPHIC

C. Design Departure criteria. Departures to the landscaped block frontage standards in Table 19.61.100(B) that feature the ☞ symbol ~~will be considered~~ may be approved by the Director per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Façade transparency: Reduced transparency is allowed where the design treatment of façade area between ground level windows provides 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-~~ through a departure. Large scale trees in the landscaping in front of a blank wall may be approved as a mitigation strategy.
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 – Other-Undesignated (streets with no designated block frontage). (NEW)

A. Purpose. Other block frontages should provide visual interest at all observable scales and meet the design objectives of the city.

B. Applicability. All ~~other-Undesignated~~ block frontages in non-residential districts ~~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 19.20.250.

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 facades 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.

C. Standards.

~~Other-Undesignated~~ block frontages must comply with the standards in Table 19.61.110(C) below.

Commented [CR493]: The word *other* is used in various ways in the text and can easily be confused with the "Other" designation category. Using the title *Undesignated* avoids this confusion.

Table 19.61.110(C) Other-Undesignated block frontage standards.	
The ☞ symbol refers to departure opportunities in 19.61.110(D) below.	
Element	Standards
Building placement	Where allowed in the applicable zoning district (see Chapter 19.42), buildings may be placed up to the sidewalk edge provided the façade and sidewalk width meet storefront block frontage standards. Otherwise, 10' minimum street setback except where greater setbacks are required by the zoning district (see Chapter 19.42).
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 set back from the street, pedestrian connections are required from the sidewalk, and the pedestrian route to the entrance shall be clear.
Façade transparency (see AMC 19.61.050)	- For storefronts, see AMC 19.52.060(B) for transparency standards. - For other buildings within 10' of sidewalk, at least 30% of the ground floor between 4'-8' above the sidewalk. ☞ - For buildings setback more than 10' from the sidewalk, at least 10% of the entire façade (all vertical surfaces generally facing the street) must be transparent. ☞
Weather protection	At least 3' deep over primary business and residential entries, entrances.
Parking location and vehicle access	There are no parking lot location restrictions, except for required landscaping buffers set forth in AMC 19.66.060.
Landscaping	- The area between the street and any non-storefront building must be landscaped and/or may include 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 chapter 19.66 for other landscaping standards.

Table 19.61.110(C) Other Undesignated block frontage standards.	
The ➡ symbol refers to departure opportunities in 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 [redacted] for applicable sidewalk widths.

D. Departure criteria. Departures to the **Other Undesignated** block frontage standards in Table 19.61.110(C) that feature the ➡ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. 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. Large scale trees in the landscaping in front of a blank wall may be approved as a mitigation strategy.

19.61.120 - Trail block frontage standards. (NEW)

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 **Other Undesignated** block frontage standards set forth in Section 19.61.110. Exception: Developments in the CM2, HM, and I, and MS zones are exempt from the building entrance and transparency standards.

Commented [CR494]: There is no Trail designation in the MS zone

19.61.130 - Esplanade block frontage standards. (NEW)

- 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.

19.61.140 - Where properties front onto multiple streets. (NEW)

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:

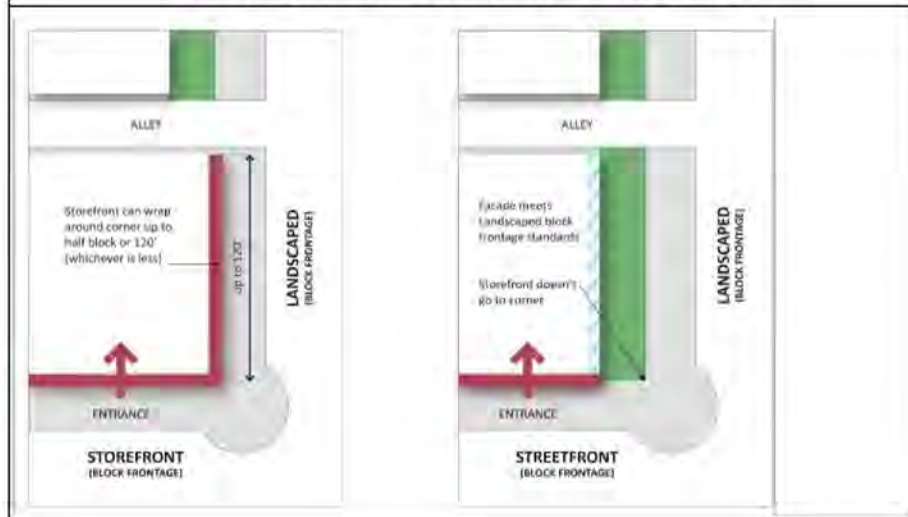
- A. Where a conflict exists between frontage standards, the director will apply the standards of a block frontage pursuant to the following order of preference:
 1. Storefront;
 2. Mixed;
 3. Landscaped; then
 4. **Other Undesignated.**

Subsections (B)-(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 of the 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-at least one entrance must be placed on the storefront block frontage side. An entrance may face the corner rather than facing the street. 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 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 50-25 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 (~~either~~) on both streets;
 2. Other combination of block frontages, except those with a storefront designation, via a departure and subject to the applicable departure criteria.

Figure 19.61.140

Clarifying block frontage standards on street corners.



Commented [CR495]: This is a poor example. There are no Storefront blocks that meet a Landscape block at a corner (except one at 20th and Commercial, which I would argue should be changed from Storefront to Mixed anyhow). All of the Storefront designations in the CBD wrap around the corner. Create a different example using designations other than Storefront.

Commented [CR496]: The term *STREETFRONT* is wrong.

19.61.150 - Where properties have multiple designations along one frontage. (NEW)

Where an individual property has a street frontage with multiple designations, the following standards apply to the entire frontage on each street:

- A. Storefront and any other designation: Storefront designation applies.
- B. Mixed and landscaped: Mixed designation applies.
- C. Landscaped and ~~other~~Undesignated: Landscaped designation applies.

19.61.160 - High visibility street corners. (NEW)

A. Description/intent. The high visibility street corner requirements apply to those sites designated as such on the community design framework maps in chapter 19.61.040. The intent is to accentuate street corners with high visibility to the public.

B. Designation criteria. High visibility street corners may be designated in:

- 1. Business districts.
- 2. Areas with high pedestrian activity.
- 3. Other areas as determined by the director.

C. Standards. Sites located on high visibility street corners must meet the following requirements:

- 1. Buildings must be located within 20 feet of the ~~street~~ property corner, except where a public plaza is provided at the corner.
- 2. At least one of the following special features must be included (Figure 16.61.160 below illustrates acceptable examples):
 - a. Corner plaza open to the public.
 - 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 intent of the standards.

Commented [CR498]: Who defines what is decorative or distinctive or sculptural or special? What if I tack on a random variety of unrelated materials and say that I consider them decorative? See example of house at 219 5th St. Beauty is in the eye of the beholder.

Figure 19.61.160**Acceptable high visibility street corner examples.**

Building 1 includes a corner tower. Building 2 feature 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.

19.61.170 – Block frontage designation master plan. (NEW)

Recently annexed or rezoned commercial 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 block frontage designation master 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. Site shown in figure 19.61.040(C).
2. ~~Recently annexed sites~~ 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 which are rezoned in the future.

C. Block frontage designations options.

1. Prior to site development of applicable sites, a block frontage designation master plan must be developed, approved and recorded for the property per the procedures set forth in _____. The master 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. Block frontage designation master plans may utilize any existing block frontage designations that border 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 block frontage designation master plan provided all block frontages comply with the standards for mixed block frontages as set forth in AMC 19.61.080 above.

Commented [CR499]: There are sites along highway 20 which might utilize this concept for the areas of the site not fronting on the highway.

Chapter 19.62 - SITE PLANNING

Sections:

- 19.62.010 - Purpose
- 19.62.020 - Applicability
- 19.62.020 - Relationship to adjacent properties
- 19.62.030 - Internal open space
- 19.62.040 - Internal pedestrian access and design
- 19.62.050 - Vehicular circulation and parking
- 19.62.060 - Service areas and mechanical equipment

19.62.010 - Purpose. (NEW)

To promote thoughtful layout of buildings, parking areas, and circulation, service, landscaping, and amenity elements that enhances Anacortes's visual character, promotes compatibility between developments and uses, and enhances the function of developments.

19.62.020 - Applicability. (NEW)

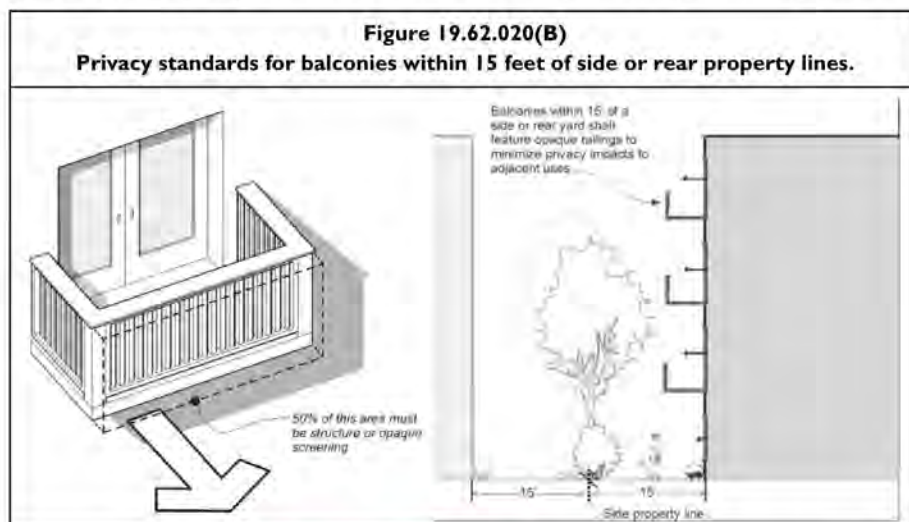
- A. The provisions of this division apply to all non-residential and multifamily development within Anacortes, except where otherwise noted below and in this chapter.
 - 1. Developments in the HM zone are exempt from these standards when not adjacent to Highway 20.
 - 2. The director may waive or relax these provisions in the I, LM, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of site planning standards.
- 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.

19.62.020 - Relationship to adjacent properties. (NEW)**A. Purpose.**

1. To promote the functional and visual compatibility between developments.
2. To protect the privacy of residents on adjacent properties.

B. Balconies along side and rear property lines adjacent to property in any residential zone.

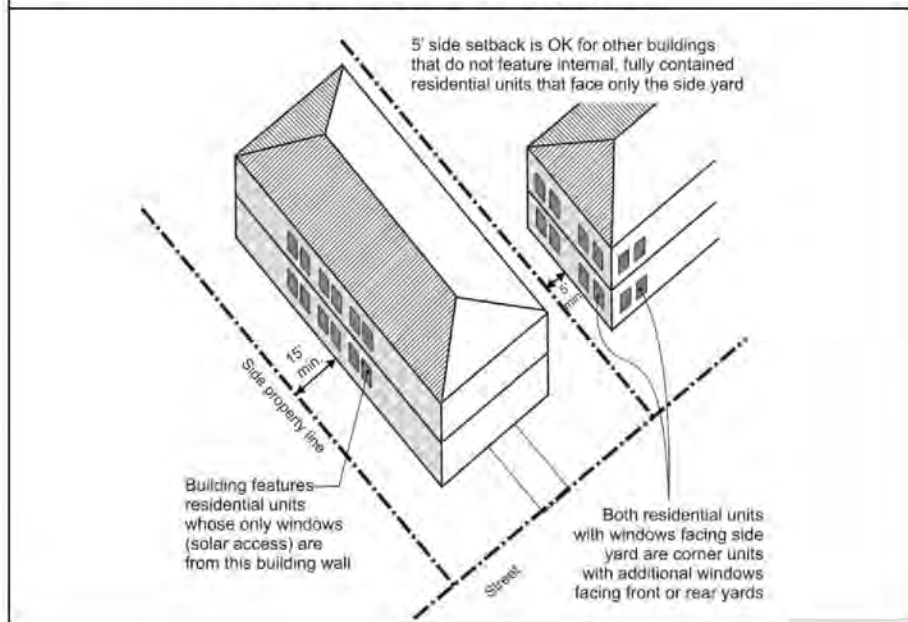
Balconies and rooftop decks above the ground floor within 15 horizontal feet of a side property line abutting a residentially zoned property must feature a railing system that is at least 50 percent opaque. Specifically, 50 percent of the area below the railing must be a sight-obscuring structure.



Departures to this standard ~~will~~ may be ~~allowed~~ approved if the balcony will not cause visual or privacy impacts due to its location, orientation, design or other consideration.

- C. Light and air access and privacy along 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 side property line) must be set back from the applicable side or rear property lines at least 15 feet. See figures 19.62.020(B) and (C). Departures will be allowed where ~~it's-it is~~ it is determined that the proposed design ~~won't-will not~~ will not create a compatibility problem in the near and long term based on the unique site context.

Figure 19.62.020(C). Solar access and privacy standards for multifamily residential buildings along side/rear property lines.



Commented [CR503]: Just delete the 5' min. text, since the min. setback for that building is not related to this standard, and may differ based on other parts of the code.

19.62.030 - 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 and open spaces 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 any of the following ways, or 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 may be provided by ground level outdoor space that is adjacent and directly accessible to the subject unit. Such open spaces must be enclosed by a fence and/or hedge at least 32 inches in height defining the extent of the private space to qualify (departures will be considered for this provision).^{*}
 - c. Balconies. Up to 50 percent of the required open space may be provided by private balconies provided they meet the requirements of subsection B.3 below.^{*}
 - d. Common indoor recreation areas. For multifamily and mixed-use buildings up to 50 percent of the required open space may be provided by common indoor recreation areas meeting the requirements of subsection B.4 below.
 - 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 of subsection B.5 below. For mixed-use buildings, 100 percent of the required open space may be provided by shared roof decks.
- ^{*} Individual private open spaces (as defined in subsections B.1.b and c) that are in excess of may exceed minimum requirements, but the excess amount of private open space must not be used in the calculations for determining the minimum usable open space requirements for other units in the development.
2. Shared open space. 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 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.

Commented [CR504]: The asterisk is used elsewhere to denote items which are in the definitions.

- 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~~have no dimension less than 15 feet in order to provide functional areas for 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 by landscaping, fencing, and/or other acceptable treatments that enhance safety and privacy for both the shared open space and dwelling units.
- f. When possible-feasible, the space should be oriented to receive sunlight, facing east, west or preferably south.
- g. ~~Stairways and service~~Service elements located within or on the edge of shared open space must not be included in the open space calculations.
- h. Shared porches, gazebos, and similar open-sided structures may qualify as shared open space provided they are at least 8 eight feet in depth and 96 square feet in total area.
- i. The open space must be accessible to all residents of the development.

Commented [CR505]: An area that is all forest or wetland or planted flower beds where people can't walk or sit or congregate defeats the purpose. But if it's all hardscape, that isn't desirable either. Should we define a minimum and maximum percentage of landscaped area? Would that differ depending on the size of the space?

Commented [CR506]: Lots of things may technically be possible, but because they conflict with other objectives or requirements, may not be feasible in a particular situation.

Commented [CR507]: In a multi-level open space, stairways are a normal part of the circulation pathways.

Figure 19.62.030(B)(2)
Shared open space examples.



The upper left example includes a combination of open lawn area for informal recreation plus walkways and decorative landscape areas to enhance the setting for residents. The upper right courtyard includes walkways, seating areas, landscaped beds, and decorative lighting to provide a visual and physical amenity for residents.

Commented [CR508]: how about an example of a smaller, more intimate space such as would be found in a smaller development? Perhaps a more natural or woodsy setting.

Figure 19.62.030(B)(2)
Shared open space examples.



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.

Commented [CR508]: how about an example of a smaller, more intimate space such as would be found in a smaller development? Perhaps a more natural or woodsy setting.

3. Private balconies and decks. Such spaces must be at least 36 square feet, with no dimension less than six feet, to provide a space usable for human activity.
4. Indoor recreational areas. Such spaces must meet the following conditions:
 - a. The space must meet ADA standards and must be located in a visible area, such as near an entrance, lobby, or high traffic corridors.
 - b. The space must be designed specifically to serve interior recreational functions and not merely be leftover un-rentable space used to meet the open space requirement. Such space must include amenities and design elements that will encourage use by residents.
5. Shared rooftop decks. Such spaces must meet the following requirements:
 - a. Space must meet ADA standards and must feature hard surfacing, provide amenities such as seating areas, landscaping, and/or other features that encourage a variety of uses.
 - b. Space must integrate landscaping elements that enhance the character of the space and encourage its use.
 - c. Space must incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.

Figure 19.62.030(B)(5)
Rooftop deck examples.



- 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 envelope. 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.

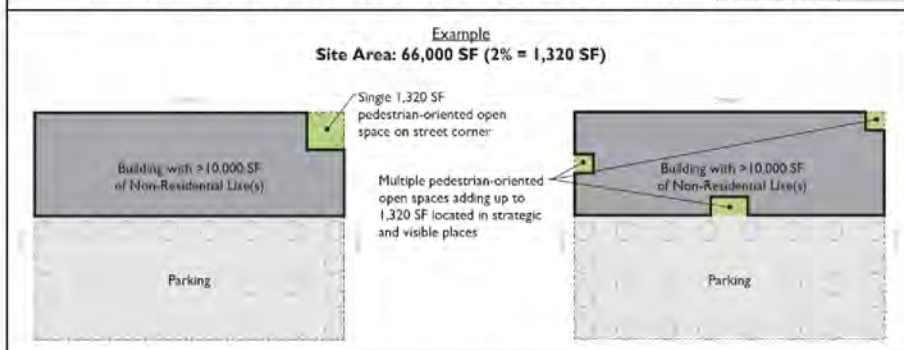
Departure: Open space area may be reduced to one percent of the development envelope if the director finds the project includes exceptional design features and elements that meet the purpose of the standards. This includes open spaces that feature a combination of design (site materials, amenities, and configuration) and location/context that clearly exceed typical plaza designs found in the region.

Commented [CR512]: There is no definition of *development envelop*, so how is the percentage calculates?

Commented [CR513]: How is the Director supposed to know what characteristics a "typical" plaza design has? What constitutes the region?

Commented [CR514]: Show an example where the open space extends into the parking area, rather than taking a bite out of the building. These little building insets could be dark and dreary, whereas they would get more sun if bounded by parking areas.

Figure 19.62.030(C)
Example of site development integrating usable commercial open space.



- 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).

1. Required pedestrian-oriented open space features.
 - a. Visual and ADA-compliant pedestrian access into the site-open space from a street, private access road, or non-vehicular courtyard.
 - b. Paved walking surfaces of either concrete or approved unit paving.
 - c. Lighting must conform to AMC 19.69.040.
 - d. The open 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.
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 overlooking the open space to enhance security, 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, preferably with access from the building.
3. Features prohibited within a pedestrian-oriented open space:
 - a. Asphalt pavement.
 - b. Adjacent service areas (e.g., trash areas) that are not separated with landscaping, as required by AMC 19.62.070.
 - c. Adjacent chain-link or similar wire fences without landscape screening.
 - d. Adjacent "blank walls" without "blank wall treatment" (see AMC 19.63.050) or landscape screening.
 - e. Outdoor storage areas.

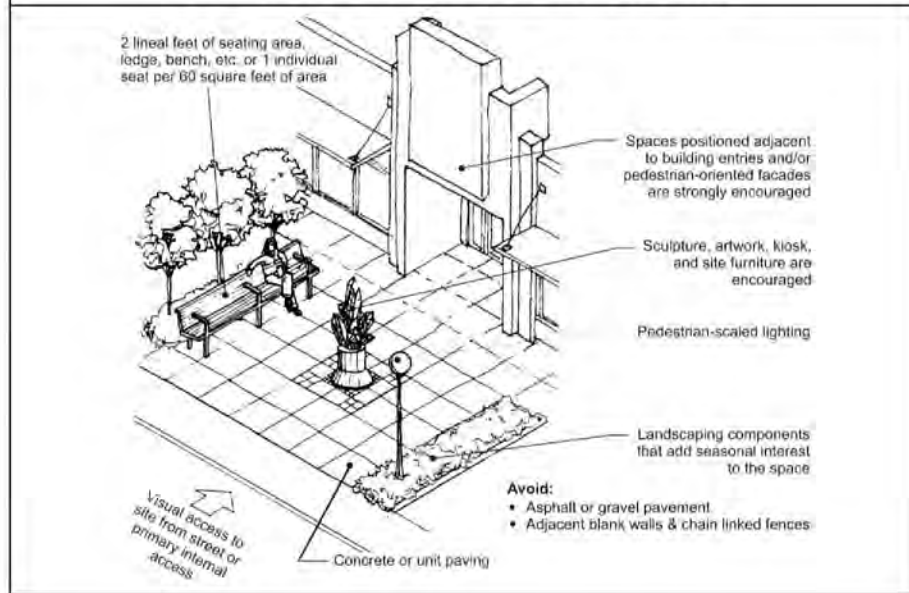
Commented [CR515]: Who approves things like this? Is a list of approved materials to be developed?

Commented [CR516]: Since window requirements in various zones differ, and may be reduced through departure, it is better not to be so specific in this section.

Commented [CR517]: If the blank wall or chain link fence is on adjacent property over which the building owner has no control, the open space could still be located on that side if the fence or wall is screened with landscaping.
What about welded wire, chicken wire, etc.

Figure 19.62.030(D)(1)

Example of a small pedestrian-oriented open space.



Commented [CR518]: Change text to: Asphalt paving and gravel, chain link fence

Figure 19.62.030(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.

19.62.040 - Internal pedestrian access and design.**A. Purpose.**

1. To improve the pedestrian and bicycling environment and ADA accessibility 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.

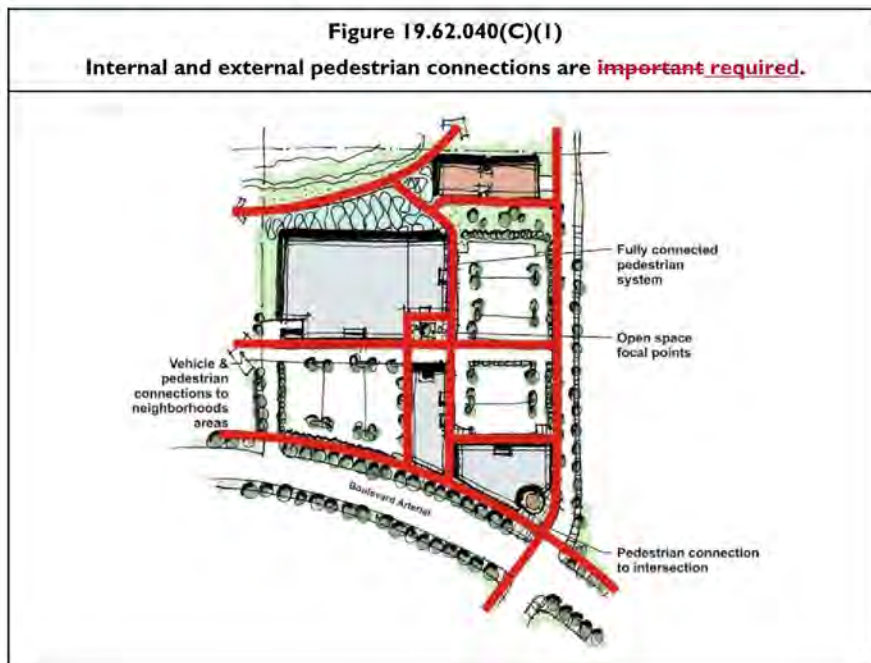
B. Access to sidewalk. All buildings must feature pedestrian connections to a sidewalk per applicable block frontage standards in Chapter 19.61. See subsection D below for access design requirements.

Figure 19.62.040(B)**Examples of direct pedestrian access to buildings from the street.**

Commented [CR519]: Choose an image without such a visible trademark company name, so it doesn't seem like advertising.

C. Internal circulation.

- I. For sites with multiple buildings in the C, CBD, and MMU zones, pedestrian paths or walkways 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 topographical constraints prevent a direct connection or where an indirect route would enhance the design and/or use of a common usable open space. Pedestrian routes should avoid service areas, such as loading docks and dumpsters. See subsection D below for walkway design standards.



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.

Figure 19.62.040(C)(2)(a)**Direct pathways between the street and dwelling units are required.**

The entries of the example on the left connect directly to a public sidewalk while the entries in the right example connect to a common path that extends to the sidewalk.

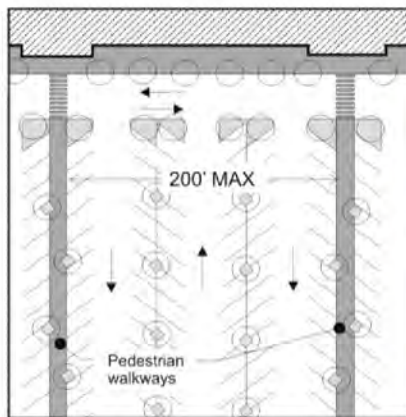
Figure 19.62.040(C)(2)(b). Examples of attractive pedestrian connection through a residential development.

3. Crosswalks are required when a walkway 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. Painted crosswalks do not meet this requirement.~~

4. Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through parking areas. At least one walkway 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 set forth in subsection D below. See examples below.

Figure 19.62.040(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).



Note in the both examples that the concrete pathway extends into the vehicular area to provide a highly visible and safe crosswalk.

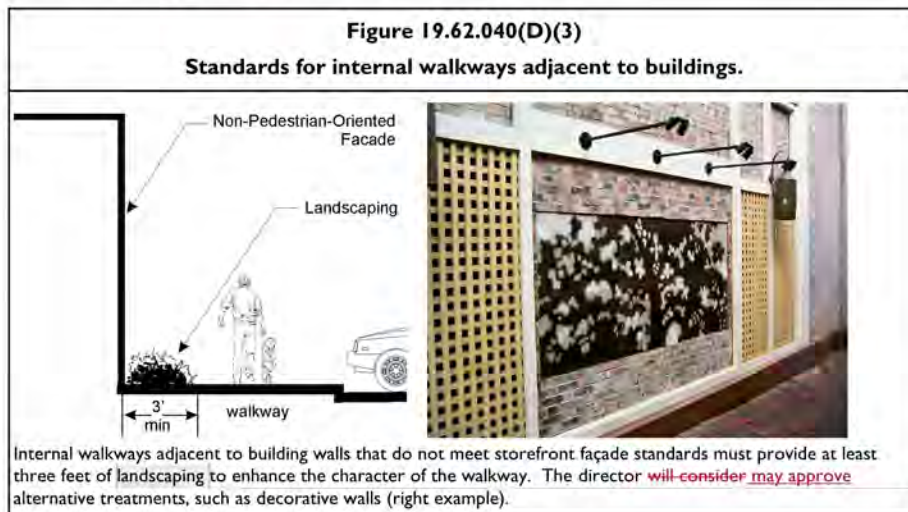
5. Connections to adjacent properties (including parks and trails). Provide pedestrian walkways that connect to adjacent properties, except in one of the following circumstances:
- When adjacent properties are residential developments ~~of fewer than five dwelling units.~~
 - Where it is determined that internal connections aren't necessary due to shallow lot depths, steep slopes, or other contextual ~~challenges conditions.~~

Commented [CR520]: This is a tricky one. While it may be desirable for residents of a multifamily complex to be able to walk to the grocery store next door without going out to the street, it may not be desirable for strangers to enter a housing complex from the parking lot next door. I would err on the side of safety for the residents.

6. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees, or restrict access for security purposes during times when the business is not open are permitted. See subsection D below for walkway design standards.
7. Provide easements for pedestrian access to facilitate the future extension of paths when adjoining properties are improved.

D. Pathway design.

1. All internal pedestrian walkways must have at least a minimum five-foot-wide unobstructed walking surface, except where wider walkways are prescribed in this division or where the applicable uses and context dictate wider walkways.
2. Where parking is adjacent to perpendicular or angled parking, an extra two feet of walkway width must be provided to mitigate for parked vehicles overhanging the walk way unless wheel stops are provided to restrict vehicles from overhanging.
3. Pedestrian walks must be separated from structures at least three feet for landscaping except where the adjacent building façade meets the Storefront block frontage standards per Section 19.61.050. Departure: Other landscaping and/or façade design treatments to provide attractive pathways will be considered may be approved by the Director. Examples include sculptural, mosaic, bas-relief artwork, or other decorative treatments that meet the purpose. Figure 19.62.040(D)(3) below provides one example.



4. Pathway design where single- or 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 width and include the following:
 - a. Eight feet minimum unobstructed width.
 - b. Trees, as approved by the reviewing authority, placed at an average of not farther apart than 50 feet on-center and placed in grates or in planting strips as set forth in subsection c below.

Commented [CR521]: Not sure which is worse, 3 ft. of poorly maintained, unattractive landscaping, or a blank wall.

Commented [CR522]: Why is 8 ft. required here, but only 5 ft. on CBD sidewalks with sidewalk use permits?

~~Departure:~~ Breaks in the tree coverage will be are allowed near major building entries to enhance visibility.

Commented [CR523]: No need for a departure, just allow it.

- c. Planting strips may be used between any vehicle access or parking area and the pathway, provided that the trees required above are included and the pathway meets the applicable width standards herein and the combined pathway and planting strip is at least 12 feet wide.

Figure 19.62.040(D)(4)

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 19.62.050(D), internal roadway design.

19.62.050 - Vehicular circulation and parking.

The standards herein supplement the provisions of Chapter 19.65. 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 Vehicular site access~~ provisions. Drive aisles must meet the standards set forth in section _____. Supplemental provisions:

- I. Minimize parking lot entrances, drive aisles, and other vehicle access routes onto private property from a public right-of-way through the following means:
 - a. Driveway lanes crossing a public sidewalk must be no wider than the minimum required per entry or exit lane. The city may impose ~~additional~~ restrictions to parking lot and vehicle access points to reduce impacts to public safety, pedestrian movement, on-street vehicle circulation, and visual qualities.
 - b. Minimize the number of ~~driveway vehicular~~ entrances. Comply with the provisions of section _____.
 - c. The reviewing authority may require joint drive aisles serving adjacent developments when joint access is physically and legally available.
 - d. Minimize conflicts between ~~entries building entrances~~ and vehicle parking and maneuvering areas.
 - e. At street corner sites, drive aisles must be located on the lowest classified roadway and as ~~close far~~ as practical ~~to the property line most distant~~ from the intersection, unless the reviewing authority finds there is a compelling reason to the contrary.

C. Internal roadway design.

1. To increase the function and appearance of internal roadways on large sites (greater than two acres), 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 19.62.050(C)

Good internal roadway examples.



The examples above include angled parking and ~~planter-~~ planting strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.



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 curbsless “woonerf” design where travel speeds are low and lanes are shared between pedestrians and vehicles.

3. Drive-through facilities. Where allowed, drive through facilities (e.g., drive-up windows) must comply with the following.
 - a. ~~Drive-through lanes, including waiting and holding lanes, must be separated from public view and internal sidewalks by a planting strip (at least five feet wide with continuous plantings of evergreen shrubs and/or trees that will provide continuous evergreen screen at least four~~

Commented [CR527]: This is silly. Why is it OK for vehicles in the parking lot and in all other driving lanes to be in public view, but they must be hidden if they are accessing a drive-up window as though it's a covert activity?

~~feet-tall-at-maturity)-and/or-a-masonry-wall-at-least-three-feet-high.-Departure: Alternative landscaping schemes may be approved-provided-they-include-the-masonry-wall-and-a-substantial-vegetative-screen.-The-landscaping-must-comply-with-AMC-Chapter-19.66. Drive-through lanes must be separated from pedestrian areas and parking areas by curbs for safety.~~

b. Drive-through lanes.

- i. Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Designated walkways must not be located within required stacking space.
- ii. Stacking spaces and the entrance and exit for the drive-through facility must be located to ~~prevent-any-avoid having~~ vehicles ~~from~~ extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.
- iii. Sufficient stacking space must be provided for handling of motor vehicles using the ~~the~~ drive-through facility during peak business hours of the facility.
- iv. 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.
- v. Stacking spaces may not be counted as required parking spaces.

Commented [CR528]: You can't totally prevent stupid behavior of drivers.

19.62.060 - 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 building occupants, streetscape environment and adjacent residentially zoned properties. Service areas must be sited for alley access if available.

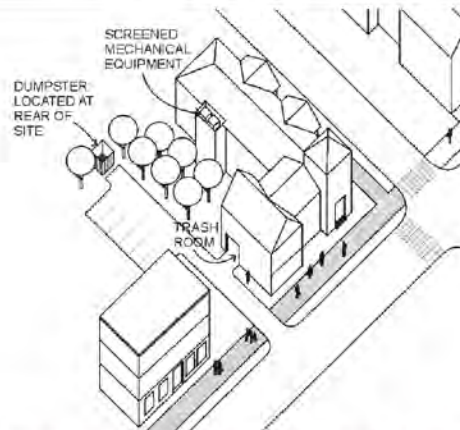
The ~~planning director~~ reviewing authority may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the reviewing authority ~~planning director~~ may require noise damping specifications for fans near residential zones.)

2. Exterior loading areas. Exterior loading areas for commercial uses must not be located within 20 feet of a residentially zoned property ➤ unless the reviewing authority finds 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 reviewing authority finds that the only option for locating a service area is an area visible from a public right-of-way, internal pathway or pedestrian area, or from an adjacent property, the area must be screened with structural ~~and and/or~~ landscaping screening measures provided in subsection C below and division 38.550. ➤ Service elements accessible from an alley ~~are exempt from screening requirements. need not be screened from the alley.~~
4. Design for safety. Other provisions of this section notwithstanding, service areas ~~used by residents~~ must be located and designed to avoid entrapment areas and other conditions where personal security is potentially a problem. The reviewing authority 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 adjacent 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 number and sizes of~~ dumpsters sizes reasonably needed to service the building (as determined by Public Works standards) for garbage, recycling, and composting.

Commented [CR529]: Should be safe if used by employees or anyone else.

Commented [CR530]: People trying to work or relax in an outdoor area can also be impacted by noisy equipment

Figure 19.62.070(B)
Service element location



Locate service elements to reduce impacts on the residential and pedestrian environment, and provide appropriate enclosure, while providing for service vehicle access and maneuvering.

C. Screening of ground related service areas and mechanical equipment.

- I. Where screening of ground level service areas is required (see subsection (B) above), the following applies:
 - a. A structural enclosure must be constructed of masonry, heavy-gauge metal, or decay-resistant material that is also-used compatible 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 enclosure 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 and be compatible with adjacent development.~~
 - 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 except an alley. Ensure that screening elements allow for efficient service delivery and removal operations.
 - e. The service area must be paved.

Commented [CR531]: A horizontal cover is incompatible with dumpsters that are picked up and hoisted into the air to be emptied.

Commented [CR532]: It doesn't hurt to block a sidewalk for a few minutes while picking up the trash as long as it's closed when you're done.

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 section provided the enclosure and/or landscaping treatment meets the purpose of the standards and add visual interest to site users.

Commented [CR533]: This just adds cost and reduces space that could be used for other purposes. There is nothing wrong with looking at a brick or masonry enclosure. B.3. requires landscaping or walls, not both.

Figure 19.62.070(C)
Acceptable screening enclosures.



All three examples use durable and attractive enclosures with trees and shrubs to soften views of the enclosures from the side. The lower left example uses a trellis structure on top – a desirable example particularly where the top of the enclosures are visible from surrounding buildings, streets, and walkways (due to topography or building heights).

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.**

Place utility meters in less visible locations. The upper and lower left examples are successfully tucked away in a less visible location and/or screened by vegetation. The right images are poorly executed and would not be permitted in such visible locations. Such meters must be coordinated and better integrated with the architecture of the building. Where permitted by the utility company, a movable screen that can be removed for servicing the meters may be utilized.

**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 both at grade and from higher buildings 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

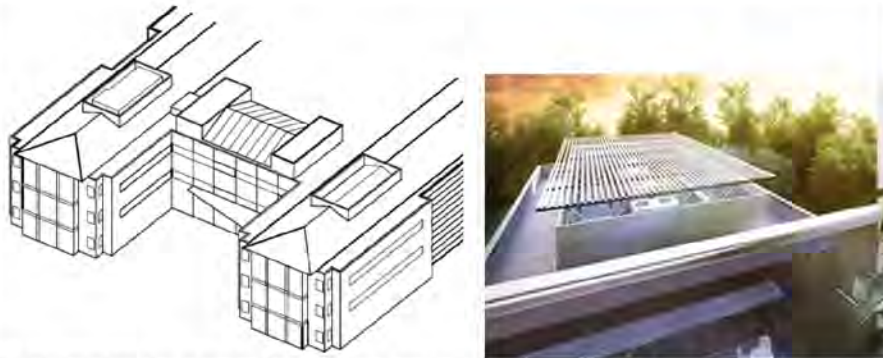
be used for screens or enclosures. Louvered designs are acceptable if consistent with building design style. ~~Perforated metal is not permitted.~~

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~~ building users and adjacent properties.

Commented [CR534]: What's wrong with perforated metal, especially if it's on the rooftop where it's barely visible?

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 surrounding buildings.

Chapter 19.63 - BUILDING DESIGN

Sections:

- 19.63.010 - Purpose
- 19.63.020 - Applicability
- 19.63.030 - Building character
- 19.63.040 - Building massing and articulation
- 19.63.050 - Building details
- 19.66.060 - Building materials
- 19.63.070 - 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. (NEW)

- A. The provisions of this division apply to all non-residential and multifamily development within Anacortes, except where otherwise noted below and in this chapter.
 1. Developments in the HM, I, LM, LMI, MS, AZ, and CM2 zones are exempt from these standards when not adjacent to Highway 20 except where required by the Block Frontage designations for particular streets.
 2. The director may waive or relax these provisions in the I, LM, MS, AZ, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. The greater number of employees and/or customers and the higher visibility levels warrant a greater application of building design standards.
- 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 this chapter to 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.

Commented [CR536]: Buildings in industrial types of zones need to be larger to serve their purposes, and need not have special decorative treatments to make them seem to be compatible with small storefronts. Let's just admit that large buildings with plain walls are OK outside of the pedestrian-oriented areas. They don't need to be "beautified" or broken into small scale elements.

19.63.030 - Building character.**A. Purpose.**

1. To promote buildings with an architectural character that reflects the region's aesthetic character and is based on human scaled design details, durable high quality materials, and sustainable design measures, and responds uniquely to the site's unique context.
2. To emphasize that high quality design is most critical to Anacortes's high visibility sites and corridors, as well as pedestrian-oriented areas, and less important in subordinate locations.
3. To avoid generic, corporate architectural design that degrades- does not reflect the unique character and identity of Anacortes.

- B. ~~Architecture that is defined predominately by corporate identity features and is difficult to adapt to other uses is prohibited. For example, some franchise convenience uses have very specific architectural features (such as a distinctive roofline design that functions as a sign) that reinforce their identity. As tenants change in these types of buildings, these corporate identity features can negatively impact the character of the area and identity of new tenants. These features can also be very expensive to reconfigure and adapt to new uses.~~**

Commented [CR538]: I disagree with this. 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 or not it can be adapted to other uses is irrelevant - many buildings can't easily be adapted.

19.63.040 - 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 when seen from various near and distant viewpoints.~~
2. To create clear and welcoming building ~~entries~~ entrances.

B. Façade articulation - non-residential. Storefronts and other buildings with non-residential uses on the ground floor ~~in the CBD and MMU zones~~ must include articulation features ~~every 30 feet (maximum) along the street façade or internal pedestrian access to create a pattern similar in scale to that of small storefronts.~~ At least three of the following features must be employed at intervals no greater than 30 feet ~~in the CBD zone and every 50 feet in the C and MMU zones.~~

1. Window patterns and/or ~~entries~~ entrances.
2. ~~Use of w~~Weather protection features.
3. ~~Use of v~~Vertical piers/, columns ~~and/or pilasters~~.
4. Change in roofline per subsection F below.
5. Change in building material or siding style.
6. Other design techniques that effectively reinforce a pattern ~~and scale similar to that~~ of small storefronts compatible with the building's surrounding context.

Other features that could be used to meet the standards on block frontages that are not designated as ~~storefront~~ Storefront block frontages:

7. Vertical elements such as a trellis with plants, green wall, art element.
8. ~~Providing v~~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.~~

Departures ~~may be approved by the Director~~ provided they meet the purpose of the standards and the design criteria set forth in subsection D below.

Commented [CR539]: simulating storefronts does not make any sense in the industrial types of zones or on the non-street sides of buildings. In the C zone, larger buildings such as grocery stores are expected, so a larger scale of modulation is appropriate.

Commented [CR540]: These features are most important in areas where pedestrians will be close to the buildings.

Commented [CR541]: Vertical modulation can be an effective scale feature without necessarily being related to roof or siding changes, as illustrated in Figure 19.63.040(B)

Figure 19.63.040(B)
Façade articulation examples.

Figure 19.63.040(B)
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).



- C. Façade articulation - multifamily residential and residential portions of mixed-use buildings.** Residential buildings must include articulation features at intervals that relate to the location/size of individual units within the building (or no more than every 30 feet) to break up the massing of the building and add visual interest and compatibility ~~to with~~ the surrounding context. At least three of the following features must be employed at intervals no greater than the unit interval or 30 feet (whichever is less):

1. ~~Use of w~~Windows and/or ~~entries~~ doors.
2. Change in roofline per subsection F below.
3. Change in building material, siding style, and/or window pattern.
4. ~~Providing v~~Vertical building modulation of at least 12 inches in depth, ~~if tied to a change in roofline modulation 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, ~~but can be used to vary window details, unless they employ high quality materials and effectively meet the purpose of the standards.~~

5. Vertical elements such as a trellis with plants, green wall, art element, ~~pilasters.~~
6. Other design techniques that effectively break up the massing at no more than 30-foot intervals.

Departures ~~will be considered~~ may be approved by the Director provided they meet the purpose of the standards and the design criteria set forth in subsection D below.

Commented [CR542]: Don't say "considered". That doesn't imply that any decision is made. It's either approved or not.

Figure 19.63.040(C)
Residential façade articulation examples



Below examples (except bottom right image) use a combination of vertical building modulation, window patterns, material changes, balconies, and roofline modulation.



D. Departure criteria associated with articulation standards. Proposals for design departures must meet the purpose of the standards. The following criteria will be considered in determining whether the proposed articulation treatment meets the “purpose”.

- I. 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 future 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-Mixed~~ or ~~ILandscaped~~.
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 as well as~~ more distant ~~observable-scales vantage points~~.
5. ~~Consider the combined effect of all of the proposed elements when determining whether a particular proposed departure is appropriate.~~

Figure 19.63.040(D)

Façade articulation departure examples.



This building would be a good departure example. Its two clear articulation features are the window patterns and the entry/building modulation feature (3 minimum are required). However, the overall effectiveness of these articulation features ~~and the extra depth of the vertical modulation~~ combined with the high quality of materials and detailing and the relatively small width of the building help it meet the purpose of the standards.

- E. Maximum façade width.** For most buildings, small scale articulation techniques (see subsections B and C above) are sufficient to reduce the perceived scale of buildings, add visual interest, and contribute to the pedestrian environment. Larger buildings need more substantial articulated/modulated features to break up the massing and add visual interest.

Building facades wider than 100 feet ~~which front on a street~~ must include at least one of the following features to break up the massing of the building ~~so that no building segment exceeds 100 feet in width~~ and add visual interest. Building walls facing alleys, rear or side yards are not subject to the standards herein, except for zone edge properties, when adjacent to a lower intensity zoning district.

1. ~~Provide-v~~Vertical building modulation at least 10 feet deep and 30 feet wide. For multi-story buildings, the modulation must extend through more than one-half of the building floors.
2. Use of a contrasting vertical modulated design component ~~featuring-incorporating~~ all of the following ~~features~~:

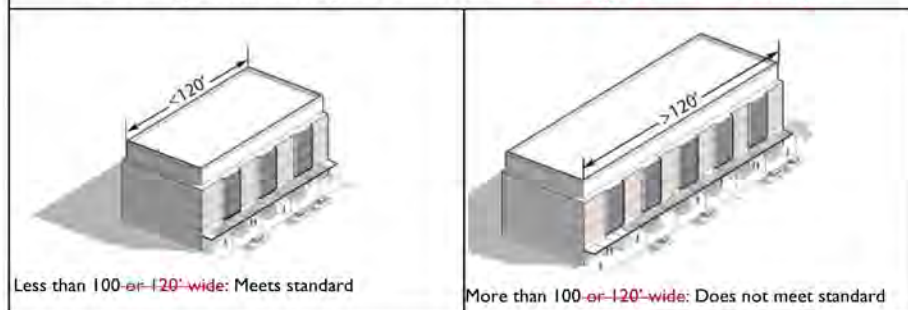
Commented [CR545]: If a building is 300 ft. long it would need more than one of the features.

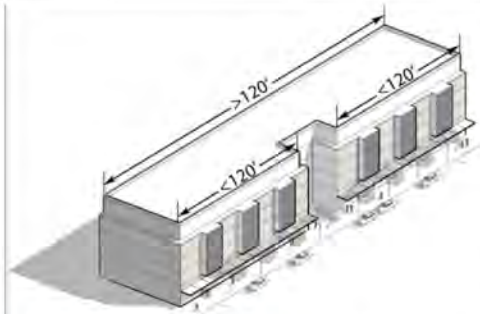
- a. ~~Component-e~~ Extends through all floors above the first floor fronting on the street.
Exception: upper floors that are set back more than ~~ten- three~~ feet horizontally from the façade are exempt.
 - b. Utilizes a change in building materials that effectively contrasts from the rest of the façade.
 - c. ~~Component-ils~~ modulated vertically from the rest of the façade by ~~an average of six- at least 12 inches and is at least 8 feet wide.~~
 - d. ~~Component-ils~~ designed to provide roofline modulation per subsection F below.
3. Façade employs building walls with contrasting articulation that make it appear like two 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 designs~~ Design departures will be considered maybe approved by the Director 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 ~~undesigned-Undesigned~~ streets warrant more flexibility.
 - e. The type of articulation treatment and how effective it is in meeting the purpose given the building's context.

Commented [CR546]: If width is not specified it could just be a tiny strip. on a 100' wide building a 6" modulation would hardly be noticeable.

Figure 19.63.040(E)

Illustrating maximum façade width standards ~~and good and bad examples.~~





Building incorporates a 20'x30' courtyard along the façade (technique #1 noted above) to effectively break it up into smaller components: Meets standard.

Commented [CR547]: Text specifies 100', not 120'. Delete all references to 120' in illustrations.



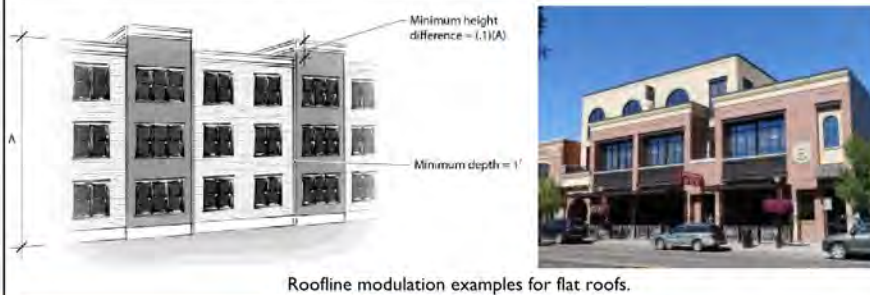
The left building uses technique #1 (vertical building modulation at least 10 feet deep and 30 feet wide). The right building uses technique #2 (contrasting vertical modulated design component). Both examples are effective in breaking up the perceived scale of the building and adding visual interest.

Commented [CR549]: There's not much contrast in this one - the windows are only slightly different. Can you find a better example?

F. Roofline modulation. Roofline modulation is not required on all buildings. However, it can be used as one of the facade 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 If not combined with vertical modulation,~~ 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 roof 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 designs~~ Design departures will be considered may be approved by the Director, provided the roofline modulation design effectively reduces the perceived scale of the building and adds visual interest.

Figure 19.63.040(F)(1)**Acceptable examples of roofline modulation.****19.63.050 - Building details.****A. Purpose.**

1. To encourage the incorporation of design details and small-scale elements that are attractive at a pedestrian scale into building facades ~~that are attractive at a pedestrian scale~~.
2. To integrate window designs 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 zone must be enhanced with appropriate details. All new buildings and additions and buildings associated with Level II and III Improvements [see AMC 19.060.020(C)] must employ at least one detail element from each of the three categories below for each façade facing a street or public space for each façade articulation interval [see AMC 19.063.040(B)]. For example, a building with 120 feet of street frontage with a façade articulated at 30-foot intervals will have at least four 30-foot segments, and each segment will need to meet the standards for each of the three façade segments incorporate at least one detail from each of the three categories below.

1. Window and/or entry treatment, such as:

- a. Display windows minimum 20 sq. ft. - plain or divided into a grid of multiple panes.
- b. Transom windows or clerestory windows above other doors or windows.
- c. Roll-up windows/doors. Two or more windows grouped together as a unit, minimum 20 sq. ft.
- 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.

Commented [CR550]: Dividing into small panes sort of negates the purpose of a display window

Commented [CR551]: This could allow a garage door. Windows don't roll up.

Commented [CR552]: Without a size, it could be a tiny window that doesn't meet the intent

Figure 19.63.050(B)(1)

Examples of decorative or specially designed windows and entries.



Examples of decorative or specially designed windows and entries. A = openable storefront window. B = transom windows. C = openable window with decorative details. D = decorative window shades. E = Decorative door. F = recessed entry.

Commented [CR553]: This looks cheap and doesn't meet the intent of permanent quality materials. It is not a *window shade*, it is a *sunshade*. Also, it is not a building detail, it is a facade detail. Choose another illustration.

Commented [CR554]: Shouldn't matter whether it is custom designed or not, as long as it is sturdy and attractive

Commented [CR555]: Could be aluminum

Commented [CR556]: No cloth awnings - they deteriorate in our damp windy weather and become unsightly

Commented [CR557]: Who decides whether it is decorative or ordinary?

Commented [CR558]: A sign is not a permanent building element, and may be inappropriate for the next occupant.

2. Building elements and façade details, such as:

- a. Custom-designed wWeather protection element such as a glass and/or steel-metal canopy, cloth awning, roof over the entrance, porch, or retractable awning.
- b. Decorative building-mounted light fixtures.
- c. Bay windows, trellises, towers, columns, and similar elements.
- d. Decorative, custom hanging sign(s) (option only available for building remodels). Sunshades over windows and/or doors.

- e. Other details or permanent building elements that meet the purpose of these standards.

Figure 19.63.050(B)(2)

Examples of attached elements that enhance the visual intrigue appearance of the building.



Examples of elements attached to facades that enhance the visual intrigue of the building. A = retractable awning. B = custom hanging bike rack and repair station integrated as a storefront design element. C = decorative facade/sign lighting. D and E = custom decorative canopy. F decorative tower.

Commented [CR559]: Since when do our buildings need to be intriguing?

Commented [CR560]: B is hard to see and too specialized a use to be of much value as an example. Choose an image that is something many businesses could emulate.

Commented [CR561]: Many people would consider the light fixtures in C to be tacky/industrial. Choose an example that uses higher quality contemporary or traditional light fixtures.

3. Building materials and other facade elements, such as:

- ~~Use of d~~Decorative building materials/ or decorative use of standard building materials. Examples include such as decorative use of brick, tile, or stonework on all or a portion of the building.
- 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, stone, or carved wood.
- Varying the finish materials on different segments of the building.
- Other details that meet the purpose of the standards.

Figure 19.63.050(B)(3)

Examples of attached elements that enhance the visual intrigue appearance of the building.

Commented [CR562]: a kick-plate is applied to a door to protect it when kicked open - it is not a building facade element

Figure 19.63.050(B)(3)

Examples of attached elements that enhance the visual-intrigue appearance of the building.



Examples of decorative surface materials. A = decorative brick/design varying the materials on different segments of the building. B = decorative tile-work and column pattern. C = decorative medallion. D = decorative mosaic tile work. E = decorative bulkhead. F = Decorative materials and design.

Commented [CR563]: This brick isn't really decorative - it's an ordinary use of multicolored bricks. But this image could be used as an example of using different materials on different segments of the building.

Design Departures will be considered may be approved by the Director provided the façade (at the overall scale and at the individual articulation scale) meets the purpose of the standards above.

Commented [CR564]: What is "individual articulation scale"?

C. Window design standards.

- I. All windows (except storefront display windows) must incorporate at least one of the following features be recessed at least two inches from the façade or incorporate other design treatments that add depth, richness, and visual interest to the façade.
 - a. Window frame is recessed at least two inches from the facade.
 - b. Trim at least 5 inches wide and 3/4 inches thick around all sides of each window or group of windows.
 - c. Awning or sunshade.
 - d. Bay, bow, greenhouse, or similar window extending out from the facade.
 - e. Heavy duty metal window frame with visible structural frame elements at least 2.5 inches wide and extending at least 2 inches out from the glass.

Commented [CR566]: Not sure what the most appropriate dimensions are, but this would apply to large contemporary window assemblies.

2. Prohibited windows:

- a. Mirrored glass is prohibited.

Departures to the window standards above ~~will be considered~~ may be approved by the Director, provided the design meets the purpose of the standards.

Figure 19.63.050(C)

Acceptable and unacceptable window design examples.



Recessed and/or trimmed windows.



This window lacks any other detail that adds visual interest.

- E. Cornice/roofline design.** Buildings ~~employing which have~~ a flat roof must employ a distinctive roofline ~~elements~~ that effectively provides an identifiable "top" to the building ~~and avoids the appearance of an unfinished box~~. This could include a traditional cornice line ~~utilizing changes in color or materials, recessed or overhanging elements, variations in height, or similar features to add interest to the edge of the roof~~. Such ~~rooflines-roofline elements~~ must be proportional to the size and scale of the building. ~~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 19.63.050(E) below illustrate acceptable and unacceptable examples.~~

Commented [CR567]: What is an understated cornice line?

Figure 19.63.050(E)

Examples of buildings employing ~~confident and~~ distinctive rooflines.

Figure 19.63.050(E)**Examples of buildings employing ~~confident~~ and distinctive rooflines.**

Building 1 uses a dramatic overhanging cornice at the corner. The left portion of Building 1 uses a very simple cornice line – to go with the upper level setback. Building 2 uses a traditional cornice line with contrasting color and material. Building 3 uses capped projecting columns along with an understated cornice line to vary the height. Building 4 uses a very simple roofline – which is acceptable in this case due to the prominence of the wooden canopy and the low height of the building.

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.

- F. Articulated building ~~entries~~ entrances.** 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-The primary entrances must be easily distinguishable from regular storefront entrances on the building. Such ~~entries- entrances~~ must be scaled proportional to the building. See Figure 19.63.050(F) below for good examples.

Figure 19.65.030(F)**Acceptable building ~~entry- entrance~~ examples.**



19.63.060 - 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 facades 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 ground level where pedestrians are close to the buildings, the pedestrian scale.

B. Quality building materials. ~~Applicants~~ Buildings must ~~use~~ utilize 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, stucco, or CMU, architectural concrete or comparable durable materials (first two feet only) must be used for cladding on at least the lowest two feet of exterior walls (excluding window and door areas) for the first floor of cladding on non-residential or mixed-use buildings and the first two feet of residential for all buildings facing a street or internal pedestrian area in the CBD zone. For walls in all zones adjacent to a street, alley, internal access road, parking area or other vehicular area, concrete, masonry, or other durable material must be used for ground level wall surfaces up to 6 feet above grade to provide a durable surface where damage is most likely. For walls not facing a street, other cladding materials are permitted, if they are protected from vehicular damage by curbs, fences, low walls, bollards, or other means.~~

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 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~~ may be approved by the Director via as a design 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 to~~ create distinctive patterns. The figures below illustrate acceptable concrete block use/designs.

Commented [CR568]: shouldn't matter whether the building is residential or not

Commented [CR569]: wood and other types of siding is commonly used for multifamily and small commercial buildings. They are durable if maintained properly, and much less costly, thus contributing to affordability.

Figure 19.63.060(C)(1)
Acceptable concrete block use/design.



CMU is the primary cladding for the corner element above, but secondary to brick on the main facades. The



The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding

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.	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).
--	--

2. Metal siding may be used provided it complies with the following standards:
- It must feature visible corner molding and trim and ~~does not~~ must 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 At least two feet of masonry, concrete, or other durable material must be incorporated between the metal siding and the ground plane.
 - Metal siding must be factory finished, with a matte, non-reflective surface.
 - Within the C and CBD zones, ~~it~~ metal siding may ~~only~~ only be used as a secondary cladding material covering less than 25 percent of any street facade if it is incorporated with other permitted materials are used as the primary cladding. In the C and CBD zones, metal siding may be the primary cladding material on non-street facades.

Departures will ~~be considered~~ may be approved by the Director provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(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. Standards for the use of Exterior Insulation and Finish System (EIFS). ~~Such material/finishes~~ EIFS may be used as a ~~decorative accent~~ secondary building cladding material if it is ~~incorporated~~ integrated with other permitted materials and it complies with the following:
- EIFS is limited to no more than 20 percent of the total façade area and may not be the primary cladding material except on side and rear facades.
 - ~~EIFS must feature a smooth or sand finish only.~~
 - To minimize potential moisture intrusion, EIFS must be trimmed in wood, masonry, metal, or other material and must be sheltered from weather by roof overhangs or other methods.
 - To minimize potential damage to the surface, EIFS must not be used on ~~the~~ a ground floor wall within 3 feet above the adjacent grade to avoid damage to the EIFS. ~~when~~ For walls facing a street, alley, internal access road, parking area, or pathway other vehicular area, Concrete, masonry, or other durable material must be used for ground level wall surfaces up to 6 feet above grade to provide a durable surface where damage is most likely.

Commented [CR570]: Are you sure the middle image is metal? Looks like concrete or concrete block and brick to me. Can you find an image where the metal siding is used more creatively?

Commented [CR571]: This statement is irrelevant to the standard.

Commented [CR572]: This is simply a material with a plain surface similar to stucco or various paneling materials. It should be allowed wherever other plain surface materials are allowed.

e. The requirements of 3.d. above shall also apply to any other building material that is easily damaged by impacts from vehicles, bicycles, maintenance equipment, etc.

Design Departures will be considered may be approved by the Director provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(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 because EIFS is vulnerable to damage when close to the ground level.

4. Cementitious wall board paneling/siding panels, metal or plastic composite panels, plywood panels, or similar plain panels may be used provided it they meets the following provisions:
 - a. Cement-board-paneling/siding In the CDB zone, such panels may not be used on the ground floor of non-residential or mixed-use buildings where adjacent to a sidewalk or other pedestrian path, except where panels not exceeding 15 square feet each are used as part of a decorative element that includes windows, doors, trim, and/or other materials. For example, as an obscure panel within a multi-pane storefront window assembly.
 - b. Where cement-board-paneling/siding such paneling is the dominant siding material, the design must integrate- incorporate a mix of colors and/or textures and trim details that are articulated-consistent-with-windows, balconies, and modulated building surfaces and are balanced with façade details that- to add visual interest when viewed from the ground level and adjacent buildings.

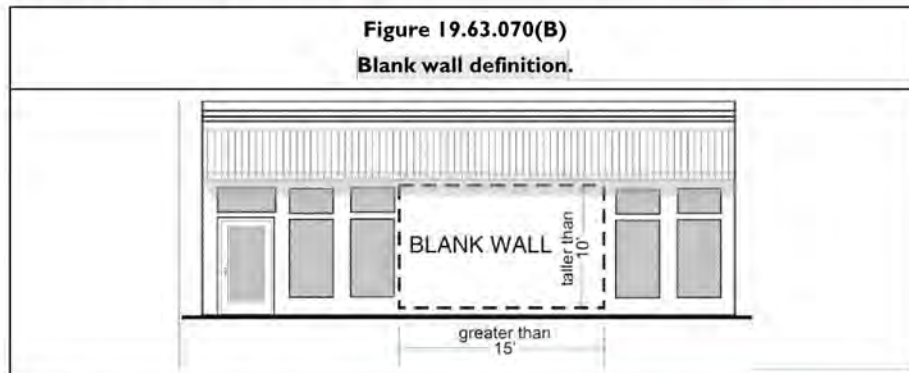
Design Departures will be considered may be approved by the Director provided the material's integration and overall façade composition meets the purpose of the standards.

Commented [CR573]: Any plain panels with a smooth surface should be treated the same, regardless of what they are made of. It is the appearance that is important to the design standards, not what it's made of. Metal composite panels can be extremely strong and durable.

19.63.070 - Blank wall treatment.**A. Purpose.**

1. To avoid untreated blank walls.
2. To retain and enhance the scale and character of Anacortes's streetscapes.

B. Blank wall definition. A wall (including building façades and retaining walls) is considered a blank wall if it is over ten-14 feet in height, and has a horizontal length greater than 15-20 feet, and does not include a transparent window or door.



C. Blank wall treatment standards. ~~Untreated blank walls visible from adjacent to a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway are prohibited must be modified with at least one of the following treatments.~~ Methods to treat blank walls can include:

1. Display windows at least 30 square feet in area, and at least 16 inches of depth to allow for changeable displays. ~~Tack-on display cases [see figure 19.63.050(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 50 percent of the wall with planting materials that are sufficient to obscure or screen at least 60-20 percent of the wall's surface within three years. Use of trees for vertical interest is encouraged.
3. Installing a vertical trellis at least 8 ft. high in front of 20 percent of the wall with climbing vines or plant materials.
4. Installing a mural as approved by the reviewing authority. Murals that advertise a business or product or can otherwise be construed as advertising are not acceptable.
5. Special building detailing that adds visual interest at a pedestrian scale, such as using. ~~Such detailing must use a variety of surface materials or trim details; monotonous designs will not meet the purpose of the standards.~~
6. A primary business sign, as permitted by the sign code. If a blank wall area beyond the edges of the sign exceeds the 14' x 20' area specified in the definition above, then additional treatment must be used for that area.

For large visible blank walls, a variety of treatments may be required to meet the purpose of the standards.

Commented [CR575]: Not sure we need this section at all. If the modulation regulations for various block frontage designations require certain elements every 30 feet, that will result in very few large blank walls except on side and rear of building where they should be allowed anyhow.

Commented [CR576]: 10x15 is a fairly small wall. Could allow larger, such as 14 x 20 without being too problematic.

Commented [CR577]: Does the definition apply just at the pedestrian level, or to blank walls on upper stories? Perhaps the upper stories are covered by the other modulation requirements.

Commented [CR578]: change the dimensions in the illustration if text above is changed

Commented [CR579]: Many buildings are *visible from way* across town, but that shouldn't dictate design.

Commented [CR580]: Why not allow display windows attached to the outside of the wall if they are deep and wide enough to provide interest? Appearance would be similar to a bay window if they extend out from the wall.

Commented [CR581]: Should not be trying to hide the wall, just add some visual interest.

Commented [CR582]: Who determines what is "monotonous"?

Figure 19.63.070(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 19.65 - PARKING (17.46)

FORTHCOMING

Chapter 19.66 – LANDSCAPING (17.41)

Sections:

- 19.66.010 - Purpose
- 19.66.020 - Applicability and compliance
- 19.66.030 - Landscape plans
- 19.66.040 - Plant material and installation standards
- 19.66.050 - Landscaping types
- 19.66.060 - Landscaping site design standards
- 19.66.070 - Maintenance
- 19.66.080 - Irrigation standards
- 19.66.090 - Performance assurance/bonding

19.66.010 - Purpose. (17.41.010)

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 and service areas to reduce potentially negative impacts on adjacent uses.
- G. Improve the air quality and provide wildlife habitat.
- H. Reduce erosion and stormwater runoff.

19.66.020 - Applicability and compliance calculations. (17.41.020.G – with changes tracked)

- A. Applicability. Landscaping will-must be installed when developing new plats, including short plats, and when building on undeveloped existing lots in conformance with the following requirements.
 - 1. For additions, Whenever any addition to an existing building is proposed, the landscaping must be upgraded to meet the requirements of this chapter in the same proportion as the square footage of the expansion is to the existing square footage under roof.
 - 2. Whenever the addition constitutes 50 percent or more of the total floor area, or any change of use or substantial upgrade or remodel/renovation of an existing use is proposed, the landscaping must be upgraded to meet the requirements of this chapter.
 - 2. The director may waive or relax these provisions in the HM, I, LM, LMI, 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. Variation in upgrading requirements may be approved by the planning director providing the purpose of this chapter is met.

- B. The percentage of each site to be landscaped is to be regarded as a minimum to be achieved on site, prior to subdivision of individual lots, with the understanding that this requirement can be met by a variety of means including preservation of existing tree groves, tree planting in public rows, etc., as outlined in the ordinance codified in this chapter. In the event that, because of lot configuration, adjacent land uses or special circumstances, more landscaping is required to meet all requirements of this chapter, the higher amount of required landscaping will be installed.

Table 19.66.015 - Screening requirements.

Zoning	Percent of Gross Site Area to be Landscaped
R1, R2, R3, and R4	20
CM, CMI, and CM2	15
CBD, C, LM, LM, I, and HM	10
AZ	See the Anacortes Airport Development Agreement

- B. Approved native growth protection areas, and common open space areas outside regulated wetlands may be counted as part of required landscaping.
- C. On port-owned property the gross site area is considered to be the entire contiguous parcel owned by the Port of Anacortes unless the property is divided by a public street or a binding site plan has been approved pursuant to **Section 16.10.010** of this Code.

19.66.030 - Landscape plans. (NEW)

- A. A landscape plan is required for the entire site for new non-residential and multifamily development, including adjacent rights of way. The landscape plan shall be submitted as part of the site plan review process within AMC _____. A Washington licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) shall complete the landscape plan except that a plan for a single family home or for a site less than 20,000 square feet may be prepared by an unlicensed or non-certified person. The plan shall 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 landscaped, 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. Proposed irrigation system. All landscaped areas, including adjacent rights of way shall be provided with an underground irrigation system.
 7. Planting details.
 8. Name, address and phone number of the person preparing the plan.
 9. Landscaping calculations in compliance with this chapter.

Commented [CR590]: This seems like an unnecessary expense for a single family home or small commercial or multifamily project. For those, the owner or a landscaping contractor could provide a sufficient plan.

- B. The director shall review the submitted landscape plans for compliance with this title and may approve, approve with modifications, or disapprove the plans. Decisions of the zoning administrator shall be in writing, and if disapproved, shall set forth necessary steps to obtain approval. Appeal of the zoning administrator's decision shall follow the appeals procedures listed in the appeals section of this title.
- C. No building permits or certificate of occupancy (CO) shall be issued until a landscape plan is reviewed and approved, improvements installed per the approved landscape plan, and a form (provided by the community development division) is signed off with an official stamp of a landscape architect certifying the improvements were installed per the approved landscape plan. A suitable guarantee may be provided if installation is not possible or advisable due to seasonal constraints.

xxxxxxxx - General site landscaping. (re-ordered from 17.41.020)

The following general standards will apply in all districts where landscaping is mandatory:

- A. Landscaped areas may include use of the following.
 - 1. Evergreen and deciduous trees and shrubs;
 - 2. Perennial and annual flowers;
 - 3. Gravel, river rock, driftwood, bark, rockeries, lawn, ornamental or decorative walkways (provided both sides abut landscaping);
 - 4. Or a combination of such material may also be used provided that living plants make up eighty-five percent of the required landscaped area. The area calculated for a tree must be the area bounded by its drip line.
- B. No artificial lawn or shrubbery will be permitted in landscaped areas.
- C. Ivy is prohibited in any landscaping plan or activity that requires city approval.
- D. Native plants and those that require little water and artificial irrigation are preferred.
- E. Where plants do require artificial irrigation, automated irrigation or sprinkling systems are encouraged.
- G. A plot plan drawn to scale must be submitted to the planning director showing the following:
 - 1. The size and layout of the property, including property lines and setback requirements;
 - 2. Location of buildings and structures, driveways, loading docks, aboveground utilities, and outside storage areas;
 - 3. Location of landscaping areas; and
 - 4. Type, quantity and size of plantings.

19.66.040 - Plant material and installation standards. (NEW)

A. Native and naturalized plant species.

New landscaping materials shall include species native to the region, and/or hardy, waterwise drought tolerant, 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 5. The characteristics of this zone are described in The Western Garden Book, Sunset Publishing Corporation (most recent edition). 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, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.

In areas frequented by deer, deer resistant species shall be utilized.

B. Tree standards and guidelines.

Unless otherwise noted herein, required trees shall meet the following standards at the time of planting:

1. Required trees within parking areas shall be a minimum caliper of 1 inch (as measured 6 inches above the root ball) and a minimum height of 10 feet at the time of planting.
2. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of 1 1/2 inches (as measured 6 inches above the root ball), and a minimum height of 6 feet at the time of planting.
3. Required evergreen trees shall be fully branched and a minimum of 6 feet in height, measured from the treetop to the ground, at the time of planting.
4. ~~If the Administrator decides reducing the minimum size of trees will not detract from the desired effect of the trees, the minimum size of trees (other than street trees) may be reduced if the applicant submits a written statement by a Washington state licensed landscape architect or landscape contractor certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.~~

Commented [CR598]: This is too subjective. Just stick with measurable characteristics.

C. Shrub standard.

Shrubs, except for ornamental grasses, shall be a minimum of 1-gallon size at the time of planting.

D. Ground cover standards and guidelines.

1. Ground covers shall be planted and spaced to result in total coverage of the required landscape area within three years as follows, or as per recommendations by a Washington ~~state~~ State licensed landscape architect or landscape contractor for the particular species being used as follows:
 - a. 4 inch pots at 18-inches on-center.
 - b. One-gallon or greater sized containers at 24-inches on-center.
 - c. A bed of flowers may be used in place of ground cover plants. ~~A reduction in the minimum size may be permitted if certified by an Washington state licensed landscape architect or landscape contractor that the reduction shall 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 because of high water conservation consumption~~ and maintenance purposes requirements (lawn areas designed as play areas are an exception); and
3. Ground cover areas shall contain at least 2 inches of composted organic material at finished grade.

E. Tree and plant diversity.

Diversity of species is desirable to provide visual variety as well as to reduce the chance that plant diseases will spread as they can through a monoculture.

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 shall be augmented with a 2 inch layer of fully composted organic material tilled a minimum of 6 inches deep prior to initial planting.
2. Landscape areas shall be covered with at least 2 inches of mulch to minimize evaporation. Mulch shall 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.
3. 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, keep tree roots away from foundations, paving, utility lines and the like, and take into consideration sun and shade and maintenance requirements such as fallen leaves.

G. Landscape installation standards

1. All required landscaping must be in-ground, except when in raised planters. Plant materials ~~will~~ must 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 shall 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 shall not be allowed within the dripline of trees to be retained.
4. In areas frequented by deer, plants must be protected by fencing until they are mature enough to withstand deer foraging and bucks rubbing trees with their antlers.

~~19.66.xxx – Landscape installation standards.~~

~~A. Minimum tree size at time of planting must be one and one-half inch caliper, minimum shrub size must be two gallons, and minimum groundcover size must be one gallon or equivalents; see American National Standards Institute's "American Standard for Nursery Stock" for size standards.~~

~~B. Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities.~~

Commented [CR601]: this is covered above

19.66.050 - Landscaping types. (NEW)

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.

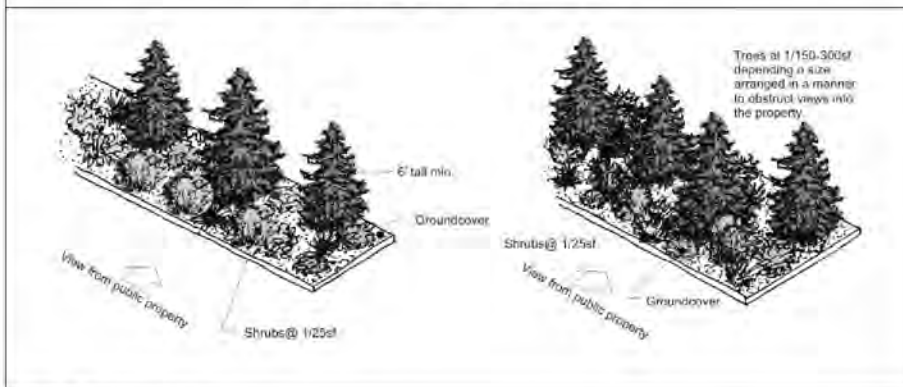
1. Type A landscaping shall function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views;
2. Type A landscaping shall minimally consist of:
 - a. Trees: Predominately evergreen (more than 50 percent) at the 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 shall be of the large maturing variety (capable of growing over 35 feet under normal growing conditions).

- b. Shrubs: Predominately evergreen provided at the rate of 1 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 shall comply with _____.
- e. The selected plant materials and configuration ~~will~~ **must** be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within ~~six~~ **eight** years. This requirement will account for the size of materials planted and their typical growth rate;

Commented [CR603]: is there a list of species that qualify for the small, medium and large designations? Some trees, such as a Douglas fir, grow nice and bushy as small trees, but often lose their lower branches when they mature and grow very tall. How is this accounted for?

Figure 19.66.050(A)
Type A landscaping standards.



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 shall 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 feet.

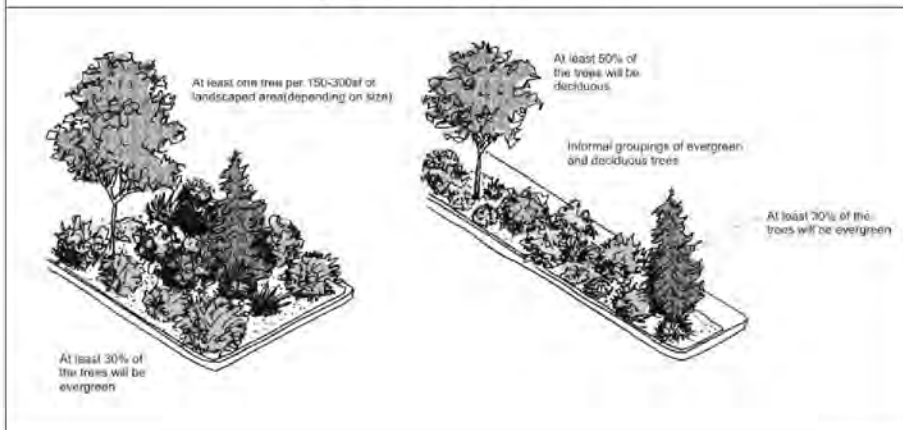
At least 70 percent of the trees shall be of the large maturing variety (capable of growing over 35 feet under normal growing conditions).

- b. Shrubs: Provided at the rate of 1 shrub per 20 square feet of landscape strip and spaced no more than 8 feet apart on center.
- c. Groundcover: Planted at a density to cover the buffer within three years.
- d. Plant diversity: Trees and shrubs shall comply with .
- f. The selected plant materials and configuration will-must meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate;

Commented [CR604]: This has implications for shading public areas, solar installations, and adjacent properties, and in some cases restricting the sunlight may not be desirable. How can the conflict between the desire for large trees and the desire for sunlight be reconciled?

Commented [CR605]: Some subdivisions have height limits to protect views. Are such limits legal in new subdivisions?

Figure 19.66.050(B)
Type B landscaping standards.



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 street frontage or between multifamily developments;
2. Type C landscaping shall minimally consist of:

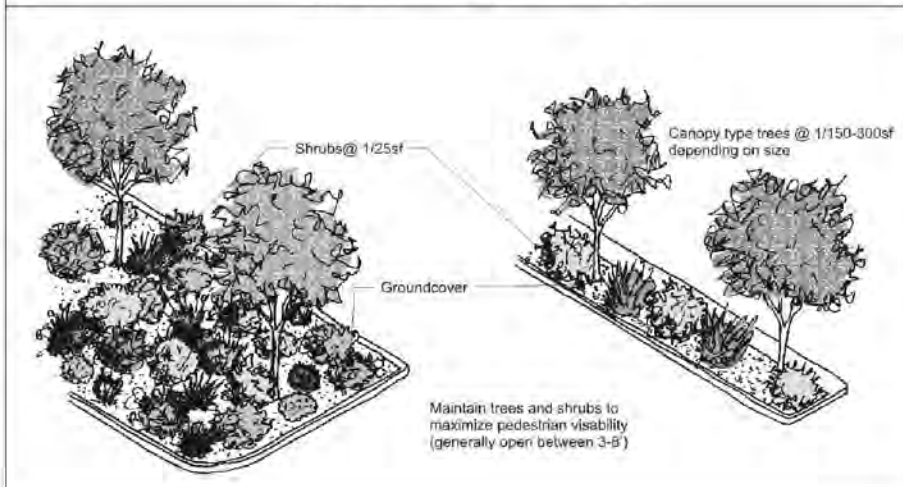
- a. Trees: At least 70 percent deciduous trees at the following rates:

- (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 shall be of the large maturing variety (capable of growing over 35 feet under normal growing conditions).

- b. Shrubs: Provided at the rate of 1 shrub per 20 square feet of landscape strip and spaced no more than 8 feet apart on center.
- c. Groundcover: Planted at a density to cover the buffer within three years.
- d. Plant diversity: Trees and shrubs shall comply with [REDACTED]
- e. Maintain trees and shrubs to maximize pedestrian visibility (generally between 3 and 8 feet above grade); and
- 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.

Figure 19.66.050(C)
Type C landscaping standards.



D. Type D landscaping.

1. Type D landscaping refers to all other landscaped areas that do not qualify as Type A-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 [REDACTED].

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 tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and four feet tall.

Commented [CR606]: What about a tall hedge as a privacy screen or a buffer between uses?

Figure 19.66.050(E)
Low hedge examples.

**F. Rain garden.**

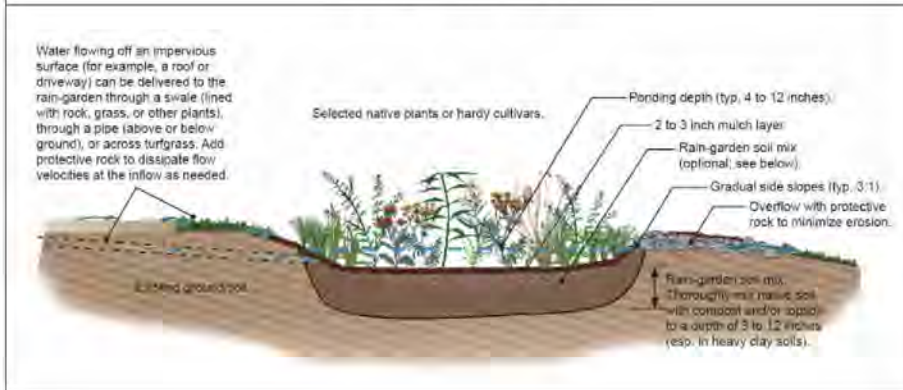
A rain garden is a planted depression that allows rain water runoff from impervious areas to be absorbed. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:

1. Garden located and designed to capture impervious area runoff.
2. Four to 12 inch ponding depth.
3. Two-three inch mulch layer.
4. Gradual side slopes (typically 3:1).
5. Overflow design elements with measures to protect erosion.

6. 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.

Note: A rain garden shall not be used where the subsurface conditions do not permit absorption of the water, for example, underlying rock, hardpan, or clay.

Figure 19.66.050(F)
Rain garden example.



19.66.060 - Landscaping site design standards. (NEW)

A. Required buffer standards. Screening between certain uses may be called for in Table 19.66.040.A below or elsewhere in this title.

Interpretation of Table 19.66.040.A:

- Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may-be is usually preferable to new plant materials. The director may apply supplemental buffer width and planting conditions to better ensure the survival of existing mature trees and/or augment existing plantings to meet the intent of the standards.
- The letters A, B, C, and D and terms "low hedge" and "rain garden" refer to the landscape types described in AMC 19.66.030. Where more than one buffer type is referenced in a cell, only one of the subject buffer types is required. The term "All" means that any of the landscaping types may be used.
- The letter F refers to the requirement of a six-foot high sight-screening fence. Such fences must comply with the provisions of chapter 19.67.
- Where the cells are empty, there are no landscaping buffer requirements for the particular situation.
- The numbers refer to the minimum required width of the required landscaping buffer.
- If a * appears after a use or term within the table, then the use or term is defined in AMC 19.12.010.

7. Where superscript numbers are included in a cell, see the corresponding note matching the number below the table.
8. The screening elements must extend along the entire property line between the uses/properties except where precluded by structures, driveways, or similar obstructions features.
9. Where the developing-use being developed is across the street from an existing abutting use or district, only the buffer type listed for the abutting street is required.
10. Where a ➡ departure symbol appears, alternative buffer treatments may be approved per AMC 19.20.250, provided they meet the intent of this chapter.

Table 19.66.040(A)
Required buffer types.

Developing use	Existing abutting uses and districts					
	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 ³	Note ²	F plus BC-5' ➡	F or All-5' or path ³ ➡	F or BC-5' or path ³ ➡	F plus ABC-10' ➡	F or All-10' ➡ Note ⁴
Low intensity non-residential use [*]	Note ²	F plus ABC-5' ➡	F or A,B-5' ➡			Note ⁵
Moderate intensity non-residential use [*]	Note ²	F plus ABC-10' ➡	F plus A,B,C-5' ➡	See site planning standards in chapter 19.62		Note ⁵
High intensity non-residential use [*]	Note ²	F plus ABC-15' ➡	F plus A,B,C-10' ➡			Note ⁵
Outdoor storage ³	Note ² plus A-10' ➡	F plus ABC-10' ➡	F plus A,B,C-10' ➡	F or A-5' or B-10' ➡		F plus ABC-5' or A-10' ➡
Heavy industry [*]	Note ²	F plus ABC-20' ➡	F plus ABC-20' ➡	F plus ABC-5' or A-10' ➡	F plus ABC-5' or A-10' ➡	F 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 Chapter 19.61. Multifamily uses in residential districts are subject to the landscape-Landscape block frontage standards in AMC 19.61.070.
3. A paved or gravel pathway separating the properties/uses. Landscaping or 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-are required.
4. For developing multifamily uses adjacent to parks, forestlands, and trails, the director may adjust requirements to emphasize buffer types that enhance visibility between- from the developing use

Commented [CR611]: This chart is hard to read. Suggest gridlines between all columns and rows.

Commented [CR613]: Multifamily is not a permitted or conditional use in most of these zones.

Commented [CR612]: This does not make sense in the CDB, where buildings are typically built side by side right up to the property lines.

toward the park or trail, or focus more on visual screening of the use from the park or trail, depending on the context and location of the park or trail and type of developing use.

5. See AMC 19.61.120 for trail block frontage standards.

B. Supplemental buffer standards. (NEW)

1. For screening requirements for service areas and mechanical equipment for non-residential and multifamily development, see AMC 19.62.060.
2. No required buffer shall extend nearer to a street than the street right-of-way line, however, plantings that are in addition to the required on-site buffer may be used in the street right-of-way, such as in the planting strip.
3. The height of any screen material required by this chapter in the vicinity of a point of ingress and egress ~~may~~ must not exceed 2-1/2 feet in height within the sight triangle.

C. Trees and block frontage landscaping. (17.41.020.D)

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 areas used for pedestrian and vehicular access, pedestrian-oriented space, utility elements elements, and permitted signage, wherever the sidewalk is permitted or required to extend to the building, such as a Storefront block designation.
2. Planting areas along street frontages will be mandatory except for driveways and pedestrian walks within the property. Trees must be planted at an a rate average of one tree for every thirty feet apart of street frontage in such planting areas, with groundcover and/or shrubs used liberally. Variations in the planting of trees may be approved by the planning director, provided the overall intent of the landscaping requirements is met. subject to appeal by the proponent(s) to the city council.
3. Trees utilized in these planting areas need to be compact to minimize conflict with underground and overhead utilities. Trees to be utilized must be species selected from the approved list of recommended plant materials or an approved equivalent.
4. In residential zones, trees must be included in landscaping in conformance with the requirements of Section 16.50.070, Tree Conservation Standards.
4. Planting areas must be a minimum of fifteen feet wide in the R1, R2, R3, and R4 zoning districts. The planting strip may be reduced to a minimum of ten feet in the CM, CM1, CM2, CBD, C, LM, LM1LM and I zoning districts. Averaging must be encouraged to promote variation of design.

D. Parking lot landscaping. (17.41.030)

1. Purpose. The purpose of parking lot landscape development is to soften the visual effect created by large expanses of paving 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. Such amounts of Parking lot landscaping may be included in the overall amount of landscaping required for the project.
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 some of the planting strips required, provided that 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 chapter 19.61. ➡
- 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. ➡
- c. Supplemental departure criteria. The ➡ symbol above signifies that alternative design treatments ~~will be considered~~ may be approved by the Director via 19.20.250 provided they meet the purpose of the standards noted above. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, natural areas, or landscaping with a trellis.

Figure 19.66.060(D)

Examples of alternative parking lot landscaping buffers.

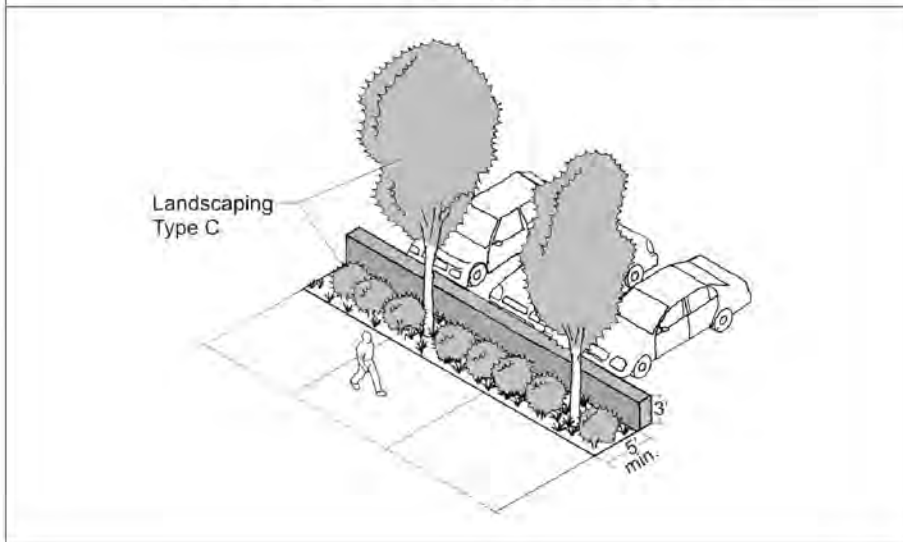
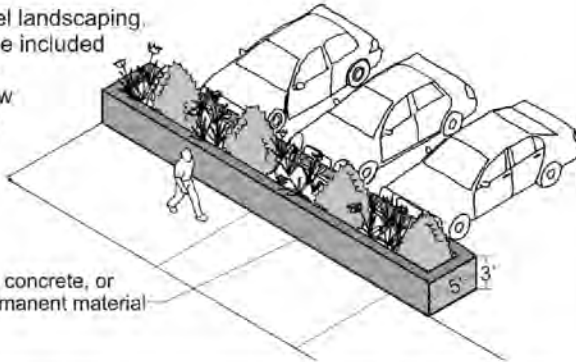


Figure 19.66.060(D)**Examples of alternative parking lot landscaping buffers.**

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



- .. Tree requirements. A minimum of one tree must be required for each 150 square feet, or fraction thereof, of required landscape areas. Where the branches extend over parking or driving areas, trees must have a trunk clear of branches for at least eight feet above the ground, and the remaining area must be landscaped with shrubs and/or groundcovers.
- .. Any trees, shrubs, or plants which are susceptible to damage or injury by pedestrian or motor traffic must be protected by appropriate curbs, tree guards or other protective devices.
- .. Landscape plant materials. Parking lot landscape areas must comply with [sub]section _____ as to plant materials.
- .. Parking lot landscaping will apply towards the total landscaping required in [sub]section _____).

xxxxxxx - Screening requirements. (17.41.040)

- A. In order to reduce the incompatible characteristics of abutting properties with different land use classifications, the following standards must apply. The following table describes when abutting zones abut.

Table 19.66.040 - Screening requirements.

District in Which Development is Proposed	Uses to be Screened
R3, R4, CM, CM1, CM2, CBD, C, LM, LM1LM, I, HM, and AZ	R1 and R2

- B. The planning director may also require these standards to buffer incompatible uses even if the land use classification is the same. This type of landscaping will be installed in planting strips on the interior property lines according to the following schedule. These requirements must be in addition

to other requirements of this chapter, therefore the amount of overall landscaping may exceed the minimum **stated in [sub]section**

C. Screening requirements.

1. Minimum width of the plantings must be four feet, and the screening must extend along the entire property line between the incompatible uses except where precluded by structures, driveways, or similar obstructions; however a reduction may be approved by the planning director with the concurrence of the adjacent property owner.
2. Landscaping must be made up of evergreen trees planted at a maximum of fifteen feet on center.
3. Use of deciduous trees is also encouraged to add seasonal and textural variation. Up to twenty-five percent of required evergreen trees may be deciduous trees instead.
4. Medium-sized shrubs (three to five feet maturity height) and groundcover plants must be added at a density to cover eighty-five percent of the ground surfacing and horizontal separation within two years.
5. Landscaping must incorporate the use of either earth-berming up to a height of three feet, or a six-foot high (reduced in the front yard setback area) sight-screening fence. If the earth-berming alternative is chosen, medium-sized shrubs must be spaced at a maximum of four and one-half feet on center along the top of the berm.

D. Churches, community clubhouses and other such assembly-type conditional uses in the R1 and R2 districts must install screening ten feet in width on any interior property line.

E. Foundation planting.

All street-facing elevations must have landscaping along any exposed foundation for non-residential and multifamily development. The landscaped area may be along the outer edge of a porch instead of the foundation. This landscaping requirement does not apply to portions of the building facade that provide access for pedestrians or vehicles to the building, or where masonry, stone, or other permanent finish materials cover the concrete foundation. The foundation landscaping must meet the following standards:

1. The landscaped area must be at least three feet wide.
2. There must be at least one ~~three-gallon~~ shrub for every three lineal feet of foundation.
3. Ground cover plants must fully cover the remainder of the landscaped area.

Commented [CR626]: section 19.66.040 says one-gallon size. Don't specify size here, let other section govern.

Figure 19.66.060(E)
Foundation planting is required.



Foundation plantings would be required along the exposed concrete foundation.

F. Existing site vegetation. (17.41.050)

1. General. Applicants are encouraged to retain significant trees and other existing vegetation on the subject property where feasible. "Significant existing vegetation tree" must mean deciduous and evergreen trees at least six inches or more in diameter at a point five feet above the ground or greater. Retention of mature shrubs, groundcover and other established plants is also encouraged.
2. Bonus for retention. For each significant tree as defined in subsection (C)(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 pervious area for the purpose of complying with the maximum impervious area standards for the applicable zone set forth in chapter 19.42 toward the required impervious area; 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. The retention bonus must apply to meeting the requirements outlined in [sub]section _____
3. Required review. The city will review the proposed retention of significant existing vegetation trees 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 _____ at a ratio of three replacement trees at least twelve feet in height for each bonus tree lost.

Commented [CR627]: Trees eventually die. Is there a time limit? How is a subsequent owner made aware of this designation and the replacement criteria? Is an agreement recorded?

G. Use of right-of-way. (17.41.020.H)

In addition to the required planting areas above, required in _____, landscaping of excess (unused) street and alley rights-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. The property owner may add or remove plants or otherwise modify the landscaping in the area between the property line and the street pavement, whether or not it was installed by the current property owner or used to satisfy any landscaping requirements, but any trees planted to satisfy landscaping requirements must be replaced if removed.
2. Up to 50 percent of the on-site landscaping requirement can be satisfied by landscaping excess street right-of-way or detention facilities adjacent to the site, including open stormwater conveyance swales, if landscaped and maintained by the property owner.
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 for watering landscaped areas in the right-of-way must be encouraged if the project site has fewer than 20 required parking spaces but must be required if twenty or more spaces are required.
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 landscaper and/or 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 landscaper and/or property owner at their sole expense, or if not so removed may be destroyed by the city.

H. Special Fire Department standards. (17.41.020.F)

Landscaping in the vicinity of any fire hydrant, fire department sprinkler connection or standpipe connection ~~should-~~**must** 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. The following must act as a guideline for the landscaping around the equipment, with final approval from the city fire marshal:

1. 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 one hundred feet in all directions along such streets, driveways, access routes or intersections. No plants or shrubs with a height of over eighteen inches and no tree with branches or foliage below five feet must be allowed in this sight visibility area.

2. 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 twenty-five 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.

I. Stormwater detention ponds must have at least ten-foot setbacks from adjacent property lines and must be landscaped in a manner consistent with existing landscaping standards listed in subsections (A) through (K) of this section compliance with this chapter.

19.66.070 - Maintenance. (17.41.060)

- 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 pests/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 locally adapted vegetation that conforms to the standards of this title and the approved site and/or subdivision plan.
- D. Limbing up trees and "topping" or shearing off trees ~~must be is~~ prohibited, unless required for public safety reasons approved by the director. This shall not prohibit pruning to maintain tree health or selective removal of limbs to open up views, provided that the natural structure and growth habit of the tree is maintained.
- 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.

Commented [CR631]: this is unnecessary. Other laws determine the responsibilities of heirs, etc.

Commented [CR633]: who determines what is "reasonable" maintenance and issues citations?

19.66.080 - Irrigation standards. (NEW)

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 licensed landscape architect or Washington-Certified Professional Horticulturist (CPH) certifying that the materials to be planted will survive without watering other than natural rainfall, or a statement from the applicant that plants will be watered by hand as required for their survival.
 - 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.

19.66.090 - Performance assurance/bonding. (17.41.070)

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 one hundred fifty percent of the estimated construction costs must be required. Such deposit must be accompanied by a letter which must stipulate 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.

In the event that a proposed project cannot meet the required square footage of landscaping, the proponent/owner/developer may petition the director to reduce the requirement. Such petition must show that every reasonable effort has been made to meet the chapter requirements. In the event the director approves the request in any form, the proponent/owner/developer may either install an equivalent amount of new landscaping on an approved area of city property or pay an "in lieu" fee based on the square footage reduced by the director. The director will set a fee schedule which will be approved by the city council, and must be reasonably equivalent to the value of the landscaping which would have been required. All "in lieu" fees received will be assigned to a separate fund to be used for landscaping rights-of-way or other beautification projects designed to promote the purpose of this chapter.

Chapter 19.67 - FENCES AND WALLS *(NEW)*

FORTHCOMING

Chapter 19.68 - SIGNS

FORTHCOMING

DIVISION 7 - ENVIRONMENT

Chapter 19.70 - CRITICAL AREAS

Reserved.

Chapter 19.72 - SHORELINES

Reserved.

Chapter 19.76 - STORMWATER

Adopted by ordinance 2991.

Chapter 19.78 - CLEARING AND GRADING

Adopted by ordinance 2991.

DIVISION 8 – DEVELOPMENT AGREEMENTS

Chapter 19.80 - DEVELOPMENT AGREEMENTS

Reserved.

Chapter 19.82 - DEVELOPMENT AGREEMENT WITH PORT OF ANACORTES

NOTE TO REVIEWERS:

AMC 19.82 is omitted from this document. No changes are currently proposed.

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Wednesday, December 27, 2017 7:33 PM
To: Grage, Libby
Subject: sign code draft

Libby,

Christmas is past and I'm working on editing the draft sign code. The first part didn't seem too bad, but now I'm getting into more and more picky details that seem totally unnecessary.

For example: "Using a CMYK color chart, sign background that employs color numbers that add up to at least 20 (collectively) are considered as "shaded"." Followed by a chart with illustrations of dark and light backgrounds and lettering that add up to a numerical score.

ARE YOU KIDDING? Talk about over-regulation!!!

Comparing it to our existing sign code, which is 10 pages (as a Word docx), the new one is 36 pages. Why? The old code covers the bases pretty well. A few photo examples and a little word tweaking is all that's needed - not a complete re-write. Is someone trying to make a career out of regulating signs?

We should specify the size, number, and placement allowed, and then let folks decide what kind of signs they want to represent their business. It's really none of the City's business whether there is a dark or light background, or whether the base is stone or steel, etc.

In some senses, regulating these minute details is a type of censorship, because you're telling folks that their taste in signage is unacceptable and they must conform to someone else's notions of what looks good.

I'll work my way through the editing, but I hope you will sincerely consider scrapping most of the new draft and seriously simplifying it to just the basic requirements. Forget the detailed design requirements. They're a hornet's nest for the businesses, the designers, and the regulators.

And you can tell Bob B. that I said so.

Cynthia R.

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Thursday, December 28, 2017 12:16 PM
To: Grage, Libby
Subject: draft sign code
Attachments: 20171208-Pub1stDraft-Signs CR edits.docx

Libby,

Here are my edits to the draft sign code. As I mentioned in an earlier e-mail, I think the draft is much too detailed (which creates both a design and an enforcement nightmare). Need to focus on the important issues and not get bogged down in the small stuff.

Please send me a Word copy of the language on Temporary signs when it is available.

Thanks again for giving me the opportunity for early input. Hopefully the staff and consultants will find it helpful as you tidy up problem areas before the next public draft.

Cynthia Richardson
315 V Avenue
Anacortes, WA 98221

360-299-9081



TITLE 19 - UNIFIED DEVELOPMENT CODE

Draft - December 7, 2017

DRAFT ADR MASTER_17-1208_SIGNES

Chapter 19.68 - SIGNS (17.40)

19.68.010 - Purpose. (Nearly a complete update of 17.40.010)

The purpose of this chapter is to:

- A. Promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types.
- B. Promote economic development of the city's business districts and corridors.
- C. Ensure that signs are compatible with the desired character of Anacortes and its various districts and corridors.
- D. Enhance and protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape.
- E. Recognize free speech rights by regulating signs in a content neutral manner.
- F. 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.
- G. ~~Prevent~~ Avoid property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials.
- H. Provide consistent sign design standards.

Commented [CR1]: It is not possible to "prevent" such things entirely.

19.68.020 - Applicability. (NEW)

- A. **Applicability.** A sign for the purposes of this title is a device, board, poster, or placard displayed to advertise or convey information. This chapter applies to all signs, of whatever nature and wherever located, within the City.
- B. **Interpretation.** This chapter is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign user, or otherwise, must also be interpreted to allow non-commercial speech on the sign. No part of this chapter may be construed to favor commercial speech over non-commercial speech. 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 for permanent signs.** The following permanent signs do not require a sign permit (unless noted), nor must the area and number of such signs be included in the area and number of

Commented [BB2]: MAKERS and staff are evaluating this definition. Staff noted that this definition conflicts with the existing definition:
From definitions: "...sign means any structure or natural object, such as tree, rock, and the ground itself, or part thereof, or device attached thereto or painted thereon, used to attract attention to any object, produce, place, activity..."

Also, are murals signs? Not necessarily always used to convey information, but they do attract attention.

We will be reevaluating this.

Commented [CR3]: need a definition of murals and artwork that clarifies this

signs permitted for any site or use. This does not relieve the sign owner from responsibility ~~of for~~ its erection, maintenance, and compliance with the provisions of this chapter or any other law or ordinance:

1. The flag, emblem or insignia of a nation or other governmental unit, or nonprofit organization subject to the guidelines concerning their use set forth by the government or organization which they represent. Flag poles over 6 feet tall require a building permit for structural review and are limited to the maximum height restrictions of the underlying zoning district.
2. Memorial signs or tablets, historic information, names of buildings, text on stained glass windows, and recognition of a building's designer, builder, sponsor, dates of erection, etc., when cut into the surface or the facade of the building or when projecting not more than two inches, and not exceeding 4 square feet in surface area.
3. Traffic or other municipal signs, signs required by law or emergency, railroad crossing signs, legal notices, and any temporary or non-advertising signs.
4. Signs of public utility companies indicating danger, or which serve as an aid to public safety, or which show the location of underground facilities or of public telephones.
5. Flush mounted wall signs used to identify the name and address of the occupant-resident for each dwelling, provided the sign does not exceed two square feet in sign area.
6. Signs located in the interior of any building or within an enclosed lobby or court of any building or group of buildings, which are designed and located to be viewed exclusively by patrons of such use or uses.
7. Decorations, or such signs in the nature of a decoration, clearly incidental and customary and commonly associated with any national, local or religious holiday.
8. Painting, repainting, or cleaning of an advertising structure or the changing of the advertising copy of message thereon.
9. Sculptures, fountains, mosaics, artwork, and design features which do not incorporate advertising or identification.
10. "No trespassing", "no dumping", "no parking", "private", and similar signs identifying private property or limited access to private property, provided they do not exceed three square feet in sign area.
11. Signs identifying essential public needs (i.e., restrooms, entrance, exit, telephone, etc.) and other informational warning signs, which may not exceed six square feet in sign area.
12. Directional signs erected by the city on arterial streets directing the public to public, civic, or nonprofit facilities. Such signs may be erected at the discretion of the Director and are be subject to the standards of this chapter.
13. Kiosks and other related informational signs that are placed along pathways that are designed specifically to be viewed by pedestrians and not intended to function as advertising to motorists.
14. The following sign types if they are less than 12 feet in height:
 - a. Professional name plate wall signs which do not exceed four square feet in area. Where a group of professionals have one sign, an additional building-mounted sign area of up to 12 square feet is permitted.
 - b. Wall, pylon, or post & arm sSigns denoting the name and address of the occupants of the premises, not to exceed two square feet in area. Subject freestanding signs are limited to five feet in height.

Commented [CR4]: do you really want to require a permit for EVERY flag pole

Commented [BB5]: Libby: Sign definition specifically says that flags, etc. are not included in the definition of a sign, so do we need to specifically exempt them? Or we could take that sentence out of the definition and keep exemption here? MAKERS: We'll be following up on this.

Commented [BB6]: Staff asked about farmers' market signs, which we'll need to examine how they fit here.

Commented [CR7]: this is in #11

Commented [BB8]: Staff asked if this is a person's name or home occupation business name? MAKERS – I'll say person – but will examine Home Occ provisions to make sure.

Commented [BB9]: Staff asked about a definition for this that we'll need to consider.

Commented [BB10]: These come from 17.40.060, "Signs permitted in all districts but not requiring a permit and not exceeding twelve feet in height." We've made adjustments to the language to limit the height of possible freestanding signs (12' seemed excessive). We'll also need to circle back to 14d as a possible temp sign.

- c. ~~Signs and bulletin boards customarily incidental to places of worship, social clubs, or societies. These signs and bulletin boards must not exceed a total of 30 square feet in area, and must be located on the premises of such institution.~~
- d. ~~Signs at construction sites pertaining to the contractors, design professionals, financial institutions, and similar entities involved in the project. In residential zones, each the total area of all such signs must be limited to 32 square feet in area for each construction site; in nonresidential zones, each sign must be limited to 32 square feet in area. Such signs must be promptly removed at the completion of construction.~~

Commented [BB11]: Staff and MAKERS will be revisiting this issue – and whether such signs should be exempt. If we keep them here – the table in 19.68.060(A) includes size and height standards for the different types of signs allowed in residential zones.

Commented [CR12]: this is the size of one 4x8 sheet of plywood, so it is easy to make signs the right size

Commented [BB13]: This sign type will be reconsidered as a part of the updated temporary sign standards.

Commented [SB14]: Proposed to delete these existing sections and replace with temporary yard sign provisions.

D. Exemptions for temporary signs. ~~The following temporary signs do not require a sign permit:~~

1. ~~Political signs. Temporary political signs must be limited to locations on a private property. No political sign must be posted in any place or in any manner on public property. No political sign may exceed the size limitations applicable to the largest permitted sign in the district in which it is erected. All candidates for public office, their campaign committees, or other persons responsible for the posting of campaign material must remove such material within two weeks following the election date. (Moved from 17.40.100).~~
2. ~~Real estate signs. Signs advertising the sale, lease, or rental of the premises upon which the sign is located. Such signs must be limited to one sign per street frontage, and must not exceed 12 square feet in area, except in all residential districts where the area of the sign must not be more than six square feet. Such signs may not be placed on the public right-of-way and may be placed within a required setback. Such signs must be promptly removed when the premises has been rented or sold, or the listing has expired. Off-site real estate signs are not permitted, except for open house signs as allowed by section (3)(a) below. (Moved from 17.40.060(A)).~~

19.68.030 - General requirements. (17.40.030)

The regulations contained in this section must apply to all signs and all use districts.

A. Sign location restrictions. ~~Except where specifically authorized by this chapter, signs are prohibited in the locations set forth below. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city staff and disposed of, without notice or compensation, at the owner's or user'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. A-board signs and feather signs meeting the provisions of are an exception.~~
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 utility poles in certain zones within the city. Nothing in this section shall be construed to prohibit a person from holding a sign while located on city 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. Any sign erected or placed upon public property, unless specifically permitted by this ordinance or other regulations, may be removed by city staff and disposed of, without notice or compensation. Any costs incurred in sign removal must be at owner's expense.~~

Commented [CR15]: Just say that City staff may remove and dispose of them and not mention the cost. These instances are infrequent, and the cost of staff picking up a few signs is minimal. Cost of documenting and pursuing collection would likely exceed any money to be gained, not to mention the staff time in legal hassles and collecting the money.

Commented [BB16]: MAKERS and staff are considering whether this language is OK – here or anywhere.

Commented [BB17]: In the works

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. No sign of any classification must be installed, erected, or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.~~
5. ~~Any commercial, advertising, or business sign that is not located on the premises of the business to which it refers. No building wall must may be used for display of advertising except that pertaining to the use carried on within such building. All signs or advertising devices must be on the same property as the advertised business.~~
6. ~~No sign must may be placed on the roof of any building. No projecting sign must be erected or maintained from the front or any face of a building a distance of more than four feet plus a four-inch mounting. No wall or projecting sign must project more than one foot above or over the wall, roof line, or parapet of the building to which it is attached.~~
7. No portable or temporary sign ~~must may~~ be placed on ~~the front or face any facade~~ of a building or on any premises except as authorized in ~~[sub]section 17.40.080(B) and (E).~~
8. No signs erected or maintained in the window of a building, visible from any public or private street or highway, may occupy more than 25 percent of the window surface.
9. Placement on ~~private- residentially zoned~~ 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 ~~advertising message not pertaining to the legally permitted use carried on within such property~~ sign or message exceeding 6 square feet in area for each side of the vehicle ~~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 set forth below are prohibited. Prohibited signs are subject to removal (except legal nonconforming signs as defined by this chapter) by the city staff and disposed of, without notice or compensation, ~~at the owner's or user'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 when used for a [redacted]. Except as allowed in [sub]section 17.40.080(E), no sign or part thereof must contain or consist of banners, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of flashing lights must not be used for the purpose of advertising or~~

Commented [CR18]: A-boards?

Commented [BB19]: This is addressed in the wall and projecting sign standards sections, respectively.

Commented [CR20]: What about small signs on cars and pickup trucks that a resident drives to and from work every day? Perhaps exempt signs under a certain size. Intent is to keep large commercial vehicles out of residential neighborhoods.

Commented [SB21]: Content-neutral issue?

Commented [BB22]: Yes – I may want to circle back to this.

Commented [CR23]: ???

attracting attention when not part of a sign. Strings or rows of non-flashing lights are permitted as part of general building decor or illumination.

- 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 when used for a _____.
- f. Digital and other changeable copy signs, except as provided for in Table 19.68.030(C)(2) and AMC 19.68.070(F) for certain freestanding signs.
- g. Mannequins holding a sign or displaying advertising, whether stationary or animated.

Any illuminated sign or lighting device must maintain light of constant intensity, and no sign must be illuminated by or contain flashing, intermittent, rotating, or moving light or lights or images. In no event must an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public street, highway, sidewalk, or adjacent premises or residences so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

C. Sign illumination. (NEW)

1. General illumination standards. Illumination from or upon any sign must be shaded, shielded, directed or reduced so as to avoid undue brightness, glare or reflection of light on private or public property in the surrounding area, and so as to avoid unreasonably distracting pedestrians or motorists. "Undue brightness" is illumination in excess of that which is reasonably necessary to make the sign reasonably visible to the average person on an adjacent street. Illumination, if used, must be what is known as white or yellow and must not be blinking, fluctuating or moving. Undue brightness levels include:
 - a. Light levels spilling onto adjacent city rights-of-way in excess of 0.1 footcandles.
 - b. Light levels spilling onto adjacent residential property in excess of 0.1 footcandles.
2. Permitted sign illumination types. Table 19.68.030(C)(2) below specifies permitted sign illumination types by district.

Table 19.68.030(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. Back and casing are aluminum or steel opaque, and facing is plexiglass or acrylic transparent or translucent material. Interior light source is LED or neon not visible.	 All mixed-use and industrial non-residential zones, except CBD	May be incorporated into a permitted wall, pole, or monument sign

Commented [CR24]: lots of buildings have a row of small lights along the canopy, on trees, or elsewhere, especially at holiday time

Commented [CR25]: ??? No more dancing inflated figures at car dealers

Commented [CR26]: could some be on a building facade?

Commented [CR27]: What about dancing humans?

Commented [BB28]: Content incorporated into bullets above.

Commented [BB29]: Good source for concept:
<http://www.lrc.rpi.edu/programs/nlpi/lightinganswers/lightpollution/lightTrespassMeasured.asp>
<https://ambergriscave.com/art/pdfs/LightingPlanGuidelines1.pdf>

Commented [CR31]: Industrial is a specific zone. Non-residential zones include Commercial, MS, and others.

Commented [CR30]: Plexiglas is a brand name, like Kleenex - although a commonly used term, it is copyrighted. Back and casing might be plastic or plywood, not metal. Don't specify type (LED's and halogen might be replaced by other technologies in the future)

Commented [BB32]: Note special exclusion - these signs types would seem appropriate on south Commercial Ave, but not on buildings in the CBD. The other 3 types below, however, would seem appropriate.

Table 19.68.030(C)(2)
Permitted signs illumination types.

Illumination Type	Permitted zones	Other requirements
Reverse channel letter. Letter faces are aluminum opaque and light source provides halo effect through backlighting. Side casing is translucent plexiglass or polycarbonate or opaque . Interior light source is LED or neon not visible .		All mixed-use and industrial non-residential zones May be incorporated into a permitted wall, pole, or monument sign
Push-through. Letters are cut out of opaque sign face, with translucent plexiglass or acrylic facing over letters. Interior light source is LED or neon , and shines through letter faces only.		All mixed-use and industrial zones May be incorporated into a permitted wall, pole, or monument sign
Neon.		All mixed-use and industrial non-residential zones May be incorporated into a permitted wall, projecting, window, pole, or monument sign
Internally-illuminated cabinet signs. Sign face is wholly illuminated through translucent polycarbonate 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 non-residential zones, except CBD Only allowed to be integrated on permitted monument and pole signs per AMC 19.68.070(F)

Commented [CR33]: This is pretty much the same as channel.

Formatted: Font: 10 pt

Commented [CR34]: Will we get in trouble for showing a copyrighted image?

Commented [CR35]: choose a better illustration that just shows the digital messaging sign, and not the building sign

Commented [BB36]: Currently not allowed in CBD.

Table 19.68.030(C)(2)
Permitted signs illumination types.

Illumination Type	Permitted zones	Other requirements
Internally-illuminated awning signs. Awning face is wholly illuminated through awning material.	 Not allowed in any zone	
Externally-illuminated sign.	 All zones	

Commented [BB37]: This includes residential zones – the only allowed lighting type for signs in that zone. Staff noted that we might want to add standards to ensure that lighting is downward facing and directed towards the building. To be examined.

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 permanent 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.

Commented [BB38]: Content moved/updated in the freestanding sign section.

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 kept free and clear of rubbish and landscaping area maintained in a tidy manner. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, must upon receipt of written notice from the building inspector proceed at once to put such sign in a safe secure condition or remove the sign. Signs in disrepair must be promptly

Commented [CR39]: not sure this is needed, since wherever a building permit or electrical permit is required, the inspection is part of it, but perhaps it doesn't hurt to remind folks.

Commented [BB40]: Some language from Lacey that might be useful.

Commented [CR41]: we already said above that city staff may remove signs, should we repeat the same language here for consistency?

addressed by the owner thereof or the person maintaining the same. Examples of disrepair must include holes, burned-out lighting, fabric tears, missing letters, or other evident damage.

2. Inspection. All sign users must permit the periodic inspection of their signs by the city upon city request.

- G. Identification.** All signs hung and erected must be plainly marked with the name of the person, firm, or corporation business hanging or erecting the sign.
- H. Nonconforming signs and uses.** 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. Such signs may remain and may be maintained provided that no changes whatsoever are made to the sign, including the structure, wording and logo. They 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, and any remaining support structure must be removed.

Wall signs identifying and located with a nonconforming use must be are permitted on the same premises of such use, provided the area of such sign does not exceed twelve square feet.

19.68.040 - Measurement of sign area. (NEW)

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 be 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 logos and devices, illuminated or non-illuminated, which are intended to attract attention.
- B. Only one side of a double-faced or three-faced sign may be included in the measurement of sign area. Each side must be measured separately. For a sign with more than one side, each side must be measured separately, and those measurements added together to calculate the total sign area.
- C. 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 19.68.040 Signs with greater than four polyhedron faces are prohibited.

Figure 19.68.040
Clarifying sign area measurement.

Commented [CR42]: Do we need this? Doesn't City have the right to do safety and fire inspections on any premises for due cause?

Commented [CR43]: might not be a corporation

Commented [SB44]: Content-neutral issue?

Commented [BB45]: This needs to be moved to the end of the sign code

Commented [BB46]: Libby: But 19.68.020(C)(8) says changing the advertising copy or message is exempt from permit requirement, so we wouldn't know if wording or logo changes are made (before the fact).... It will be important to have good clear language on how nonconforming pole signs are dealt with, as this will be a big issue.

Commented [LBG47]: Other approaches on when/how to require nonconforming signs to come into conformance with the new code are being considered, including requiring conformity based on other site improvements triggering certain threshold levels identified in proposed AMC 19.60.020(C), relating to site design standards.

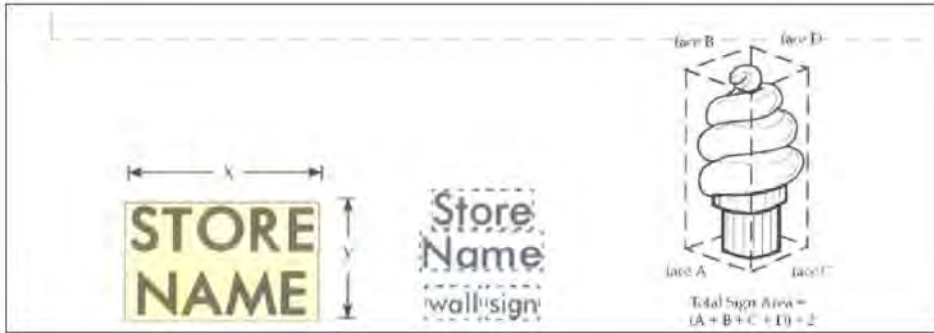
Commented [CR48]: This seems unfairly restrictive. A company might want to update its logo, or same company but new name, or new business may want to keep a sign that's been there for years but is slightly out of compliance and would be costly to remove. We want to encourage new businesses. Is it really a problem to keep old signs with a new logo? How many are there? Why exempt billboards but not other signs? Treat them the same. Some may even be historically significant.

Commented [SB49]: Staff verified that this refers to the entire billboard

Commented [SB50]: Following text is copied from Lacey, as it goes into more detail.

Commented [LBG51]: Consider update to this language for clarity.

Commented [CR52]: If sculptural signs are OK, why does the number of sides matter?



Commented [CR53]: The middle illustration does not comply with the code because the rectangles do not enclose the area between the lines. Choose a better illustration or delete this one.

19.68.050 - Permit procedure. (17.40.050)

Signs requiring a permit must require application to the building department for approval. The application must contain the name of the person or organization to which the permit is issued, location of sign, and other dimensional and descriptive information necessary to identify size and type of sign. The building inspector must review the application for conformance to the zoning ordinance and purpose of this section. The building inspector must approve, disapprove, or require modification of the application to conform to this title.

Commented [SB54]: Could this be moved to procedures in Division 2?

Commented [BB55]: I'll say yes, but show it as deleted for now.

19.68.050 - Signs typologies. (NEW)

A. Table 19.68.050 includes a listing of sign types along with definitions and an illustration.

Table 19.68.050 Signs typologies.	
Freestanding signs - a 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.	
Pole sign - a sign supported by one or more vertical posts, with the bottom of the sign 10 feet or more above the ground.	
Monument sign - a ground-mounted sign, the top of which is higher than three feet above the average ground elevation and which is attached to the ground by means of a wide base of solid appearance.	

Commented [CR56]: These are good, clear, simple illustrations.

Commented [SB57]: Bob - Added here because "freestanding sign" is in existing code, so I went with same format as below. Definition updated from planner's dictionary.

However, maybe this is not necessary?

Table 19.68.050
Signs typologies.

Pylon sign – A sign mounted on <u>two-one or more posts, with the top not more than 5 feet above the ground.</u>	
Post & arm sign – a <u>small</u>-sign supported by a post and arm <u>used to identify the address of a building, or to identify the profession, family, organization, business, etc., occupying the building.</u>	
Internal-way-finding sign - a sign used to aid customers in circulation within parking lots of commercial uses. <u>These signs could come in the form of monument, pylon, post & arm, or wall-sign types, or to public destinations such as restrooms, City Hall, etc.</u>	
Building-mounted signs	
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.	
Projecting sign – a sign attached to and extending outward from the face of the building.	

Commented [CR56]: These are good, clear, simple illustrations.

Commented [CR58]: makes more sense to differentiate between post and pylon signs based on height, rather than number of posts

Commented [CR59]: any style of sign can be used for various purposes - definition is for type, not message, could be any size

Commented [BB60]: Note: We've debated whether we need to have this sign type here in this chart, since it's more of a sign function – (it could be designed as a monument, pylon, or pylon sign type. But for now we've added language to that effect.

Commented [CR61]: Suggest keeping it because there may be places it could be used but not tied to a specific building or business

Table 19.68.050
Signs typologies.

Marquee/awning sign – a sign that is either attached to, affixed-adhered to, or painted on a marquee, awning, or canopy.	
Under-canopy sign – a sign attached to the underside of an awning, canopy, balcony, overhang or arcade.	
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 mMerchandise in a window display, <u>including minor signage such as price tags is not considered part of the window sign. On upper stories, each window sign shall 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 sign area shall not exceed twelve square feet, and signboards, lighted signs, and opaque signs are not permitted.</u>	
Other signs	
A-board sign - a portable sign made of rigid materials having the capability to stand on its own.	

Commented [CR56]: These are good, clear, simple illustrations.

Commented [CR62]: copied from current code, where it applies in CBD. this would apply to any zone.

Table 19.68.050**Signs typologies.**

Feather sign - a 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~~ inserted 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.



Commented [CR56]: These are good, clear, simple illustrations.

Commented [CR63]: What about flags and banners attached to buildings, such as "open", "sale", etc.

19.68.060 - Signs types permitted by zone. (NEW)

A. Table 19.68.060(A) 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 19.68.060(A)					
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					
Pole sign (AMC 19.68.070(B))					
Monument sign (AMC 19.68.070(C))	P ¹	P ¹		P	P ¹
Pylon sign (AMC 19.68.070(D))				P	P ¹
Post & arm sign (AMC 19.68.070(E))				P	P ¹
Internal-wayfinding Wayfinding sign (AMC 19.68.070(F))				P	
Building-mounted signs					
Wall sign (AMC 19.68.080(A))			P ²	P	P ¹
Projecting sign (AMC 19.68.080(B))				P	
Marquee/awning sign (AMC 19.68.080(C))				P	P ¹
Under-canopy sign (AMC 19.68.080(D))				P	P ¹
Window sign (AMC 19.68.080(E))			P ²	P	P ¹
Other signs					
A-board sign (AMC 19.68.zzz(A))				P ⁴	P ⁴
Feather sign (AMC 19.68.zzz(B))					

Conditions:

- I. 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 5 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.

DRAFT ANACORTES DEVELOPMENT REGULATIONS 2017/208-Pub1stDraft-Signs CR edits2017/208-Pub1stDraft-Signs

Commented [BB64]: Staff noted that we need to reconcile how this works with any temporary signs – at least initially – I believe this is for permanent signs, but we'll need to verify.

Commented [BB65]: Note that we need to address the design of public use signs

Commented [BB66]: Note that this could include churches, B&Bs, day care facilities, conditionally permitted grocery stores, medical offices, and nurseries.

Commented [BB67]: Sign type standards in the works

Commented [CR68]: differentiate between flags and feathers and banners?

2. Home occupations. Home occupation signs relate to home occupation as defined in _____. The sign must be a flush-mounted wall sign or window sign and must not exceed two square feet in area. The sign cannot be internally illuminated, but may be indirectly illuminated.
3. Other non-residential uses:
- 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 necessarily at entrances.
 - Pylon and post and arm signs are limited to six feet in height and 16 square feet in area.
 - Building-mounted signs.....
4. A-board signs are permitted for applicable use types on a temporary basis and subject to _____.
- B. Table 19.68.060(B) illustrates the types of signs that are allowed for mixed-use and industrial zones. The letter "P" indicates permitted sign types. A blank cell indicates the particular sign type is not permitted.

Table 19.68.060(B) Signs permitted in mixed-use and industrial-non-residential zones.											
Sign Type	Zone										
	CBD	C	MMU	CM	CM1	CM2	LM	LM1	MS	I	HM
Freestanding signs (AMC ____)											
Pole sign (AMC 19.68.070(B))								P1,2			P1,2
Monument sign (AMC 19.68.070(C))	P	P	P	P	P	P	P	P2	P2	P	P
Pylon sign (AMC 19.68.070(D))	P	P	P	P	P	P	P	P3	P3	P	P
Post & arm sign (AMC 19.68.070(E))	P	P	P	P	P	P	P	P	P	P	P
Internal wayfinding sign (AMC 19.68.070(F))	P	P	P	P	P	P	P	P	P	P	P
Building-mounted signs (AMC ____)											
Wall sign (AMC 19.68.080(A))	P	P	P	P	P	P	P	P	P	P	P
Projecting sign (AMC 19.68.080(B))	P	P	P	P	P	P	P	P	P	P	P
Marquee/awning sign (AMC 19.68.080(C))	P	P	P	P	P	P	P	P	P	P	P
Under-canopy sign (AMC 19.68.080(D))	P	P	P	P	P	P	P	P	P	P	P
Window sign (AMC 19.68.080(E))	P	P	P	P	P	P	P	P	P	P	P
Other signs (AMC ____)											
A-board sign (AMC 19.68.zzz(A))	P	P	P	P	P	P	P	P	P	P	P

Commented [SB69]: Bob - is this a reference to the definition or the supplemental use chapter? We have both.

Commented [CR70]: Need to distinguish between sign area (lettering) and size of the sign

Commented [BB71]: These numbers seem to make sense for the residential districts.

Commented [BB72]: Need to develop applicable standards for the permitted or conditionally permitted non-residential uses including day care facilities, conditionally permitted grocery stores, medical offices, and nurseries.

Commented [CR73]: what is an "applicable use type"?

Commented [BB74]: X ref A-board standards.

Commented [CR75]: Since most sign types are permitted everywhere in these non-residential zones, maybe this could be a simple paragraph saying so, and listing the few exceptions.

Commented [CR76]: Digital message signs should be included in this table - and not allowed in the CBD

Commented [BB77]: Staff asked why these wouldn't be allowed in the LM, LM1, I, and M zones - the answer is that these signs are largely associated with storefront buildings located adjacent to streets/sidewalks - and not buildings set back from the road, which these buildings will (be setback).

Commented [CR78]: just because the building has a setback isn't a reason not to permit projecting signs if they want to use that type

Feather sign (AMC 19.68.zzz(B))		P	P	P	P	P	P	P	P	P	P
Commercial											C
Highway-orientated signage in excess of city sign standards									C		

Conditions:

- Pole signs are only permitted within 100 feet of the SR 20 right-of-way in the LMI and HM districts.
- Special pole, pylon, and monument sign standards for LMI and HM zones within 100 feet of the SR 20 right-of-way.
 - Sign area limit: One square foot/one lineal foot of highway frontage, up to 160 square feet in area.
 - Maximum sign height: 30 feet above the existing grade.
 - There must be a minimum of 4200 feet of SR 20 frontage for each sign except that if a site has less than 4200 lineal feet of SR 20 frontage one such freestanding sign is allowed.
- One feather sign is permitted for each 100 feet of property frontage, except that if a building or site has less than 100 feet of frontage, one feather sign is allowed.

19.68.070 - Freestanding sign standards. (NEW)

Freestanding signs include pole signs, monument signs, pylon signs, post and arm signs, and internal wayfinding signs.

A. Standards for all freestanding signs.

- Where permitted. Applicable freestanding sign types, including pole signs, monument signs, pylon signs, and post and arm signs, are permitted in zones as indicated in Tables 19.68.060(A) and (B) indicate which types of signs are permitted in each zone.
- Permitted number of signs. One sign is permitted per lot street frontage, including a waterfront, and one waterfront sign is permitted where applicable. Additional freestanding signs may be permitted on large properties per Table 19.68.070(A)(2) below.

Table 19.68.070(A)(2) Distance between freestanding signs for properties with large frontages.	
Applicable Speed Limit	Minimum Separation
Less than 35 mph	150'
35-45 mph	200'
More than 45 mph	400'

Figure 19.68.070(A)(3) Example of signs permitted on a large frontage.

Commented [BB79]: Staff noted that this will be important. How will we deal with all the existing ones? Will need more discussion on this.

Commented [BB80]: Items to be completed.

Commented [SB81]: Moved from land use tables in Division 4

Commented [SB82]: Moved from land use tables in Division 4.

Commented [BB83]: This is an existing provision – though we've updated to clarify that pylon signs are an allowed type.

Commented [BB84]: Consistent with proposed sign separation standards for SR 20 – with 45mph plus.

Commented [CR85]: without a limit, we could get rows of feather signs

Commented [BB86]: To clarify with staff whether the term "lot" or "parcel" should be used in this type of instance. Lot seems to be the correct term, per our definition.

Commented [SB87]: Since we've allowed waterfront signs for building-mounted, should we do the same for freestanding?

Commented [CR88]: this may need complete re-wording because conditions differ. One block may have a single parcel with a single building containing a single business. Another block may have a single building with 4 businesses. Another may have 4 separate parcels, each with its own business.

Commented [BB89]: Staff noted that we'll need to make sure there are no conflicts with the shoreline master plan.



An example of a shopping center with a large frontage where multiple freestanding signs are allowed. The fronting street has a posted speed limit of 35 miles per hour, which requires a minimum sign separation of 200 feet. These signs are 250 feet apart, and thus meet the minimum (200') standard.

3. Location and landscaping.

- a. Freestanding signs are prohibited on block frontages that are designated storefront per maps in AMC 19.61.040, as all business signs along such frontages must be mounted on the buildings.
- b. Setback. All freestanding signs must be located at least five feet from a public ROW unless a greater setback is specified in this chapter. ~~At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure must not be less than 50 feet from the established right-of-way of each highway or street. At intersections, sign setbacks must meet the requirements of the () street standards) regarding view blockage.~~
- c. Landscaping. All signs must include landscaping around the base of freestanding signs to enhance the character of street frontages. Specifically, at least one square foot of landscaped area must be provided per one square ~~feet-foot~~ of sign area.

B. Pole signs. Pole signs are permitted only in the LMI and HM zones in locations within 100 feet of the SR 20 right-of-way and subject to Table 19.68.060(B) and the freestanding sign standards in subsection (A) above.

C. Monument signs.

1. When allowed:
 - a. Monument signs are permitted for individual businesses and multi-tenant commercial developments within the zones specified in Table 19.68.060(B).
 - b. ~~Monument sign types must not be placed between the street and any building that features a street setback less than 15 feet.~~
 - c. A monument sign may not be used in concert with another freestanding sign type on a lot frontage, except when multiple freestanding sign types are allowed per lot frontage per AMC 19.68.070(A)(2).
2. Sign form. Monument signs must be designed so they appear firmly anchored to the ground for at least 40 percent of their width. ~~This includes:~~
 - a. ~~Monument signs, as defined in Table 19.68.050.~~

Commented [BB90]: New provision that seemed to be common sense with the block frontage standards. There may be some pre-existing examples, but those would be legal nonconforming.

Commented [CR91]: do we have any federal highways?

Commented [BB92]: Existing standard moved here from elsewhere.

Commented [BB93]: Note- the table referenced IDs size and height standards, all unchanged from existing code: Sign area limit: One square foot/one lineal foot of highway frontage, up to 160 square feet in area; Maximum sign height: 30 feet above the existing grade

Commented [BB94]: Reviewers: The following monument sign provisions include multiple new items intended to enhance the quality of signs consistent with design character goals in the comprehensive plan. Staff has wondered about the level of detail and complication necessary for Anacortes. Rather than edit out provisions, we wanted to share some of these ideas with the public, to see where there was agreements, concerns, suggestions, etc.

Commented [CR95]: this level of detail will just confuse the public. Significant simplification is needed BEFORE the next draft goes public

Commented [CR96]: I find it a bit humorous that we get into so much picky detail with multiple illustrations regarding signs, when other important topics are given a broad brush treatment. Keep it simple.

Commented [CR97]: why not?

- b. Signs where the base (where the sign structure meets the ground plane) is at least 40 percent of the width of the total sign width.

Figure 19.68.070(C)(3)

Minimum ground anchoring provisions for monument signs.



3. **Materials and design.** Monument signs 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 sides. Alternatively, signs that have a substantial framing element on one side will meet this provision. Departures per AMC 19.20.250 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.

Commented [8898]: Reviewers, one option is to only apply these standard to certain zones or corridors, such as South Commercial Ave

Figure 19.68.070(C)(4)(a)

Good examples of monument signs with framing elements on one side.



Commented [CR99]: delete these examples and all the specific details - they are much too picky. The illustration in the middle is a HUGE sign. If we must have this, choose a smaller scale illustration which actually shows the base so we can tell it's a monument sign.

- b. **Materials and design.** Monument signs ~~They~~ must include durable high-quality materials 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 19.68.070(C)(4)(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 19.68.070(C)(4)(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.

Figure 19.68.070(C)(4)(c-3)

Unacceptable examples of monument signs.

Commented [CR100]: the left example is confusing, because it looks as though the sign is attached to the pole, not the ground. Use the right-hand illustration from **Figure 19.68.070(C)(4)(a)** instead.

Commented [CR101]: by including this description we can indicate preferred characteristics without getting bogged down in specific details



The far left sign includes a base and a frame, but no identifiable top. The middle and right signs fail to meet any of the design provisions above.

5. Location and landscaping:

- a. **Setback.** All monument signs must be located at least five feet from a public right-of-way unless a greater setback is specified in this chapter.
- b. **Landscaping.** All signs must include landscaping around the base of monument signs to enhance the character of street frontages. Specifically, at least one square foot of landscaped area must be provided per one square foot of sign area.

Figure 19.68.060(A)(5)
Minimum base height for sign copy.



6. Maximum size and height.

- a. **Table 19.68.070(A)(6)(a) illustrates** For all monumental signs, the maximum allowable sign area (the area of text and logos measured per 19.68.040) is 40 square feet. The sign structure may be up to 7 feet in height and 10 feet in width, and height for all monument signs. Exception: Allowable sign area and height for monument signs in the LMI and HM zones within 100 feet of the SR 20 right-of-way are set forth in Table 19.68.070(B).

Table 19.68.070(A)(6)(a)
Maximum monument sign height and area.

Commented [CR102]: delete these examples.

Commented [CR103]: this is already covered in the general requirements for free-standing signs

Commented [CR104]: Sign area is defined above as the area of the lettering. Do we want to distinguish between the area of the lettering and the max size of the structure?

Commented [BB105]: Note that with the proposed block frontage provisions, signage attached to buildings will become more visible and prominent, since most buildings will be built closer to the street. The chart below still allows modest sized monument signs – with the provision for larger and taller signs for larger properties. For most properties in Anacortes, the signs will need to be smaller and shorter, but for larger properties, the signs could be bigger.

Commented [BB106]: This exception acknowledges current sign allowances for the SR-20 corridor.

Commented [BB107]: Note – current formula for freestanding signs = 1sf / 1-1/2lf of street frontage (I assume for property – not the building) / up to a max of 10' in height and 60sf. Note that in this scenario – you nearly always get to the max immediately – as most frontages, on say, Commercial Ave outside of downtown are greater than 60' wide. Example case scenarios below for 130' property.

Commented [CR108]: What's wrong with getting to the max immediately - it makes for consistency. Why not just say max allowed and let it go at that? **Need to differentiate between sign area (text) and size of the supporting structure.**

Commented [CR109]: This is far too much detailed regulation. we should not be getting into colors of signs. **A regulation nightmare! Delete this table!**

Total ROW Frontage of Parcel (on each street)	Allowable Sign Area (white/very light background)	Allowable Sign Area (shaded or dark background)	Maximum Height (white/very light background)	Maximum Height (shaded or dark background)
Less than 200 Feet	24 sq. ft.	40 sq. ft.	6 feet	7 feet
200 – 399 Feet	36 sq. ft.	54 sq. ft.	7 feet	8 feet
400 – 599 Feet	50 sq. ft.	70 sq. ft.	8 feet	9 feet
600 – 799 Feet	60 sq. ft.	80 sq. ft.	8 feet	10 feet
800 – 999 Feet	66 sq. ft.	88 sq. ft.	9 feet	11 feet
1000 Feet or More	72 sq. ft.	96 sq. ft.	9 feet	12 feet

c. Base height provision. The copy of all signage must be at least one foot above grade.

d. Shaded or dark background signs. Such signs are allowed larger sign areas, as they are found to be less visually intrusive than signs incorporating white or very light colored background. In order to qualify for additional area as a “shaded or dark background” sign in Table 19.68.060(A)(6)(a), signs must meet the following standards:

(1) At least 50 percent of the sign copy must employ shaded or dark background colors per subsection (C)(6)(d)(2) below.

(2) Using a CMYK color chart, sign background that employs color numbers that add up to at least 20 (collectively) are considered as “shaded”. For example:

C=0, M=0, Y=0, K=20 = Shaded

C=10, M=0, Y=0, K=10 = Shaded

C=10, M=0, Y=0, K=0 = Not considered to be Shaded

Figure 19.68.070(A)(6)(d)

Examples of shading.



The black, dark, and shaded signs above qualify for the extra sign area and height specified in the shaded columns of Table 16.75.070(A)(6)(a). The sign on the right with the white background is allowed (but doesn't qualify for the “bonus” sign area and height) and subject to the sign area/height in the unshaded columns above in Table 16.75.070(A)(6)(a).

e. Departures. Applicants seeking a larger and/or taller sign may apply for a departure per AMC 19.20.250 to allow for sign height and area up to 50 percent greater than specified above. In

Commented [BB110]: Most frontages on Commercial Ave will fall under this category. One case scenario is this 130' wide parcel:



I'm guessing this sign is between 30-40sf and definitely more than 10' tall. Under the current code – it could be bigger (up to 60sf) but would need to meet the 10' max height. Under the proposed code – this sign would be limited to 7' tall and 40sf if meeting in the shaded or dark background provision (it probably meets the 50% rule in (b)(1)). All in all – not a big difference.

Commented [BB111]: Second case scenario – site 60' wide (one of the only ones that size with a building setback off the street):



This “for sale” pylon sign is about 5' tall and between 15-20sf. Again, under current code - it could be bigger (up to 60sf) and up to 10' tall. Again, under the proposed code, this sign could be up to 7' tall and 40sf if meeting in the shaded or dark background provision.

Commented [BB112]: Applicants would need to demonstrate compliance with the standard. CMYK is used for anything printed, including signs and applicants should be able to provide the info.

order to qualify for a departure, signs must include a distinctive one-of-a-kind design that includes a high quality mixture of materials.

Figure 19.68.070(A)(6)(e)

Example of a signs that would qualify for a departure.



The sign on the left is an example of a sign that meets basic standards, whereas the sign on the right uses a distinctive one-of-a-kind design and would qualify for a departure.

- f. Names for multi-tenant commercial centers (centers that include two or more tenants) are exempt from allowable sign area calculations specified above, provide the center name is distinct from the names of any tenants (for example, Joe's Center would be too closely related to a tenant name Joe's Books). Monument signs incorporating center names are allowed +5 percent greater sign height than specified above, to be up to 8 feet in height.

Figure 19.68.070(A)(6)(f)

Examples of commercial center signs.



Examples of sign integrating center names (exempt from sign area calculations).

Commented [CR113]: So, if I build a sign shaped like a flamingo (a distinctive one-of-a-kind design) made out of titanium and emeralds and polished marble (a high quality mixture of materials) do I automatically get a higher and larger sign? This is too open ended and subjective. Simple, attractive signs would be treated unfairly.

Commented [CR114]: This is silly. Put on a little more brick and a curvy top and I get to build a bigger sign? Delete these examples (they aren't even very attractive). Get rid of this departure language. It's too subjective and open to abuse.

Commented [CR115]: OK to allow a little more area for the name of the commercial center, but total exemption from size would be open to abuse. These examples are larger than would be appropriate scale for Anacortes. Can you find some simpler examples?

D. Pylon signs.

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I. When allowed.

- a. Pylon signs are permitted for individual businesses and multi-tenant commercial developments within the zones specified in Table 19.68.060(B).
 - ~~b. Pylon sign types must not be placed between the street and any building that features a street setback less than 15 feet.~~
 - c. A Pylon sign may not be used in concert with another freestanding sign type on a lot frontage, except when multiple freestanding sign types are allowed per lot frontage per AMC 19.68.070(A)(2).
2. Design standards. All pylon signs ~~are subject to the height and area standards of Table 19.68.070(A)(6)(a), provided they~~ are limited to a maximum of ~~eight-six~~ eight feet in height, ~~five feet in width, and 20 square feet in sign area.~~ Exception: Allowable sign area and height for pylon signs in the LMI and HM zones within 100 feet of the SR 20 right-of-way are set forth in Table 19.68.070(B).

Commented [CR116]: what's wrong with a small pylon sign in this setback?

Commented [BB117]: Note – since pylon signs are generally small and not internally lit, we excluded detailed design standards – such as special materials and framing standards.

Commented [BB118]: This exception acknowledges current sign allowances for the SR-20 corridor.

E. Post and arm signs.

1. When allowed ~~in a zone, one post and arm sign is permitted for each individual business. In a multi-tenant commercial building or complex, one sign is allowed for the group of businesses.~~
 - ~~a. Post and arm signs are permitted for individual businesses and multi-tenant commercial developments within the zones specified in Table 19.68.060(B).~~
 - ~~b. Post and arm sign types must not be placed between the street and any building that features a street setback less than 15 feet.~~
 - ~~c. A post and arm sign may not be used in concert with another freestanding sign type on a lot frontage, except when multiple freestanding sign types are allowed per lot frontage per AMC 19.68.070(A)(2).~~
2. Design standards. Post and arm signs are intended to be relatively small signs and thus limited to five feet in height and no more than ten square feet of sign area.

Commented [CR119]: where else would you put this type of sign, except in the front setback?

Commented [CR120]: Why do we need to repeat the "where allowed" and "not with any other" language in every section? It should be obvious that each type is allowed where the table says so, and it already says that only one freestanding sign is allowed. Suggest making this change for all sections.

F. Internal ~~w~~Wayfinding signs.

1. Purpose. To aid visitors in finding the location of a business, use or building on large commercial development sites, and in locating public amenities or facilities such as City Hall or public restrooms.
2. Sign content. Signs may include only the name of the business, use, or building together with the directional guidance information.
3. Location. Signs may be located on pathways or landscape islands provided they don't inhibit pedestrian movement along the pathway.
4. Sign types. ~~Internal ~~w~~Wayfindings~~ signs may ~~come be~~ in the form of monument, pylon, or post & arm sign types, ~~except that signs placed along pathways may be placed or~~ on buildings as a wall sign.
5. Size. Freestanding sign types may be up to five feet height and contain no more than 15 square feet in sign area. Wall sign types must be placed at location oriented to a pathway and contain no more than ten square feet in sign area. Wayfinding signs are in addition to the number and area of signs allowed for business premises.

Commented [SB121]: What about also in this situation identified in existing code?

"In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street facade on which to place a sign"

We need to address both the vehicular wayfinding and the pedestrian wayfinding. Let me know if I should proceed.

Commented [BB122]: Note that such way finding signs on buildings should/can be smaller if they are oriented to pedestrians.

6. Design. Signs must be designed in a uniform manner (within an individual subdivision or center), using consistent background color, typeface colors. Dark background colors with light-colored text are required. See Figure 19.68.070(F) for an example.

Figure 19.68.070(F)

Internal wayfinding sign examples.



Note the consistent design themes using dark backgrounds with light-colored text.

G. Digital and changeable-copy message signage integration.

Digital and changeable-copy message 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. This would allow a multi-tenant center to rotate the names of businesses used in the monument signs, allowing greater visibility opportunities for individual businesses in the center.
2. Up to 33 percent of the allowed sign copy area may be used for digital 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 19.68.070(F)

Example of integrating digital signage.

The sign above features digital directory message signage (Tahitian Pearls, which occupies the middle 33% of the sign copy) and digital signage that features changeable messages (bottom 33% of sign copy). The combined digital signage represents the maximum 67% of the total sign copy area.



4. Any form of technology may be used for the sign elements described herein, provided they meet the following provisions:

Commented [CR123]: perhaps what is meant here is a lighted panel on which letters are placed manually to change the message. If so, does this need a separate section? It is very different from a digital sign.

Commented [CR124]: The sign definition section uses the term "digital message sign" so be consistent.

Commented [BB125]: Staff – take special note! These could be included in/on monument signs even in residential zones – provided they are not backlit. Church signs are a good example.

Commented [CR126]: Is there a reason a digital sign couldn't be a wall or window or projecting sign?

Commented [CR127]: This is unnecessary regulation. Of course, people can change the names of businesses on a sign as the businesses change. We don't have any area with so many tenants that they need a digital directory separate from the "message" area.

Commented [CR128]: Doesn't matter whether the message is a business name or any other message type (content neutral). Limit the area allowed for digital signage and they can decide what they want to say within that area.

Commented [BB129]: Close review. External lighting is probably more appropriate in residential zones.

Commented [CR130]: Maybe simpler to allow only external lighting type in residential zones for any sign type.

Commented [CR131]: find a better example.

Commented [BB132]: A good information source for where these standards (which have been adopted by the City of Lacey after a lengthy code development process with sign designers): <http://www.illinoislighting.org/billboards.html>

- a. Maintain a 10 second minimum dwell time for the ~~directory-text~~ and any images. Changes in ~~directory-text~~ 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 standards — adopt a trespass limit of 0.1 foot-candles at the property line of any park or residential property.~~

Commented [BB133]: Will need to add definition: "Nit" means a photometric unit of measurement referring to luminance. One nit is equal to one cd/m². Sign applicants using this technology will need to demonstrate compliance via programming agreement.

Commented [CR134]: Signs should be subject to the same glare standards as any other lighting.

19.68.080 - Building-mounted sign standards. (NEW)

Building-mounted signs include wall signs, projecting signs, marquee/awning signs, under-canopy signs, and window signs.

A. Wall signs.

1. Permitted number of signs.
 - a. ~~Tenants are~~ Each business is allowed ~~a maximum of one~~ primary wall sign per facade that is visible from an adjacent street, customer parking lot, alley, or waterfront.
 - b. Businesses may include additional smaller signs describing the types of products and/or services that the business offers, provided the sign areas collectively comply with maximum size requirements.
 - c. Commercial tenants on upper levels may include a wall sign placed on facade above the business provided the permitted sign area must be shared with tenant below and the location/design meets the applicable standards in this subsection. Exception: wall signs on upper stories are not permitted in the CBD zone, however each upper story business is permitted one window sign per facade.
 - d. In a multi-tenant building with businesses on upper floors and/or in interior spaces having no street facade 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 centered, proportional, and shaped~~ to the architectural features of the building. Signage ~~width~~ may not exceed 2/3 of individual storefront ~~dimension~~ width. This standard also applies to upper level businesses.
 - b. ~~Projection-Projecting of wall~~ signs must not exceed four feet measured from the face of the main building plus a four-inch mounting, and the sign area must not exceed thirty-six square feet.
 - c. 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 canopies, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
 - d. ~~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 19.68.080(A)(2)
Illustrating wall sign standards.

Commented [CR135]: you can't say a maximum of one and then allow more than one in the next paragraph

Commented [BB136]: Reflects current signage option for water facing facades – though here – it applies the same standards as other facades – as far as permitted sign area. **Staff noted to double check with SMP.**

Commented [BB137]: Existing provision to be kept

Commented [CR138]: depending on the building design, a sign placed asymmetrically rather than centered may be appropriate.

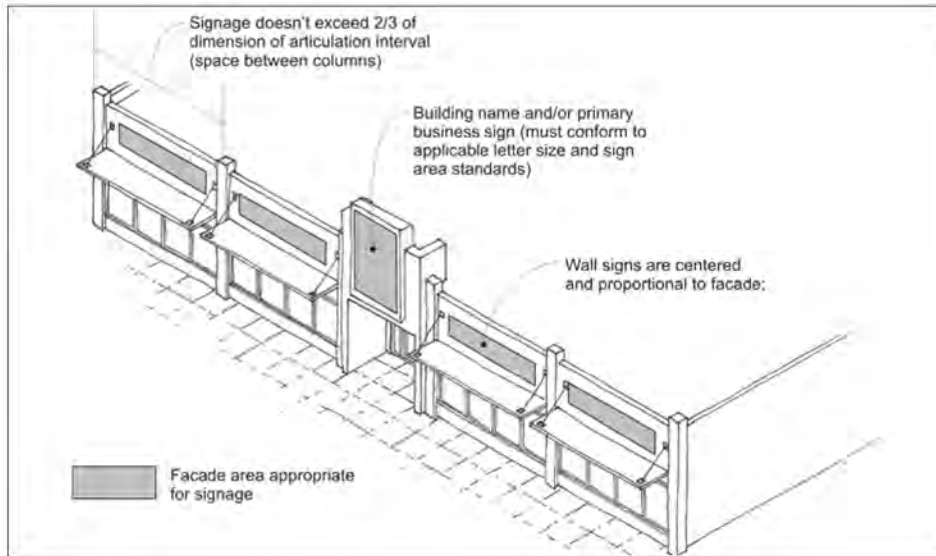
Commented [BB139]: Staff had some concerns about administration of this language. **More discussion needed.**

Commented [BB140]: Signs wider than this, even on small storefronts, will likely look out of proportion with the facade. Example:



Commented [SB141]: Existing standard moved from 17.40.080(A)(2). Four feet is quite wide – may consider adjusting downward.

Commented [CR142]: unnecessary detail



3. Maximum size for individual tenants. Table 19.68.080(A)(3) below provides standards for the maximum amount of wall, canopy, or awning signage on each building elevation. For building elevations that include signage for upper level businesses, the standards apply to the entire building elevation.

Table 19.68.080(A)(3)		
Sign area standards for wall, canopy, or awning signs for each tenant's facade.		
Tenant facade area	Maximum sign area (for tenant's facade)	
	Wall sign with internal lighting	wall, canopy, or awning signs without internal lighting
Below 200 sf	15% of the facade	25% of the facade
200 - 349 sf	14% of the facade	22.5% of the facade
350 - 499 sf	13% of the facade	20% of the facade
500 - 999 sf	12% of the facade	17.5% of the facade
999 - 1499 sf	11% of the facade	15% of the facade
1500-1999 sf	10% of the facade	12.5% of the facade
Over 2000 sf	10% of the facade	10% of the facade

Commented [BB143]: Note special approach – allows bigger signs where there's no internal lighting.

Commented [BB144]: As defined - 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

Commented [BB145]: Note –MAKERS to provide a graphic explanation/example of how these standards work

Figure 19.68.080(A)(3-1)
Acceptable wall sign examples.

Figure 19.68.080(A)(3-1)
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.

Commented [CR146]: Need to differentiate the "sign area" (which is defined as the box around the text) and the area of the supporting structure. The Peets, Pancera and Sorrento's signs have a contrasting support which expands the visual impact of the sign. Imagine the Peets sign with the same size letters, but a much larger dark support behind it. The impact would be different.

Figure 19.68.080(A)(3-2)
Unacceptable wall sign example.



Most or all of these signs clearly exceed 2/3's of the width of their respective individual storefronts.

4. Maximum height. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building.
5. Mounting.
 - a. Wall signs should be mounted plumb with the building, with a maximum protrusion of one-foot ~~unless the sign incorporates sculptural elements or architectural devices.~~
 - b. The sign's structural frame must be concealed or integrated into the sign or the building's architectural character in terms of form, color, and materials.
6. Building name signs. ~~Signs- One wall sign up to 10 square feet in area that advertise contains the name of the building and is not associated with the name of any individual business are exempt from the sign area standards set forth in Table 19.68.080(A)(3) above. is allowed in addition to other permitted signage.~~

~~Signs must be placed near the top of the façade and generally centered on the architectural features of the building. Departures per AMC 19.20.250 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.~~

Commented [CR147]: Looks like a couple of them may also exceed the allowable sign area.

Commented [CR148]: what is the definition of an architectural device? Is a garage door or a toilet an architectural device? Keep it simple.

Commented [BB149]: Staff noted that 19.68.020(C)(2) exempts building names that are cut into the building or do not project more than 2" from needing a building permit – issue needs to be reconciled.

Commented [CR150]: too much detail - building sign could be various places such as above or beside the main entrance - shouldn't require a departure process - too much bureaucracy

Figure 19.68.080(A)(6)
Acceptable building name sign.

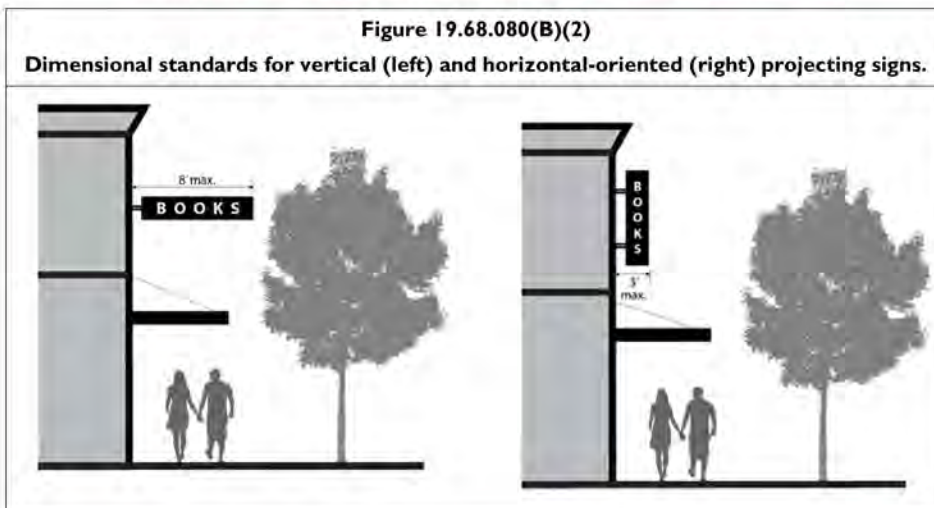


Commented [CR151]: choose an example with a more modest size sign - we have very few monumental buildings in town

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.

1. Permitted number of signs. Tenants are allowed a maximum of one projecting sign per facade that is visible from a street or customer parking lot.
2. 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. In the CBD zone, no more than six feet.
 - ii. Square or vertically oriented signs: No more than three feet.
 - iii. Signs may project into public rights-of-way for storefront buildings, but must not extend over the curb into the travel lane or interfere with street trees or utilities.
 - b. Height:
 - i. Horizontally oriented signs: No more than three feet.
 - ii. Vertically oriented signs: No more than eight feet. Must not extend above the building parapet, soffit, the eave line or the roof of the building, except for theaters, hotels, large scale retail uses (over 50,000 square feet of net floor area), place names for large retail centers (over 75,000 square feet of net floor area), or places of public assembly.

Commented [CR152]: why single out these uses?



- c. Departures per AMC 19.20.250 to the provisions in subsection (a) and (b) above will be considered may be approved by the Director up to 25 percent above the base dimensions, provided the sign design is compatible with the design of the building in terms of location,

Commented [CR153]: don't make it unlimited

scale, and design elements, doesn't create a public safety hazard, and provides a positive contribution to the streetscape.

3. Vertical clearance. Signs must be placed a minimum of eight feet above the sidewalk or walkway.
4. Location. Projecting signs must not be located directly over windows or in conflict with other signs or architectural features of the building.
 - a. When a projecting sign is displayed on the same building wall as a wall sign, the projecting sign must may be mounted either directly below the wall sign (the primary sign where multiple wall signs are displayed) and centered on the midpoint of such sign, or beside and in line with the wall sign. Alternatively, a projecting sign may be displayed at the intersection (corner) of two building walls.
 - b. Where a projecting sign is displayed on the corner of a building, no other projecting sign may be displayed on either intersecting building wall within thirty feet of that corner.

Figure 19.68.070(B)(4)

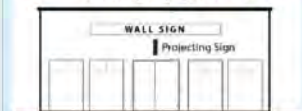
Acceptable and unacceptable projecting sign examples.



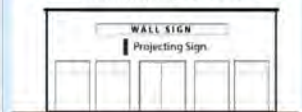
The example on the right includes two complementary projecting signs that are separated enough that they don't conflict or cause visual clutter. The second sign is smaller and advertises the lounge that's within the restaurant.

Commented [SB154]: Interesting provisions from Concord. Accommodating graphics that we might consider adding

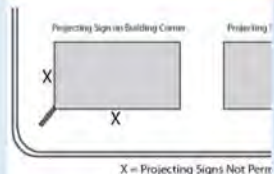
Correct Projecting Sign Placement



Incorrect Projecting Sign Placement



Commented [CR155]: in the upper example, if there are several businesses in the building, and the projecting sign is for only one of them, it should be over the business entrance and not centered under the larger sign. This is too rigid and doesn't allow for various circumstances.



X = Projecting Signs Not Permitted

Commented [SB156]:

Commented [CR157]: there could be a different business facing either street that is unrelated to the sign on the corner, and they could have a sign if it's not too close



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, or as part of the total allowed sign area (except where otherwise specified herein), provided they meet the following conditions:

1. Permitted number of signs. Tenants are allowed a maximum of one marquee or awning sign per facade that is visible from a street or customer parking lot. Exception: where an individual business uses multiple awnings or marquees, additional signs may be included on these provided they meet other applicable standards herein.
2. Sign area. A maximum of twenty percent of the sign area may be on the marquee/awning sign. See Table 19.68.070(A)(3) above for maximum sign area.
3. Sign width. Signage must not exceed 2/3 of individual awning or marquee width.
4. Letter height. The lettering height must be proportional to the architectural features of the building, such as a canopy, to which the sign is attached. ~~For example, is may not be so large that it blocks windows or other significant architectural features of the building. Maximum lettering height is twelve inches.~~
5. Vertical clearance. Signs must be placed a minimum of eight feet above the sidewalk or walkway.
6. Location: Marquee signs may be placed on the front, above, ~~or below and/or on the sides of the~~ marquee.
7. Content: For individual storefronts 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 19.68.080(C)

Marquee and awning sign examples & standards.

Commented [CR158]: A business can have a primary wall sign supplemented by words along the edge of a canopy

Commented [CR159]: this avoids large, visually obtrusive signs perching on the front edge of the canopy over the sidewalk. Larger signs belong on the building facade.

Commented [CR160]: this keeps lettering in reasonable proportion to the canopy

Commented [CR161]: if below, it would be defined as an under-canopy sign, not a marquee sign.



Commented [CR162]: I have concerns about the examples where the sign is on top of the outer edge of the canopy as in the left drawing and center photo. If we allow the total sign area to be on the canopy, that moves a large sign over the public sidewalk and closer to the street. They could be visually overwhelming. When driving down the street, that canopy sign blocks the view of adjacent buildings and their wall signs. Don't think we want to encourage the look of big signs on the edges of canopies. (also a structural challenge because of the sign weight in wind) Canopy signs should be minor secondary signs. Suggest a maximum amount of the signage that can be on the canopy, or size limits.

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 walkway. Applicable standards:

1. Permitted number of signs. Tenants are allowed a maximum of one marquee or awning sign per facade that is visible from a street or customer parking lot. Exception: For businesses with multiple entries onto a sidewalk or walkway, one under canopy sign is permitted for each entrance.
2. Sign width. ~~Under~~ Under-canopy signs must have one-foot minimum clearance between the sign and the outer edge of the marquee, awning, or canopy and between the sign and the building facade.
3. Sign height. Under canopy signs may not exceed two feet in height.
4. Vertical clearance. Signs must be placed a minimum of eight feet above the sidewalk or walkway.

Figure 19.68.070(D)

Under canopy standards and example.



E. Window signs.

~~Opaque~~ Signs in windows are limited to ~~30~~ twenty percent of the total tenant window area (including transparent glass in doors). Signs that consist of lettering painted on or adhered to the transparent glass in a manner that allows light to pass between the letters may occupy up to twenty percent of the glass area in addition to the opaque signs, or up to thirty percent if there are no opaque signs.

Figure 19.68.080(A)(2)

Window sign standards and examples.

Commented [CR163]: this encourages transparency

Commented [SB164]: Do we want to say anything about whether this applies to glass doors?

AND: incidentals like menus, store hours, credit card logos, "open" signs, business licenses, health inspector ratings, etc.?

Commented [BB165]: If there's a glass door then that qualifies as a window – as per definition – you can see through it into the business. All those incidentals would qualify as signs. Altogether, 30% max. Note that this is one of the most challenging standards to enforce – for that very reason. But it's still an important standard to set forth.



Signs Opaque-signs in windows are limited to 30-20 percent of the total tenant window area. The coffee shop in the upper right image uses a variety of window signs, but-and meets the 3020% limit for opaque signs plus allowable lettering that admits light around the letters. The lower right image clearly exceeds the 3020% limit and effectively minimizes the transparency of this storefront.



Commented [CR166]: put a diagonal red line across the one at lower right

19.68.090 - Temporary sign standards. (NEW)**UNDER CONSTRUCTION**

Commented [BB167]: MAKERS has prepared a rough initial draft update that in the process of being refined and needs to be reviewed by Staff.

19.68.100 - Supplemental sign setback requirements. (17.40.110)**SECTION INCLUDES SOME EXISTING CONTENT THAT NEEDS TO BE INTEGRATED – HERE OR ELSEWHERE. UNDER CONSTRUCTION.****19.68.110 - Legal nonconforming signs. (completely updated from 17.40.030.L)**

Legal nonconforming signs may remain in use only under the following conditions:

- A. No such sign may be changed in any manner that increases the noncompliance 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. When a sign is structurally altered, it ceases to be a legal 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 except that reinforcement to improve the structural stability of the sign while not substantially changing its appearance is allowed.
- D. When a business or activity associated with a legal nonconforming sign is enlarged or remodeled to a value of fifty percent or more of existing value of real property improvements, then such sign must be removed or brought into conformity with this chapter. The Director may approve retaining a nonconforming sign if it is substantially in compliance with current codes, the degree of non-compliance is minor (such as being a few square inches over the allowable area), and the cost of bringing the sign into compliance is significant.
- E. The Director may approve retaining a nonconforming sign if it is determined, in consultation with the Historic Preservation Board, that it is important to the history of Anacortes.
- E. ~~When a business or activity containing a legal nonconforming sign changes the type of the business, then such sign must be brought into conformance with this chapter.~~
- F. ~~Violations. Any violation of this chapter must terminate immediately the right to maintain a nonconforming sign.~~

Commented [BB168]: Possible new location and provisions for such signs.

Commented [CR169]: how can this be proved? Are dated historic photos sufficient?

Commented [CR170]: we don't want to encourage people to keep structurally dangerous signs just because reinforcing them would trigger removal

Commented [BB171]: Staff noted that we need to reconcile this with the other nonconforming section in 19.68.030

19.68.120 - Violations. (17.40.160)

In case any sign must be installed, erected, constructed or maintained in violation of any of the terms of this title, the building inspector 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 is punishable under Chapter 17.66 of this title.

Signs on public property and in a public right of way deemed to be in violation of this title may be removed by the city staff upon notice of the violation without notice or compensation.

Commented [CR172]: For example, a painted sign covering most of the side of a building, which advertised something over 50 years ago, or an old theater marquee.

Commented [CR173]: This is too restrictive. Some nonconforming signs are historic and complement the building even if they don't meet new standards. Businesses should be allowed to keep these signs and change the wording as long as the size and shape of the sign aren't changed as required in C. If the sign is removed, then it can't be replaced, but as long as it is maintained, it should be allowed to stay.

Commented [CR174]: why would a violation of some other part of the entire chapter trigger removal of an unrelated sign?

Commented [LBG175]: Title 20 contains code enforcement procedures, need to determine if it's necessary to have any sign-specific enforcement language here.

Commented [CR176]: consistent with language in other sections above

Commented [SB177]: Not sure we explicitly write in this authorization anywhere else in the code.

Commented [BB178]: Suggested in light of Gilbert/Reed. US Supreme Court case

Commented [CR179]: This should be moved to the beginning, or end of the code somewhere, so that it applies to the entire thing, not just the sign portion

19.68.140 - Severability. (NEW)

- A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, such decision must not affect,

DRAFT ANACORTES DEVELOPMENT REGULATIONS 20171208-Pub1stDraft-Signs CR edits20171208-Pub1stDraft-Signs

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.

~~19.68.070 – Signs permitted in residential districts but requiring a permit and not exceeding twelve feet in height. (17.40.070)~~

~~Any sign advertising a commercial enterprise, including a real estate development or subdivision, in a district-zoned residential. Such signs must not exceed sixteen square feet in area and must advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located, and must be limited to one sign per premises. (Ord. 2316 (part), 1994)~~

Commented [SB180]: Replaced by Table 19.68.060(A) and footnotes.

~~19.68.060 – Signs permitted in all districts but not requiring a permit and not exceeding twelve feet in height. (17.40.060)~~

~~A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located. Such signs must be limited to one sign per street frontage, and must not exceed twelve square feet in area, except in all residential districts where the area of the sign must not be more than six square feet. Such signs must not be placed on the public right-of-way, may be placed within a required yard setback, and must be promptly removed when the premises has been rented or sold, or the listing has expired. Off-site real estate signs are not permitted, except for open house signs as allowed by section 17.40.130.~~

Commented [SB181]: Moved to new temporary sign section.

~~B. Professional name plates not to exceed four square feet in area. Where a group of professionals has one sign an additional sign area of up to twelve square feet is permitted;~~

~~C. Signs denoting the name and address of the occupants of the premises, not to exceed two square feet in area;~~

~~D. Signs and/or bulletin boards customarily incidental to places of worship, social clubs, or societies. These signs and/or bulletin boards must not exceed a total of thirty square feet in area, and must be located on the premises of such institution;~~

~~E. Signs at construction sites pertaining to the contractors, design professionals, financial institutions, and similar entities involved in the project. In residential zones, each such sign must be limited to thirty-two square feet in area; in nonresidential zones, each sign must be limited to thirty-two square feet in area. Such signs must be promptly removed at the completion of construction;~~

Commented [SB182]: Moved to new "Signs types not requiring a permit" section.

~~19.68.090 – Signs permitted in the LMI and HM Districts. (17.40.085)~~

~~The regulations set forth in this section must apply to signs within one hundred feet of the SR 20 right-of-way in the LMI and HM districts and must require a permit. Signs more than one hundred feet from the SR 20 right-of-way must meet the requirements of Section 17.40.080.~~

~~A. Freestanding signs. Freestanding signs must not exceed one square foot in area for each lineal foot of highway frontage and must not exceed one hundred sixty square feet in area and must not exceed thirty feet in height above the existing grade. There must be a minimum of two hundred feet or SR 20 frontage for each freestanding sign except that if a site has less than two hundred lineal feet of SR 20 frontage one freestanding sign is allowed.~~

Commented [SB183]: Moved from the last item in the list.

~~B. Building mounted signs. Building mounted signs must not exceed ten percent of the area of the face of the wall on which the sign is mounted and must not exceed two hundred square feet in area.~~

Commented [SB184]: Replaced with footnote in Table 19.68.060(B).

~~1. Projection of wall signs must not exceed six feet measured from the face of the main building plus a four-inch mounting and a projecting wall sign must not exceed thirty-six square feet.~~

Commented [SB185]: Replaced by new standards for size of building-mounted signs.

Commented [SB186]: Replaced by new standards for wall signs and projecting signs.

2. Marquees, mansard roofs and building canopies are considered to be part of the building structure, and accordingly the wall sign requirements apply, provided, however that the sign(s) do not extend beyond the structure, except for an on-the-marquee sign which can project no more than one foot above the top of the marquee, where marquees are permitted. An under marquee sign is permitted for each business provided the sign does not exceed one foot by five feet. A minimum of eight feet clearance from the surface below to the sign must be maintained.
3. One "banner" sign is permitted in addition to the building mounted signs. A banner sign is defined as "a strip of durable fabric on which a sign is printed;" paper or reinforced cardboard type signs are prohibited. A banner sign must be fixed in place and must not exceed twenty-four square feet in size, must be maintained in a good condition, and must meet all applicable general requirements of this chapter.
- C. Temporary signs not exceeding seventy-five square feet in area, announcing special public or institutional events, or the erection of a building (including the contractors, design professionals, financial institutions, and similar entities involved in the project on the same sign), may be erected for a period of thirty days plus the construction period or duration of the special event. Such signs must be promptly removed at the conclusion of the event or completion of construction.
- D. One "A" board sign is permitted in addition to the wall and free-standing sign allowance. Each sign is not to exceed eight square feet and not to exceed thirty inches in width; maximum height must not exceed fifty-two inches in a closed (folded) position. "A" board signs must be placed on the business premises advertised and must be placed in a location not impeding public right-of-way and must be maintained in good condition.
- E. Essential public needs. Signs identifying essential public needs such as restrooms, telephone, beware of dog, entrance, exit, parking area, delivery area, etc. Such signs must not exceed six square feet.
- F. Balloons of up to sixteen inches in diameter are permitted as incidental signs in the LM and HM, as are windsocks and strings of flags, provided all applicable general requirements of this chapter are met.
- G. An article or specialty design theme, such as a wall mural, which exceeds the size limit indicated in this chapter, and which bears no sign message and has no advertising intent may be approved by the planning commission.
- H. Signs more than one hundred feet from the SR 20 right-of-way must meet the requirements of Section 17.40.080.

Commented [SB187]: Repetitive of the nonresidential district section, plus this is covered by new detailed design standards for specific sign types.

Commented [SB188]: Moved to new temporary signs section.

Commented [SB189]: Moved to new temporary signs section.

Commented [SB190]: Covered by new temporary use section.

Commented [SB191]: Same provision covered in GENERAL REQUIREMENTS.

Commented [SB192]: Moved to temporary sign standards section.

Commented [SB193]: No need for PC to be involved. Design standards provide departure opportunities for unique signs.

Commented [SB194]: Moved to first paragraph of section.

~~19.68.100 – Wall signs pertaining to nonconforming uses. (17.40.090)~~

~~Wall signs identifying and located with a nonconforming use must be permitted on the same premises of such use, provided the area of such sign does not exceed twelve square feet.~~

Commented [SB195]: Moved to General Requirements section which addresses nonconforming signs.

~~19.68.110 – Political signs. (17.40.100)~~

~~Political signs must be limited to locations on a private property. No political sign must be posted in any place or in any manner on public property. No political sign must exceed the size limitations applicable to the largest permitted sign in the district in which it is erected. All candidates for public office, their campaign committees, or other persons responsible for the posting of campaign material must remove such material within two weeks following the election date.~~

Commented [SB196]: Consolidated within new temporary sign section above.

~~19.68.130 – Setbacks at the intersections of highways. (17.40.120)~~

~~At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure must not be less than fifty feet from the established right-of-way of each highway or street.~~

Commented [SB197]: Moved to (B) in sign setback requirements above.

~~19.68.140 – Setback at a vehicular way. (17.40.125)~~

~~To facilitate vehicular traffic, a minimum ground clearance of fourteen feet is required for projecting signs and ground-supported signs when the sign is within five feet of a vehicular way.~~

Commented [SB198]: Moved to (C) in sign setback requirements above.

~~19.68.150 – Public quasi-public signs. (17.40.130)~~

~~This section applies to signs for public events such as street fairs, foot and bicycle races, farmer's markets, and festivals. It also applies to quasi-public events sponsored by churches, service clubs, schools, and other organizations, such as rummage sales, barbecues, concerts, meals, lectures, and sports events. It does not apply to business sales or to events conducted for business purposes except as specified in section B.1.~~

Commented [SB199]: All provisions within this section moved, see notes below.

Commented [SB200]: Moved to new temporary signs section above.

~~A. Bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.~~

Commented [SB201]: Moved to sign setback section above.

~~19.68.160 – Special yard provisions. (17.40.140)~~

~~Signs and advertising structures where permitted must be erected or placed in conformity with the side and rear yard requirements of the district in which located except that no sign or advertising structure in a nonresidential district must be erected or placed closer than fifty feet of a side or rear lot line in any adjacent residential district.~~

Commented [SB202]: Moved to (A)(2) in sign setback requirements above.

~~19.68.170 – Special setback provisions-city industrial park. (17.40.150)~~

~~In the industrial zone east of "R" Avenue and between 22nd and 34th Streets the sign setback must be thirty feet from the curb at the east side of "R" Avenue.~~

Commented [SB203]: Moved (D) in sign setback requirements above.

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Saturday, December 30, 2017 10:17 PM
To: Grage, Libby
Subject: parking code edits
Attachments: 20171208-Pub1stDraft-Parking CR edits.docx

Libby,

Here are my suggested edits for the parking section.

I hope you are finding my comments and suggestions to be useful. It has taken many days worth of my time to go through the draft code, and there are still some sections yet to come. So, why am I doing this? Because I want to be of service to our community by using my experience to make this new code the best one we've had.

I want this to be a useful document to move Anacortes into the next 20 years of development with clarity of what is expected, and a minimum of misunderstanding or conflicting requirements - yet also with some flexibility so that folks can propose new ways of doing things that we can't even envision now.

In my 12 years on the City Council, I often said that my job was to help make good decisions so that Anacortes will be a better place for our grandchildren. Working on the new code is a continuation of that philosophy.

Of course, I don't expect staff, consultants, or citizens to agree with all of my suggestions. But even if you don't agree, I hope my comments will stimulate folks to think about the issues raised and come up with wording that better addresses those concerns.

If you have any questions as you are working on the next (semi-final?) draft, I would welcome the chance to discuss issues with you in person. Also, if consultants feel it would be helpful to communicate with me about any topic they are welcome to call or email.

Please continue to send me .docx copies of the remaining sections as they become available. Medical overlay, temporary uses, fences and walls, temporary signs, and some others still seem to be missing. I'll try to respond quickly.

Thanks again for the opportunity to participate at this stage in the code development.

Cynthia Richardson
 315 V Ave

Anacortes, WA 98221
360-299-9081

ANACORTES Development Regulations Update



Chapter 19.65 - PARKING REQUIREMENTS (17.46)

Sections:

- 19.65.010 - Purpose.
- 19.65.020 - Generally.
- 19.65.030 - Computation of required parking spaces.
- 19.65.040 - Number of parking spaces required.
- 19.65.050 - Size of parking spaces.
- 19.65.060 - Reduced parking requirements.
- 19.65.070 - Parking fee-in-lieu.
- 19.65.080 - Shared parking.
- 19.65.090 - Parking for shell building permits.
- 19.65.100 - Bicycle parking requirements.
- 19.65.110 - Off-street parking plans and performance assurance.
- 19.65.120 - Parking area design and construction standards.
- 19.65.130 - Off-street parking; landscaping plans and documents required; performance assurance.

19.65.010 - Purpose. (NEW)

The purpose of this chapter is to:

- A. Provide for adequate, convenient, and safe parking for ~~cars-vehicles~~ and bicycles for all uses allowed in this Code in all areas 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.
- C. 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~~ ridesharing.

19.65.020 - Generally. (17.46.010)

- ~~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 and ready for use prior to the issuance of a certificate of occupancy as herein prescribed.~~
- ~~A. The off-street parking may be provided either by an individual action or by a parking program carried out through public action whether by a special assessment district or otherwise.~~
- B. Off-street parking for ~~other than non-~~residential use ~~or retail/service customer will must~~ be either on the same lot or within 500 feet (walking distance) of the building it is intended to serve, ~~except for those cases where parking plans have been developed for a specific area.~~

Commented [CR1]: the parking would be shown on the plan when applying for a building permit, and then it would be constructed, but if it's not ready for use the building couldn't be occupied - this precludes saying "I'll finish it later" and then it never gets done

Commented [BB2]: Subsection doesn't seem necessary per coordination with staff

- C. Required residential off-street parking spaces must consist of a parking lot strip, driveway, garage, carport, or a combination thereof and must be located on the lot they are intended to serve.
- ~~D. For uses not specifically mentioned herein, the decision maker/director must determine the off-street parking requirement based generally on the requirements for similar uses.~~
- D. Any area once designated as required off-street parking must remain available for parking, and must not be changed to any other use unless and until equal parking facilities are provided elsewhere, which conform to the then-current requirements of this section/chapter.
- E. Off-street parking existing at the 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. Before the granting of Any application for a building permit for any new building or structure, or for any enlargement thereof, or a change of use, must include a description of how the parking requirements of this chapter will be met. except as provided in AMC 19.65.060 the applicant must present in writing the arrangements that have been made to provide adequate off-street parking.~~
- G.** The required off-street parking area must be for occupants, employees, visitors, patrons, and must be limited in use to parking. ~~So long as operating hours do not overlap, the planning commission may grant an exception allowing shared use of parking spaces with legally binding documents filed and recorded as in [subsection] (G) above. However, this exception should be used with caution, as a change in the hours of business operation could invalidate the agreement and require additional parking.~~
- ~~H. One-third of required parking spaces may be spaces for compact cars.~~
- ~~I. 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 (temp code reference number). RV's parked on streets, alleys, or undeveloped street rights-of-way must be are subject to the city's general parking regulations and enforcement. A pickup truck with a simple canopy or a passenger van must not be considered an RV.~~

19.65.030 - Computation of required parking spaces. (NEW)

A. Number of parking spaces.

- Off-street parking areas must contain at a minimum the number of parking spaces as stipulated in AMC 19.65.040, except for modifications allowed elsewhere in this chapter.
- 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.
- 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 19.65.070 pertaining to shared parking.

B. Multifamily and townhouse guest parking. For multifamily and townhouse dwelling units, a minimum of one designated guest parking space is required for every five to ten dwelling units as

Commented [SB3]: See section (040)(C) for replacement of this provision.

Commented [CR4]: does this mean people can't fill their garages full of stuff and park the car on the street?

Commented [BB5]: If parking standards are reduced in the future – they may not need to provide = number of spaces, technically. The reference to conformance with requirements should be good enough.

Commented [CR6]: could be a drawing of the on-site parking, or a written agreement for off-site

Commented [SB7]: This sentence is moved from 17.46.040(F), which was an odd location. X-ref added to make clear this provision is not applicable in all cases.

However, this conflicts with the first paragraph above. This just says BEFORE A BUILDING PERMIT, whereas above it says BEFORE CERTIFICATE OF OCCUPANCY. This is an existing inconsistency that needs to be resolved.

Commented [BB8]: Libby – It's OK to take this out.

Commented [CR9]: agree this is covered in D

Commented [BB10]: May need to provide an exception for temporary use.

Staff comments:

Does (G) even need to be included at all? Seems like the preceding provisions which state that off-street parking cannot be changed to a different use or reduced to less than needed for the existing building or use gets at this.

We might need to look at temporary use provisions to see if something should be added for special events in parking lots. Here are Marysville's temporary use provisions:
<http://www.codepublishing.com/WA/Marysville/html/marysville22c/Marysville22C110.html#22C.110>

Commented [SB11]: Moving to a new shared parking section.

Commented [SB12]: Updated in the new section below.

Commented [SB13]: Moved these standards to 19.44.180 TEMPORARY USES.

Commented [CR14]: this doesn't belong in temporary use section, but should be included somewhere. Also **prohibition against large commercial trucks in residential zones** needs to be retained somewhere.

Commented [SB15]: Moved this sentence to the definition of RV in chapter 19.12.

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determined by the Director. Studio and one-bedroom units will require fewer guest spaces than two-bedroom and larger units. The amount of available on-street parking in the vicinity of the development will also be factored into the minimum required amount of guest parking. the Director may require additional parking spaces for guests if adequate on-street parking is not available as determined by _____.

C. Accessible parking requirements.

1. Off-street parking and access for physically handicapped persons Accessible parking spaces must be provided in accordance with federal and state standards the Americans with Disabilities Act of 1990 and the current ADA Standards for Accessible Design. (19.65.090(K))
2. Handicapped parking spaces are inclusive within the parking requirements of this chapter.

D. Compact parking spaces.

1. Up to 50 percent of non-handicapped-accessible parking spaces may be designated as compact. Refer to AMC 19.65.050 for compact parking space size requirements.
2. 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.

19.65.040 - Number of pParking spaces required. (17.46.020)

- A. The minimum number of off-street parking spaces must be determined in accordance with the following table Table 19.65.040, except where the minimum number of off-street parking spaces is varied by the planning commission (appealable to city council) with a documented finding that the overall parking situation in the project vicinity will not be adversely affected.
- 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 at least 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 19.65.040 is blank, there are no standards noted in the cell, then there are no applicable minimum or maximum parking space parking requirements for the use. One bicycle rack space must be provided for every five parking spaces.

Table 19.65.040

Off-street parking spaces required.

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
GENERAL		
Single-family	2 per unit	
Single-family, small lot	1 per unit	

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Commented [CR16]: I disagree with less guest parking for smaller units. Someone in a studio unit could just as easily invite several friends over as someone in a larger unit, or a plumber or housecleaner might use the space. A larger unit typically has more residents but not necessarily more guests.

Commented [BB17]: Updated to provide more predictability while attempting to accommodate some context based flexibility.

Commented [SB18]: Per this link, the current term is "accessible" and not "handicapped".

https://www.ada.gov/restriping_parking/restriping2015.html

Commented [SB19]: Added a more specific reference here.

Commented [SB20]: I added this sentence, but it appears to be unnecessary with the way the ADA standards are written.

Commented [BB21]: Numbers updated per workshop results and internal research/discussion.

Commented [SB22]: Make parking an administrative process.

Commented [SB23]: Moved to new section for bicycle parking.

Commented [CR24]: where are ADU requirements?

Table 19.65.040**Off-street parking spaces required.**

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Cottage housing	1.2 per unit	2 per unit
Duplex, triplex, or fourplex	Same as multifamily (based on number of bedrooms)	Same as multifamily (based on number of bedrooms)
Townhouse	Same as multifamily (based on number of bedrooms)	Same as multifamily (based on number of bedrooms)
Multifamily dwelling unit, one-bedroom or studio	1-2 1.0 per unit	1.5 per unit
Multifamily dwelling unit, two-bedrooms	1-6 1.4 per unit	2 per unit
Multifamily dwelling, three or more bedrooms	1-8 1.6 per unit	2.5 per unit
Multifamily dwelling, senior housing age-restricted	25% reduction in base multifamily parking requirements above (based on number of bedrooms)	Same as multifamily uses above
Live-work dwellings	Same as multifamily above plus: • Zero spaces for non-residential with <500sf non-residential floor area. • One space for non-residential with 500-1,000sf non-residential floor area. • Parking for non-residential floor area >1,000sf must meet applicable commercial use parking standards below.	
RESIDENTIAL, GROUP		
Adult family home	2 per unit plus 1 for each 3 persons being cared for	
Boarding and Rooming houses	1 per rented room, except .75 per rented room in C or CBD zone	
Community residential facilities	0.50 per bedroom	
Nursing home	0.33 per bed	
Senior citizen assisted housing	0.8 0.5 per unit	
LODGING		
Hotel/motel	1 per guest room	1.5 per guest room
Adult concessions	3 per 1,000 square feet of NLA	
Adult entertainment	1 per 3 seats, plus 1 space for every 2 employees on largest shift; or 1 per 100 square feet of net leasable floor area (NLA), whichever is greater	

Commented [SB25]: What is the difference between this and Senior Citizen Assisted Housing below? In this case – we’re talking about age-restricted housing. In that case – such 25% reduction is reasonable – on the assumption that there may be 25% fewer cars than for non age-restricted housing.

We’ve added a definition for age restricted housing: “Dwelling, multi-family, age-restricted” refers to a dwelling unit restricted to occupation 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.

Commented [CR26]: the difference would be that this section refers to separate apartments where ownership or rental is limited to the restricted age group, but there are not common facilities, group programs, etc. as in the assisted types in the next section

Commented [LBG27]: bedrooms

Commented [LBG28]: Should be 2 per home

Commented [CR29]: an adult family home has up to 6 people cared for by the resident family - each may have their own bedroom, but they are not “units” - perhaps 2 for the caregiving family plus one guest space for each 3 people being cared for would be reasonable

Commented [CR30]: if these are in CBD or C (thus public transit available) then some may not have cars

Commented [CR31]: Need to add the following categories: transportation terminal, cruise terminal, vehicle rental, boat rental, taxi or other public transport business, land or water-based tours and cruises, park-and-ride lot. You may think of others. Many of these don’t have a building on which to base a NLA ratio, but have lots of users arriving in cars which need a place to park (i.e. customers may park for a day to go whale watching or a week to go bike touring, or a car rental agency needs a place for the cars they rent). These will probably all be “Director decision based on expected use” because of variability. Director should have authority to require documentation of need, and set limits (such as all rental trucks must park on site, not on public street).

Commented [SB32]: “Adult concessions” combines the three adult uses below, consistent with the updated land use table. 3 per 1000 is suggested as starting point.

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Table 19.65.040**Off-street parking spaces required.**

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Adult-panorama-theatre-or-arcade	1-per-2-panorama-device; or 1-per-300-square-feet-of-net-floor-area <u>NLA</u> , whichever is greater	
Adult-retail	5-per-1,000-square-feet-of- <u>NLA</u> -net-floor-area	
Auditorium/assembly room/exhibition hall/theatre/commercial recreation/Place of assembly	1 per 4 fixed seats or 10 per 1,000 square feet of <u>NLA</u> -net-floor-area if no fixed seats	
Automobile sales	2 per 1,000 square feet of <u>NLA</u>	
Boat & marine equipment sales	2 per 1,000 square feet of <u>NLA</u>	
Boat/marine equipment service	2 per 1,000 square feet of <u>NLA</u>	
Boat moorage, public or semi-public	1 per 2 docking slips	
Boat-storage	1-per-3-storage-spaces	
Day care I facility	2 per unit	
Day care II facility	Director decision	
General service establishment	5-3 per 1,000 square feet of <u>NLA</u> -net-floor-area	5 per 1,000 square feet of <u>NLA</u>
Heavy service	2 per 1,000 square feet of <u>NLA</u>	
Kennel	3 per 1,000 square feet of <u>NLA</u>	
Medical office	3 per 1,000 square feet of <u>NLA</u>	
Professional office	4-2.5 per 1,000 square feet of <u>NLA</u> -net-floor-area	4 per 1,000 square feet of <u>NLA</u> -net-floor-area
Personal services, with fixed stations	1.25-1.5 per station	1.5 per station
Personal services, without fixed stations	3-2.5 per 1,000 square feet of <u>NLA</u> -net-floor-area	4 per 1,000 square feet of <u>NLA</u> -net-floor-area
Restaurant/Eating and drinking establishment	14-5 per 1,000 square feet of <u>NLA</u> -net-floor-area	14 per 1,000 square feet of <u>NLA</u> -net-floor-area
Retail or shopping center, less than 15,000 square feet <u>NLA</u> of net-floor-area	5-3 per 1,000 square feet of <u>NLA</u> -net-floor-area	5 per 1,000 square feet of <u>NLA</u> -net-floor-area
Retail or shopping center, more than 15,000 square feet or more <u>NLA</u> of net-floor-area	4-3 per 1,000 square feet of <u>NLA</u> -net-floor-area	4 per 1,000 square feet of net floor area
Heavy retail	2 per 1,000 square feet of <u>NLA</u>	
Water-based service use	Director decision based on expected uses	

Commented [BB33]: Term would now fall under water-based service uses and parking would be a director decision.

Commented [BB34]: Same as a single family residence, FYI.

Commented [BB35]: We considered 1 space/employee at maximum shift – but may want to make this a director decision based on the proposed traits and context of the proposal/site.

Commented [SB36]: Suggest starting with a minimum of 5 and allowing up to 14, which is the current minimum. TSI (city parking consultant) finds that Anacortes requires 250% more parking than recommended by national standards for restaurants.

Staff noted that current city pattern is to exclude the kitchen in the calculation. But the NLA term doesn't specifically exclude kitchens. But given the decrease in parking required under this proposal, it might make sense to count the kitchen area.

Commented [CR37]: do not exclude kitchens - there are employees in the kitchen who drive. Every use has various customer areas and service areas and trying to define specifics for every use would be burdensome. NLA definition could be refined to exclude certain areas, such as restrooms and corridors whether in a use or in common areas - consider definition from IBC, which assumes that a person using a hallway or restroom is the same person who was in the kitchen or dining room, not additional people.

Commented [SB38]: Suggest making 5 a maximum, and having a minimum of 3. TSI finds that Anacortes requires about twice more parking than recommended by national standards for retail.

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Table 19.65.040**Off-street parking spaces required.**

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Wholesale warehouse	1.5 per 1,000 square feet of <u>NLA net floor area</u>	
INDUSTRIAL		
Aquaculture	Director decision	
Artisan manufacturing	2.5 per 1,000 square feet of NLA	
Boat launch facility	Director decision	
Industry, heavy	1.5 per 1,000 square feet of NLA	1 per employee plus 2.5 per 1,000 square feet of NLA
Industry, light	1.5 per 1,000 square feet of NLA	1 per employee plus 2.5 per 1,000 square feet of NLA
Manufacturing/assembly	1.5 per 1,000 square feet of <u>NLA net floor area</u>	
Marijuana processing	Director decision	
Marijuana production	Director decision	
Recycling facility	Director decision	
Research & development	2 per 1,000 square feet of NLA	
Storage, self-service	0.5 per 1,000 square feet of NLA	
Warehouse & storage	0.05 per 1,000 square feet of NLA	
Water-based industrial use	Director decision based on expected uses	
INSTITUTIONAL		
Funeral home/mortuary/religious institution	1 per 5 seats	
Hospital/in-patient treatment, outpatient-surgical facility	1 per patient bed <u>Director decision based on expected uses</u>	
Religious institution	8 per 1,000 square feet of <u>public assembly area</u>	12 per 1,000 square feet of <u>public assembly area</u>
PUBLIC		
Library	4 per 1,000 square feet of NLA	
Municipal service facility	Director decision based on expected uses	
Museum	4 per 1,000 square feet of NLA	
Parks and plazas	Director decision based on expected uses	
Preschool	1 per 50 students plus 1 per employee	
Public safety facility	Director decision	
Public agency or utility office	2.5 per 1,000 square feet of NLA	
Recreation (public), indoor, local	Director decision based on expected uses	

Commented [SB39]: Current numbers for manufacturing/assembly

Commented [SB40]: Replaced by industrial heavy/light in land use tables.

Commented [BB41]: Challenging facilities to come up with simple minimum parking requirement. Staff wondered if the 1/bed standard was enough. The director decision allows more flexibility in how the minimum would be applied – based on details of use and context.

Commented [CR42]: how is this calculated? Many churches have a sanctuary plus a fellowship hall (or whatever they call it). Often people assemble for a religious service in the sanctuary, then adjourn to the other room for coffee. But at other times, both could be in use simultaneously, thus doubling the need for parking.

Commented [LBG43]: Maybe just title this Public (since the next category is titled Cultural & Entertainment)

Commented [BB44]: To add definition for term

Commented [CR45]: seems like our museum has only a few visitors at a time, while the library has many. Are these numbers realistic?

Commented [SB47]: Same as elementary below.

Commented [BB46]: This number is same as elementary school below. However, staff noted that Daycare definition includes pre-kindergartens "when not part of a public or parochial school". So is the term "preschool" intended to only apply to public programs? Otherwise how would private preschools be differentiated from pre-kindergartens (day care) in terms of parking requirements? We'll further examine subject.

Commented [SB48]: Same as office above

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Table 19.65.040**Off-street parking spaces required.**

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Recreation (public), indoor, regional)	<u>Director decision based on expected uses</u>	
<u>School</u> Elementary, middle, and junior high school	<u>1 per 50 students plus 1 per employee</u>	
<u>High school</u>	<u>1 per 10 students plus 1 per employee</u>	
Utilities, local	<u>Director decision</u>	
Utilities, regional	<u>Director decision</u>	
CULTURAL & ENTERTAINMENT		
<u>Art gallery</u>	<u>2 per 1,000 square feet of NLA</u>	
Campground	<u>Director decision</u>	
Golf course	<u>Director decision</u>	
Marinas and boat moorage	<u>Director decision</u>	
Recreation (commercial), indoor	<u>Director decision based on expected uses</u>	
Recreation (commercial, outdoor)	<u>Director decision based on expected uses</u>	
Recreational vehicle park	<u>Director decision</u>	
<u>Place of assembly*</u>	<u>1 per 54 fixed seats or 8 per 1,000 NLA if no fixed seats</u>	<u>1 per 3 fixed seats or 12 per 1,000 NLA if no fixed seats</u>
Yacht club	<u>Director decision</u>	

Commented [SB49]: Bellingham started with 5 based on area "open to the public". I suggest keeping it simple and starting much lower - art galleries are often storefront uses.

Commented [CR50]: this is just a retail type of use, not a separate category

Commented [SB51]: Baseline is "Auditorium/assembly room/exhibition hall/theater/commercial recreation" in current code. Not broken up by size like in land use table.

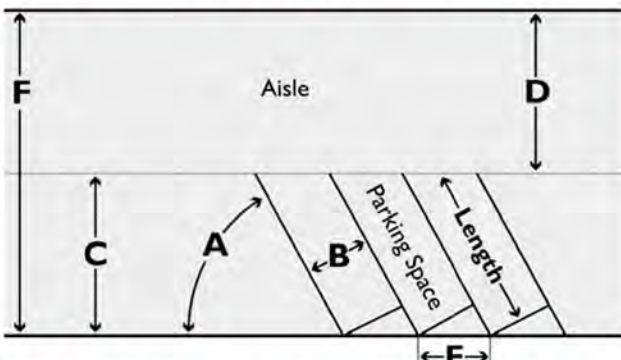
19.65.050 - **Size of parking spaces:** **Parking area design and construction standards** (NEW)

Parking areas must be designed in conformance with the Transportation and Traffic Engineering Handbook and the City of Anacortes Street Standards. Parking plans must be submitted as part of a building permit application, and approved by the Anacortes Engineering Department.

A. Minimum requirements. Parking space and aisle dimensions for parking facilities must meet the standards set forth in Table 19.65.050.

Table 19.65.050

Size requirements for parking space and drive aisles.



The columns A-F below refer the parking layout graphic above. Column A is measured in degrees and columns B-F are measured in feet.

A Parking Angle	B Space Width	C Row Width	D Aisle Width	E Curb Width	F Bay Width
0 (Parallel)	8	8	12	23	20
30	8.5	16.5	11	17	27.5
	9	16.5	11	18	27.5
	9.5	17.5	11	19	28.5
	10	17.5	11	20	28.5
45	8.5	18.5	13.5	12	32
	9	19	13	12.5	32
	9.5	19.5	13	13.5	32.5
	10	19.5	13	14	32.5
60	8.5	20	18.5	9.5	38.5
	9	20.5	18	10.5	38.5
	9.5	20.5	17.5	11	38
	10	20.5	17	11.5	37.5
70	8.5	20	19.5	9	39.5
	9	20.5	19	9.5	39.5
	9.5	20.5	18.5	10	39
	10	21	18	10.5	39
80	8.5	19.5	24.5	8.5	43.5
	9	19.5	24	9	43.5

Commented [SB53]: Requested by staff, and new content added below. Borrowed from Redmond with improvements on clarity and a new graphic.

Commented [BB54]: Staff asked about the source for Redmond's standards – as city wants to make sure they are based on a national standard like the Transportation and Traffic Engineering Handbook, etc. for legal reasons. We will follow up on this.

Commented [CR52]: Specifics such as dimensions do not belong in the zoning code. Should just reference other documents, which can more easily be kept up to date without the extensive public hearings, etc. that are necessary to change the zoning code. Keeping this info out of the zoning code also avoids potential conflicts if other standards change. Zoning code says how much is required, street standards say how to build it, just like zoning code says how big a house can be and building code says how to build it.

Commented [CR55]: Check to be sure these are the correct names of the referenced documents.

Commented [CR56]: delete this illustration

Commented [LBG57]: Per PW comments: This is variable per MUTCD. 20' on end of block and 22' between. Maybe make 20' minimum or state a range.

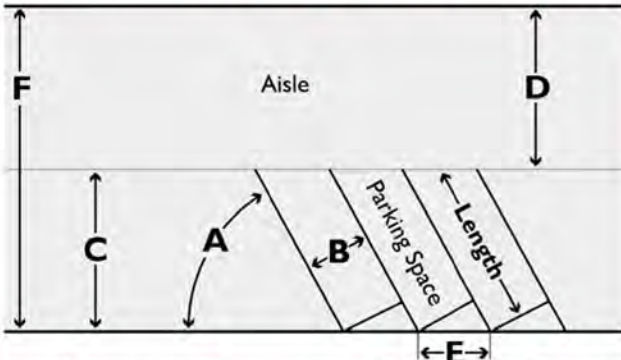
Commented [LBG58]: Is it possible to reduce the aisle width when it is one-way?

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Table 19.65.050**Size requirements for parking space and drive aisles.**


The columns A-F below refer the parking layout graphic above. Column A is measured in degrees and columns B-F are measured in feet.

A Parking Angle	B Space Width	C Row Width	D Aisle Width	E Curb Width	F Bay Width
	9.5	19.5	23.5	9.5	43
	10	19.5	23	10	42.5
	8.5	18	25.5	8.5	43.5
90 (Perpendicular)	9	18	25	9	43
	9.5	18	24.5	9.5	42.5
	10	18	24	10	42

Commented [CR56]: delete this illustration

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. Compact parking spaces have a minimum length of 15 feet and a minimum width one foot less than required by Table 19.65.050.

E. Aisle turns must be at 14 feet in width.

F. Alley parking. When parking spaces located on a property are directly accessed from an alley, the alley's useable right of way may be treated as the aisle per Table 19.65.050.

For example, if the alley right of way is 20 feet wide, the parking angle must be 70 degrees or less. If a utility pole in the alley reduces the useable right of way width to 16 feet wide, the parking angle must be 45 degrees or less.

G. Large vehicles. When parking lots may have substantial traffic by trucks or other large vehicles, the Director may establish larger minimum dimensions.

H. Alternative standards. The Director may approve alternate designs not meeting these standards when a qualified Transportation Engineer demonstrates that the alternate design proposal meets more current and accepted standards such those maintained by the Institute of Transportation.

Commented [SB59]: This would allow 7.5' wide parking spaces. Typical small car is 6' wide.**Commented [BB60]:** Need to add a definition for this.**Commented [BB61]:** Libby: Does "usable" area refer to the paved width? Alleys are not usually paved ROW line to ROW line.**Commented [BB62]:** Staff comment that we'll follow up on: Seems like parking could also be moved inward (increasing the space depth) from the alley property line to provide additional turning movement space, and allowing the angle to increase?**Commented [CR63]:** it would be nice in big parking lots like grocery store to have a section with larger spaces for big pickup trucks and RV's, but I suppose it's too much to hope for, since folks will park wherever they choose, with pickups squeezing into compact spaces and little sports cars in the big spaces because they like the extra space to avoid door dings**Commented [CR64]:** is Transportation Engineer a licensed or certified title?**19.65.060 - Modified-Reduced parking requirements. (NEW)**

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- A. For new development in the CBD zone, the minimum parking spaces required is 50 percent of that shown in Table 19.65.040.
- 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 ~~non-residential industrial~~ zones that change use or expand their net leasable 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 leasable 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, except that pre-existing spaces in excess of the maximum may be retained.
- D. Minimum off-street parking requirements in the C, MMU, MS, I, CM1, CM2, R3, R3A, and R4 zones may be reduced up to 50 percent by the Director if all of the following requirements or other approved measures are met. (with a greater reduction requiring greater compensation):
1. A study of anticipated parking demand submitted by the applicant is used as the basis for establishing the minimum parking requirement. The parking study must provide sufficient information to demonstrate that the parking demand for a specific use will be satisfied without adversely impacting other uses and streets in the vicinity. The parking study must be prepared by either a professional engineer with expertise in traffic and parking analyses or an equally qualified individual authorized/approved by the Director.
 2. For office and ~~industrial non-residential~~ uses, a minimum of 10 percent a percentage of net employee parking spaces is are reserved for carpools.
 3. For non-residential uses 5,000 gross square feet or larger, showers, changing rooms, and day-use lockers are provided near a bicycle storage area and the building entrance designated for use by people riding bicycles. These facilities may be shared in multi-tenant developments.
- E. Maximum off-street parking requirements outside the CBD zone may be increased up to 50 percent by the Director if the following requirements are met:
1. A study of anticipated parking demand submitted by the applicant is used as the basis for establishing the maximum parking requirement. The parking study must provide sufficient information to justify the need for additional parking. The parking study must be prepared by either a professional engineer with expertise in traffic and parking analyses or an equally qualified individual authorized by the Director.
 2. The development complies with applicable block front frontage, site planning, and building design standards in this division.
 3. If the maximum is increased by more than 10 percent the provisions of (D)(2) and (D)(3) must be met. An appropriate amount of carpool parking and amenities for bicycle commuters are provided, relative to the total amount of parking.

19.65.070 - Parking fee-in-lieu. (NEW)

- A. Applicability. Developments may pay a fee in-lieu of off-street parking requirements set forth in AMC 19.65.040, provided the following conditions are met:
1. Types of development. New development and expansions of leasable area in those areas identified in (2).

Commented [CR65]: Is it really necessary to tear out existing parking lots? What is gained for this extra development expense?

Commented [BB66]: Close review. This adds a lot of flexibility for pre-existing buildings – even if they want to expand. We excluded residential zones from this option for obvious reasons.

Commented [SB67]: Added per Libby's suggestions above.

Commented [BB68]: Staff wondered if LM and LM1, HM intentionally excluded? We will follow up on issue.

Commented [CR69]: If the request is only for a 10% reduction, then the required tradeoff amenities should be less than if asking for a 50% reduction. Need to balance the reduction with appropriate amount of compensation.

Commented [SB70]: Should this instead say "on-street parking"?

Commented [SB71]: Is "office" and "industrial" specific enough? Might not perfectly match use tables.

Commented [CR72]: Industrial is a zone, don't confuse by also calling it a type of use

Commented [CR73]: This needs to be related to number of employees and amount they are asking the Director to reduce. For example, if there are only 8 employees and they live in dispersed places a carpool isn't practical. But if there are 80 employees maybe 7% spaces could work and over 150 employees need 10%.

Commented [SB74]: Do we need to add something about how we ensure this is ensured in perpetuity? Property owner must commit to verification, etc.?

Commented [CR75]: this could be an optional compensating amenity, but not a requirement. Makes no sense for a small business with no employees within bicycling distance or elderly/disabled employees who can't bike. Could folks downtown use City or Port showers? Could some folks change at the pool?

Commented [BB76]: Staff – wondering if we need to provide more metrics here based on size of use?

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2. Location. The CBD zone, ~~in the OT zone east of M Avenue~~, and in the C zone north of 12th Street, the MS zone west of R Avenue, and the CM zone west of R Avenue.
- B. Number of spaces. Up to 100 percent of the minimum parking space requirements of this chapter may be waived if all provisions of this section are met.
- 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 ~~CBD zone areas noted in 19.65.070.A.2~~. 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 Director.~~

19.65.080 - Shared parking. (17.46.010.G-H)

- A. Two or more buildings or uses may collectively provide the required off-street parking ~~in which case the required number of parking spaces must not be less than the sum of the requirements for the several individual uses computed separately 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 filed with the City clerk and recorded ~~with the Skagit County Auditor in the chain of title for the properties at expense of the applicant in cases of mutual use of parking area.~~ (Moved from 17.46.010.G)
- 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.~~
 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.~~

Commented [CR77]: Let's keep all residential zones out of this - gets too complicated and people generally need to park near their homes

Commented [SB78]: Provides most flexibility. We could also graduate this based on lot size, e.g. 100 percent for lots <5,000sf, 75 percent for lots 5,000 to 10,000sf, etc. But it does get more complex.

Commented [SB79]: See discussion in next comment below.

Commented [CR80]: It takes time to acquire a site, plan, and construct the public parking - probably several years. Meanwhile, the new use has little or no parking, and inflation is making it impossible to build the number of spaces for the \$\$ collected at the earlier market rate. Used to be that interest on the fund might compensate for inflation but that's not true today. This fund will either go negative, or be unable to build the required number of units. Are there really any places where this approach has resulted in an appropriate number of spaces?

Commented [SB81]: Or CIP or "transportation plan"? What we're attempting to get at here is flexibility and not setting the rate(s) in the code.

For reference: In another project in Redmond, VERY ROUGHLY, we're finding surface lots can cost \$12k/space and structured parking may be \$30-35k or more/space. That's only direct construction costs, not soft costs. And obviously varies on local market, site constraints, utilities, sales tax, etc.

But the point is that the rate needs to be set depending on what type of parking facility is planned. The city shouldn't shortchange or over-extend itself.

Commented [SB82]: Adds flexibility.

Commented [SB83]: Double check to ensure this will only go to the CBD zone.

Commented [CR84]: since all of these areas are within a block or two of the CBD, and have existing smaller structures that might be torn down to provide parking, and are part of the PFIL program, it seems reasonable to locate new parking there on the periphery of the CBD, rather than tearing down buildings in the CBD

Commented [SB85]: Close review. Does this need any kind of time window? City probably doesn't want to sit on fees for 10 years before providing the parking.

Commented [SB86]: Important to call out opportunity for residential parking.

Commented [SB87]: Allows the city to operate the lot like a private entity, e.g. charge fees to pay for maintenance, restrict size or type of vehicles, restrict certain activities, etc.

Commented [BB88]: Staff: Is shared parking subject to the max. 500' distance?

Commented [CR89]: Safeway property is about 500' from 11th to 13th. Not too far for most people to walk, but what about ... [1]

Commented [BB90]: Staff: Should we include that the Director may require a demand study if its determined to be needed? I can see where we may want to have an expert weigh in on a proposal.

Commented [CR91]: what if businesses change, and now peak demands overlap?

Commented [BB92]: Staff: Need to add a source.

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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.

B. So long as operating hours do not overlap, the planning commission may grant an exception allowing shared use of parking spaces with legally binding documents filed and recorded as in subsection (A) above. However, this exception should be used with caution, as a change in the hours of business operation could invalidate the agreement and require additional parking. (Moved from 17.46.010.H)

Commented [LB93]: Staff: This means within the same building, right? Lease agreements won't typically be executed until after the BP issued, building finalized, etc. (bob - moved this comment from B2 above)

Commented [CR94]: how is this enforced, and what are the penalties? Can you really force someone to buy more land even if it's available - and what if there is none available? Can you shut down the business if they don't comply? Coordinate this with enforcement provisions for violating other parts of the code.

Commented [SB95]: Make shared parking an administrative decision.

19.65.090 - Parking for shell building permits. (NEW)

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. The Director may deny a certificate of occupancy for an individual use if the number of parking spaces required by this chapter are not provided.

Commented [CR96]: add to definitions section

Commented [BB97]: Staff: Wondering if we need to define this further... (e.g. a building that is capable of being divided into multiple units or spaces with different uses but that has had no use identified as part of land use permit application, or something like that?)

Commented [CR98]: would this situation be similar to a change of use in an existing building? If a use requiring 10 spaces wants to locate in a building where there are only 4 spaces, the use can be denied.

Commented [SB99]: Not including this sentence because Director's own decision may cause this situation - plus, this is covered by the minimum requirements elsewhere.

19.65.100 - Bicycle parking requirements. (NEW)

A. Minimum required. The minimum number of short-term and long-term bicycle parking spaces required is in table 19.60.040. For the purposes of this section, the director must determine what use applies to the development.

Table 19.65.080

Bicycle parking spaces required.

Use	Minimum Short-Term Bicycle Parking Spaces Required	Minimum Long-Term Bicycle Parking Spaces Required
RESIDENTIAL, GENERAL		
Multifamily and group residential	1 per 20 dwelling units	1 per 20 dwelling units
LODGING		
Hotel/motel	1 per 5 guest rooms	1 per 20 guest rooms
COMMERCIAL		
Place of assembly	1 per 20 fixed seats or 1 per 1,000 square feet of net floor area if no fixed seats	1 per 40 fixed seats or 0.5 per 1,000 square feet of net floor area if no fixed seats
Retail and service	0.5 1 per 2,000 square feet of net floor area	0.25 1 per 4,000 square feet of net floor area
Office	0.25 1 per 4,000 square feet of net floor area	0.25 1 per 4,000 square feet of net floor area
Industrial/Other non-residential	1 per 10,000 square feet of net floor area	1 per 10,000 square feet of net floor area

Commented [CR100]:

Commented [CR101]: Does this mean that a minimum of 1 is required for EVERY building, or only if the building has 20 units?

Commented [CR102]: who ever heard of a 1/4 space? Use whole numbers to mean the same thing

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Table 19.65.080

Bicycle parking spaces required.

Use	Minimum Short-Term Bicycle Parking Spaces Required	Minimum Long-Term Bicycle Parking Spaces Required
INSTITUTIONAL		
Education/school	2 per 1,000 square feet of net floor area	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:

- Indoors or outdoors on the development site.
- On a public sidewalk or public right-of-way adjacent to a sidewalk outside the development, provided all of the following requirements are met:
 - 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. At least five feet of unobstructed sidewalk space is available when the bicycle parking spaces are full of bicycles.
 - The bicycle parking spaces are within 100 feet of the development's primary pedestrian entry.
 - The Public Works Director certifies bicycle parking in the public right-of-way in the proposed location does not conflict with the Transportation Plan.
 - The property owner maintains the bicycle parking or pays a fee-in-lieu to the Public Works Department adequate for 25 years of maintenance. Maintenance costs must include removal of trash and weeds, and repair and maintenance of bicycling parking structures, signs, and surfacing materials.

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 standard approved for use by the director.

~~19.65.100 - Off-street parking lot layout for commercial and multifamily areas, construction, and maintenance. (17.46.020)~~

- ~~The party developing an off-street parking area must submit to the city engineer and the planning commission for their approval a plan of the parking area showing adjacent streets, proposed circulation of traffic, proposed drainage, lighting and landscaping, fencing and screen planting.~~
- ~~Off-street parking areas lot dimensions and layout must be guided by the design standards approved by the Institute of Traffic Engineers.~~
- ~~Ingress and egress to the parking lot or area must be provided at locations approved by the city engineer.~~
- ~~Construction: 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 and must~~

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Commented [CR100]:

Commented [SB103]: An option to allow flexibility, provided some restrictions are provided to ensure the sidewalk is still useable for pedestrians.

Commented [CR104]: well, this will never happen, because we don't have sidewalks this wide in residential zones

Commented [CR105]: this is consistent with what is required when sidewalk restaurant uses obstruct part of the sidewalk.

Commented [BB106]: Staff - we may want to say the adjacent property owner is responsible for maintenance in perpetuity. The City has an encroachment permit process that could be used in these cases, to identify specifics, and would be recorded to the property title.

Commented [CR107]: it makes sense to have short-term bike racks strategically located throughout commercial areas - can't the City just do this? It might cost less than trying to administer this provision among many owners. Maybe a bike impact fee with the building permit if can't be provided on site.

Commented [SB108]: If we like these standards, this is the simplest way to provide the requirements. Let us know if we should pull anything specific into the code.

Commented [CR109]: This is covered by 19.65.050

Commented [SB110]: This section has an odd mix of procedural and physical requirements. Most of the provisions have been moved to different places - see notes below.

Commented [SB111]: Moved to new construction standards section.

Commented [SB112]: Not necessary with new size requirements.

Commented [SB113]: Moving to new construction standards section

Commented [SB114]: Broken up and moved to new construction standards section.

be developed and completed to the required standards before an occupancy permit for the building is issued. 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. Where pedestrian walks are used in parking lots for the use of foot traffic only, they must be curbed, or raised six inches above the lot surface.

- E. ~~When an off-street parking area or lot for six or more vehicles is within or abuts a residential zone, the parking area must be set back a minimum of four feet from property lines, a fence, wall or hedge must be installed to block the glare from headlights, and the area between the property line and the parking spaces must be landscaped.~~
- F. ~~Before the granting of a building permit for any new building or structure, or for any enlargement thereof or a change of use 19.65.060, the applicant must present in writing the arrangements that have been made to provide adequate off-street parking.~~
- G. ~~Nothing in this section must be construed to prevent cooperation provision of off-street parking facilities to two or more buildings or uses.~~
- H. ~~Minimum Dimensions. Off-street parking area dimensions must meet approval of city engineer for convenient and safe access and maneuverability.~~
- I. ~~Driveway Dimensions. When off-street parking is provided in the rear of a building and a driveway or land 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 or raised six inches above the driveway surface.~~
- J. ~~When due regard to public safety so indicates, the planning commission may require that up to fifty percent of the required off-street parking area be reserved for "customer parking." Such area must be clearly marked customer parking with signs as necessary directing the public to the premises from adjacent street or streets. During business hours customer vehicles only may occupy parking spaces so marked.~~
- K. ~~Accessible parking for handicapped persons must be provided as called for in federal and state statutes and regulations. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2316 (part), 1994)~~

19.65.110 - Loading space requirements. (17.46.050)

An off-street loading space having access to a public thoroughfare must be required adjacent to each business building hereafter erected or enlarged, if the use of such building ~~entails deliveries or shipments to or from it requires large trucks to park on a regular basis for loading and unloading.~~ Such loading space must be adequate size to accommodate the number and size of vehicles simultaneously loaded or unloaded in connection with the business conducted in such building. No part of the truck or van must extend into the public thoroughfare when using the loading space. ~~Ord. 2316 (part), 1994) (Ord. 2794 § 1 (Att. A), 2008)~~

~~19.65.110 - Off-street parking; landscaping plans and documents required; performance assurance. (17.46.060)~~

- A. ~~Approval of Plans Required. All applications for permits which require off-street parking must include landscaping plans and documents in compliance with this title.~~
- B. ~~Landscape Development Plan. Landscape development plans must indicate all areas to be preserved and planted including proposed fencing and landscape features. The landscaping plan must~~

Commented [SB115]: We have a conflict here. 19.66.060(D)(2) Parking lot landscaping, says: "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."

Also the buffer requirements here are better covered by 19.66.060(D)(6)(b). Overall, I suggest deleting.

Commented [SB116]: Repetitive, covered elsewhere in the chapter.

Commented [SB117]: Existing grammatical typo in here. Plus, I don't think this is necessary to say.

Commented [SB118]: This seems to be a repeat of (B) above. Not necessary with new size requirements.

Commented [SB119]: Moved to new construction standards section.

Commented [SB120]: Moved to new construction standards section.

Commented [SB121]: Not necessary.

Commented [SB122]: Unnecessary with the computation section.

Commented [CR123]: I think we should keep this somewhere. Imagine if Trident or Safeway didn't have any loading dock space at all. Even with what they have, trucks still park on the street. By not specifying numbers, the market still determines what's reasonable, but they can't get away with zero.

Commented [BB124]: Staff suggested removing this section to let the market decide how many loading spaces/bays/docks are needed.

Commented [SB125]: Doesn't needed to be stated. Covered by landscaping chapter.

Commented [SB126]: Repetitive of 19.66.030 - Landscape plans.

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also show locations of individual trees and shrubs; and name, size, spacing and quantity of the plant materials. No permit requiring off-street parking must be issued without the administrator's approval of landscape development plans.

C. Performance Assurance for Completion of Required Landscape Development. The applicant must assure the completion of the landscape development by filing with the city a certified check, bond or other method of performance assurance as determined by the administrator. The amount of assurance must be equal to the estimated costs of the required landscape development. This assurance must stipulate completion of the landscape development at the time of occupancy and must further guarantee replacement of any specimens that die within one year of planting. If said conditions are not met, the city must have the right to use the assurance provided to perform the landscaping. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2316 (part), 1994)

Commented [SB127]: This is adequately covered by the landscape chapter's section on performance assurance/bonding.

17.46.080 – Landscape development—Standards. (17.46.080)

See Section 17.41 for landscape development standards. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2614 Att. A (part), 2003; Ord. 2316 (part), 1994)

Commented [SB128]: Not needed with new landscape chapter.

17.46.090 – Landscape maintenance. (17.46.090)

See Section 17.41 for landscape development standards. (Ord. 2794 § 1 (Att. A), 2008; Ord. 2614 Att. A (part), 2003; Ord. 2316 (part), 1994)

Commented [SB129]: Not needed with new landscape chapter.

17.46.100 – Reserved. (17.46.100)

Editor's note: Ord. No. 2812, § 1 (Att. A), adopted Jan. 4, 2010, repealed § 17.46.100, which pertained to commercial parking as a conditional use and derived from Ord. 2316 (part), 1994; Ord. 2794, § 1 (Att. A), 12-15-2008.

19.65.090 – Adult concessions parking and lighting requirement. (17.46.110)

To mitigate the adverse secondary effects associated with adult entertainment facilities, the following parking and lighting restrictions must apply:

Commented [BB130]: Libby – let us know if there are any updates we ought to know about here.

A. **Parking Requirements.** For adult entertainment 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 entertainment 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 building official. On-site parking must be required and regulated in accordance with Chapter 17.46 AMC.

Commented [SB131]: We moved this to Chapter 19.44 Supplemental Use Criteria, but can still take any updates from staff.

B. **Lighting Requirements.** All on-site parking areas and premises entries of adult entertainment 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 footcandle of light on the parking surface and/or walkways. In addition, all on-site lighting, including signs, must comply with the shading and directional requirements of AMC 17.46.110(B)(1). An on-premises exterior lighting

plan must be presented to the city building official for approval prior to the operation of any adult entertainment.

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. (Ord. 2902 § 8, 2013)

19.65.120 – Parking area design and construction standards. (NEW + 17.46.040)

- A. The party developing an off-street parking area must submit to the city engineer and the planning commission for their approval a plan of the parking area showing adjacent streets, proposed circulation of traffic, proposed drainage, lighting, and landscaping, fencing and screen planting.
- 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 19.61 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 and must be developed and completed to the required standards before an occupancy permit for the building is issued. Off-street parking areas must have dust-free, all-weather surfacing. Off-street parking areas must conform to City of Anacortes development standards.
- D. Grading. Grading work for access and parking areas must comply with City of Anacortes development standards.
- E. Drainage. Drainage and erosion/sedimentation control facilities must be provided in accordance with City of Anacortes development standards.
- F. Parking space markings. Asphalt or concrete surfaced parking areas must have parking spaces marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. 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.
- G. 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.
- H. Curbing. All access and parking areas must be enclosed with cast-in-place vertical curbs or functionally equivalent structural barriers. Curbs may be cut to allow surface water runoff to enter low impact development best management practices (LID BMPs).
- I. Pedestrian paths. Where pedestrian walks paths are used in parking lots for the use of foot traffic only, they shall must be curbed, or and raised six inches above the lot surface.
- J. Bicycle Parking. Where outdoor bicycle parking is provided, locate the bicycle parking over a permeable pavement where allowed in accordance with _____.

Commented [CR132]: This is covered in

Commented [CR133]: Delete all of the specific language and just say parking must comply with the standards - then put the specifics in the standards, which are easier to update as needed.

Commented [BB134]: Staff: This subsection makes it seem like approval of the parking plan is a separate approval process than the underlying permit, and only includes a limited list of items that would be shown on the parking plan. Would it be better to include the requirement for the submittal of a parking plan with General Requirements - 19.65.020(F/G)? [Response in the works.](#)

Commented [SB135]: Two related provisions from 17.46.040 we're combining here.

Commented [SB136]: Staff noted that city plans on adding new driveway/access standards soon.

Commented [SB137]: This highlighted sentence is from existing 17.46.040.D.

Commented [SB138]: Staff: Seems like this sentence covers D below?

Commented [CR139]: doesn't all work have to comply with relevant standards? do we need to say this?

Commented [SB140]: Is this correct?

Commented [SB141]: This highlighted sentence is from existing 17.46.040.D.

Commented [CR142]: already said this in F

Commented [LBG143]: Is this absolutely necessary in every case or are there situations where an alternative might work?

Commented [CR144]: if you enclose it, how will you get out? Is it OK to just have a fence or shrubs along the edges if there are wheel stops? Why have curbs where not needed?

Commented [CR145]: Of course, curbs may be cut for drainage, for cars to go in and out, and for other reasons. no need to say it.

Commented [SB146]: This highlighted sentence is from existing 17.46.040.D.

I don't think this conflicts with 19.62.040 - Internal pedestrian access and design. That section only refers to WIDTH whereas this refers to HEIGHT.

But it might inconvenient to have dimensional standards in two separate places.

Commented [CR147]: put the bike requirements in the bike section, not in the parking section Do we really need this?

Commented [SB148]: Check with public works.

Commented [LBG149]: Needs more review re: whether this makes sense to say here.

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19.65.130 - Parking area maintenance. (NEW)

The property owner must maintain all off-street access and parking areas. Maintenance must include removal and replacement of dead and dying ~~trees, grass and shrubs~~ vegetation, removal of trash and weeds, and repair and maintenance of ~~traffic control devices, parking space striping, signs, light standards, fences, walls, surfacing materials, curbs, railings and landscaping, paving and all other elements of the parking areas.~~

Commented [BB150]: Staff: Permanent stormwater BMPs too, as long as we are listing things out?

Commented [CR151]: don't get bogged down in trying to list everything

Commented [CR152]: don't try to list each item

Page 11: [1] Commented [CR89]

Cynthia Richardson

12/30/2017 9:33:00 PM

Safeway property is about 500' from 11th to 13th. Not too far for most people to walk, but what about ADA spaces? Perhaps allow a farther remote lot for employee parking if some of spaces are provided for customers near the front door?

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Sunday, December 31, 2017 10:33 AM
To: Grage, Libby; Measamer, Don
Subject: code standards

Libby and Don,

In my comments about the parking code that I just sent to Libby, one of my suggestions was to remove the specific details about parking stall width, curbs, etc. from the zoning code, and instead put them in the Street Standards, which could be incorporated into the zoning code by reference. (In fact some parking information is already in the Street Standards document, and may conflict with some details in the draft zoning code.)

This could allow the standards to be updated separately as needed without necessitating the more onerous process of updating the zoning code. It would also reduce potential conflicts between documents.

This then got me thinking about whether there might be other parts of the code which would be better handled as separate "standards" included by reference, rather than including so much detail in the zoning code. Examples might be: CBD design standards, sign design standards, landscaping standards.

For example, the zoning code could establish how much landscaping area is required, but a Landscaping Standards document could include specifics about size of trees, credit for existing large trees, root protection, gallon pot size, etc.

Removing some of this detail from the zoning code would reduce the size of the document and make it easier to understand. If you were to take some of those detail sections out now, it would simplify the review process for the next draft because there would be less material to cover.

Of course, this would require following up with a work schedule to create several smaller "Standards" documents with a public review and approval process, but it could be in digestible chunks, with citizen input on the parts that are in their areas of interest. Once the supporting documents are created, they can be updated from time to time without opening up the zoning code for review.

I realize that a lot of work has gone into creating the new zoning code format, with lots of good information based on working models from other jurisdictions. Staff and consultants may feel

that pulling out such details negates their hard work, and makes more work to create supporting documents.

This idea may not be workable for many reasons that I haven't considered, but I hope you'll give some thought to whether there are any sections of the zoning code that could function better for the public and for the staff who has to enforce them, by being in a separate document.

Thanks again for all of your hard work on the new code.

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

COMMENT ON FIRST DRAFT
OF AMENDED DEVELOPMENT REGULATIONS
IMPLEMENTING THE 2016 COMPREHENSIVE PLAN

1/29/2018

A. Per the Growth Management Act, the development regulations must be consistent with and implement the 2016 Comprehensive Plan.

WAC 365-196-800

Relationship between development regulations and comprehensive plans.

(1) Development regulations under the act are specific controls placed on development or land use activities by a county or city. Development regulations must be consistent with and implement comprehensive plans adopted pursuant to the act.

"Implement" in this context has a more affirmative meaning than merely "consistent." See WAC 365-196-210. "Implement" connotes not only a lack of conflict but also a sufficient scope to fully carry out the goals, policies, standards and directions contained in the comprehensive plan.

RCW 36.70A.010

Legislative findings.

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

B. There is an over emphasis on "design standards" and developing cosmetics. The whole garage door section is a good example. And mandating a 3' covered porch is an example of a regulation designed to fix a problem that does not exist. Focusing on how things are going to look is just a way to subvert an inquiry into how things will function when streets, sewers, the electrical grid, etc are overloaded. Makers must be compelled to produce "design standards" that are relevant to Anacortes.

C. The available land and underlying infrastructure of the City must be able to support the projected growth. The 2016 Comprehensive Plan identifies available buildable acres as of 2015 and density changes necessary to accommodate 2,620 new dwelling units for the projected population growth of 5,895 over the next the 20 years. (See 2016 Comprehensive Plan, Page II-6 and footnote 2 at page II-7, Residential & Employment Land Capacity Analysis Summary 7/10/15).

- The land capacity analysis deducted critical areas and their buffers from the estimate of available land and further reduced the estimate by needed infrastructure and a market factor given that not all land owners will choose to sell or develop vacant or underdeveloped land.
- If the development regulations remain unchanged, available land in Anacortes will accommodate 2,300 additional dwelling units or a deficit of just 320 dwelling units.
- With only the changes presented at Table LU-1 at Page I-16, the available land will accommodate a total of 3347 new dwelling units over the next 20 years or 727 more than necessary for the projected growth.
- But see the Wastewater Comprehensive Plan 2015 and P. II-109 of the 2016 Comprehensive Plan. To accommodate just 2,620 new dwelling units over the next 20 years, the City must spend \$22.8 million, over a million dollars per year, to replace sewer lines to reduce infusion and infiltration in existing sewer lines to prevent the otherwise inevitable overflow conditions at the wastewater treatment plant. Also see the 2016 Comprehensive Plan at Page II-99 projecting an additional \$15.2 million in roadway improvement expenditures necessary to accommodate projected growth.

D. In the interest of implementing the housing diversity goals, while evidently ignoring the affordable housing goals of the 2016 Comprehensive Plan (See the Housing Element), a variety of “dwelling units” are defined at page 18 of the draft regulations. These various types of dwelling units are not consistent with Table LU-1 of the 2016 Comprehensive Plan and are not fully integrated into the proposed development regulations.

Cottage housing, townhouses, small lot units were not addressed in the Residential & Employment Land Capacity Analysis Summary 7/10/15 or at Table LU-1 at Page I-16 of the Comprehensive Plan. As such there has been no analysis of their impact upon the capacity of the City’s infrastructure. The housing element goal to provide greater housing diversity doesn’t just mean different physical types of houses (high and narrow, wide and expansive, close together or not so close together). Housing diversity refers to affording housing to various types of households, individuals and families at various stages in their life cycle. Just increasing density in a variety of ways does nothing to achieve this goal.

- At pages 83 and 84, cottage housing is a permitted use across all the residential zones. At page 116, cottage housing is exempt from lot size standards and density is treated as half of a dwelling unit. Block frontage standards are incorporated by reference but as written do not apply (See page 152 “Applicability). Yet in the form and intensity standards at page 94, there is no mention of cottage housing and in any event density limits are treated as a matter of lot size for which cottage housing is... exempt. The only limit is a 10’ separation between cottages, 4 to 12 clusters, and no more than 1200 “gross square feet” dwelling units and unlimited clusters (See Sec. 19.44.085 at page 115). A cottage house is a dwelling unit with sinks, showers, toilets that impact the capacity of

the waste water treatment plant violating the whole point of the Growth Management Act. No analysis has been completed to determine the impact upon the limited capacity of the waste water treatment plant. Also, high density land use minimizes land cost for development with nothing to insure the reduction in cost will be offset by fees to support the City's infrastructure or for that matter do anything to meet the affordable housing goals of the Comprehensive Plan.

Additionally, the development regulations do not address neighborhood infrastructure capacity. Each cottage house places a burden on existing neighborhood sewers, storm drains, roads, and all other infrastructure. While a given project may not affect the citywide capacity, it may well exceed the individual neighborhood capacity, requiring upgrades to existing systems. This must be addressed in the cottage housing regulations and impact fees.

- At Page 83 and 84, "townhouses" are permitted conditionally or outright in the R3, R3A, R4 and R4A zones. At page 117, there are no form or intensity standards other than footnote 2 at page 85 (4 units per structure). How many townhouses will be permitted given either a 4500 square foot minimum lot size or a 3000 square foot lot size? Why make the limit 18 dwelling units in the R4A zone but otherwise unlimited? Like cottage housing, how will permitting townhouses impact the capacity limit of the waste water treatment plant? Will any of the land cost reductions help to meet any of the affordable housing goals of the Plan?

See the above regarding cottage housing. Macro analysis infrastructure capacity is not sufficient, the existing infrastructure down to the individual block level must be addressed and upgrade costs appropriately assessed

- At page 117, "townhouses" are subject to the "frontage standards" of Sec. 19.61.060 but at page 152, Ch. 19.61 only applies to non-residential and "multi-family" development. By definition "townhouses" are not "non-residential or "multi-family" and none of the residential zones are mentioned in Ch. 19.61. Sec. 19.44.080 only applies to single family small lot, duplex and triplex units so the 20 foot wide street frontage does not apply to townhouses. Do the drafters intend to allow townhouses to be aligned edgewise with the street like the single family homes on "H" Avenue?
- "Small lot" is defined at page 18 as "less than 5000 square feet." Thus every lot in R3, R3A, R4 and R4A would be a deemed "small lot." At page 95, the proposed development regulations would allow an 80% FAR ratio on such small lots or 2400 square foot single family residence on a 3000 square foot lot. At page 142, the dwelling unit could be placed right on the property line with no set-back on one side of lot (18" of the eaves are evidently permitted to intrude on to the land of the adjacent property (?)).

The opposite side yard could be as little as 10 feet wide and the lot could be as little as 30 feet wide (See page 94). Frontage to a road, private, drive or alley could be as little as 20 feet. (See page 115).

Such provisions would allow a series of adjacent lots 30' wide by 100' deep each accommodating a two story dwelling 20' by 60' or 2400 square feet separated by a 10' strip. "Small lot" housing as envisioned in the proposed regulations was not addressed in the Residential & Employment Land Capacity Analysis Summary 7/10/15. How will the "small lot" deregulation in the R3, R3A, R4 and R4A zones impact the capacity limits of the wastewater treatment plant? Moreover, given the current market, a "small lot" home could readily sell for perhaps \$500,000 to \$700,000. Land costs for development have been reduced by at least half. Who benefits from this "small lot" regulation? What goal of the Comprehensive Plan is being implemented by the proposed "small lot" standards?

And, how do "townhouses" fit with the "small lot" standards that include all of the R3, R3A, R4 and R4A zones. Does the Comprehensive Plan envision row housing on 3000 square foot lots aligned edgewise with a street or an alley separated by a distance of just 10 feet? The regulations would seem to allow such development? Again, for what purpose?

E. The proposed development regulation update is internally inconsistent and inconsistent with the 2016 Comprehensive Plan allowing development far exceeding the projected capacity of the City's infrastructure.

R-1 Zone.

- Page 73 Sec. 19.40.030. The proposal to allow "other dwelling types, such as "accessory dwellings, cottage housing in the R1 zone, even conditioned on a CUP, are inconsistent with Table LU-1 of the 2016 Comprehensive Plan. What is more, the proposal is inconsistent with the stated purpose of the R1 "low density" zone including the lack of sufficient public facilities and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030. The phrase "other dwelling types, such as" is ambiguous. Is the language suggesting that townhouses for, example, might also be allowed with a CUP? One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to "reduce ambiguity". "Other dwelling types such as" does not reduce ambiguity but rather increases it as noted above. This comment applies to all zones.
- Page 84 and 85 Sec. 19.41.020. The permitted use for cottage housing is inconsistent with the 2016 Comprehensive Plan at Table LU-1 and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030.

- Page 95 Sec. 19.42.020. Bonus density is inconsistent with 2016 Comprehensive Plan at Table LU-1 and is also inconsistent with 19.10.010, 19.12.040, 19.40.020 and 19.40.030. R-1 density bonus is inconsistent with the Comprehensive Plan at LU-1.

R-2 Zone and R-2A Zone

- Pages 73 and 74 are inconsistent with pages 83 and 84.
- Page 73 Sec. 19.40.030B. The phrase “other dwelling types, such as” is ambiguous. Is the language suggesting that townhouses might also be allowed with a CUP? One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to “reduce ambiguity”. “Other dwelling types such as “does not reduce ambiguity but rather increases it as noted above.
- Page 83 Sec. 19.41.020 A and B are inconsistent with 2016 Comprehensive Plan at Page I-16, Table LU-1, and Sec. 19.40.030 of the proposed development regulation update.
- At 19.41.020, is it necessary to have both A and B tables. One with spots/circle and pictures and another with letters?

R-3 and R-3A

- The 2016 Comprehensive Plan states “explore the option of 3000 square foot lots where “consistent with historical plat.” But the Residential & Employment Land Capacity Analysis Summary 7/10/15 does not address the number of such historical plats. The proposed zoning map does not identify any such lots or any boundaries between the R3 and R3A zones. How many sinks, toilets and showers will be created by a 3000 square foot minimum lot size zone? Where are the 3000 square foot “historical plats” located? How are “historical plats” defined and treated in the chapter governing boundary line adjustments? How are “underlying lots” defined?

History from over 120 years ago is meaningless and incompatible with current land use planning or existing constraints. Does “consistent with historical plat” mean street ROW and lots that were laid out on a paper grid with no regard for steep slopes, wetlands, or any topographic constraints? To argue that Anacortes should be developed according to 1890’s vision of Amos Bowman is inconsistent with the Growth Management Act and was not developed in the projection of available lands which is the foundation of the 2016 Comprehensive Plan.

- Page 83, 84, and 85 are inconsistent with the 2016 Comprehensive Plan at P. I-16, Table LU-1 and internally inconsistent with Page 74 of the proposed development regulations. At Page 74, R3A is defined as “areas characterized by historical patterns of generally 3000 square foot lots” But at Page 94 the R3A zone is designated as 4500 square foot lots. Likewise R3 is not consistently used at page 74 and page 94.

- “Low density multifamily” used at P. 74 is undefined anywhere and not used in the permitted uses or form and intensity sections.

Old Town Overlay

- “Low density multifamily” used at P. 74 is undefined and not used in the permitted uses or intensity sections.
- At page 75 Sec. 19.40.030E. One of the stated purposes for the time and money involved in this major rewrite of the development regulations is to “reduce ambiguity.” “Other dwelling types such as “does not reduce ambiguity but rather increases it as noted above.
- Page 75 is inconsistent with pages 83 and 84 with respect to “cottage housing.”

F. R4, R4A, CBD, Commercial, MMU and Commercial Marine.

- Pages 75 through 77 are inconsistent with pages 83 and 89. Every type of residential use allowed in the R4 and R4A zones including townhouses, multifamily and live-work units are allowed in the CBD, Commercial and MMU zones. While this arguably might be appropriate, nothing in the 2016 Comprehensive Plan or the Residential & Employment Land Capacity Analysis Summary 7/10/15 support the ability of the City’s infrastructure to accommodate the likely number of new dwelling units allowed.

G. Bonus incentives, at page 104. All high density development is nothing short of a subsidy for development and should be conditioned upon meeting affordable housing goals in the 2016 Comprehensive Plan. Moreover, how would “bonus incentives” be greater than the density already being proposed? As such, there is no incentive and the provisions are likely to be ignored.

H. There is way too much potential for abuse of the Director’s discretion. Again, the goal is to reduce uncertainty. This kind of unguided and unreviewable Director discretion only increases uncertainty. At least in the current code, many meaningful exceptions were reviewed and approved by the planning commission and/or the city council. Director discretion is just a “loophole” by another name leading to inconsistent if not biased and discriminatory application. There has been a long history of applicants abusing the code provisions. Leaving this to the discretion of the Director with no possibility of review is improper.

- Page 24, Lot measurement. On what basis is the Director to determine “width” of “irregularly shaped lots? There has been a long history of applicants abusing the code to their advantage by proposing “irregular shaped lots so as to evade a provision or standard. If this discretion is allowed, all new development in Anacortes will be made up of “irregular” lots.
- Page 71 and 72, lots divided by zone boundary. This is the time to adjust boundaries so as to eliminate all such lots.

- Page 102, why would a property line not be “readily determinable.” Presumably the Director would decide whether a property line was not “readily determinable.”
- Page 115, why would there ever be circumstances where frontage would not be on an improved road.
- Page 133, minimum standards for public streets should not be left to the discretion of the Public Works Director.
- Page 134, sidewalks extension. What is “practical and reasonable”?
- Page 134, alley improvements should be determined directly by the language of the regulation
- Page 134, transition to existing improvement. When would an existing improvement “decrease in the future?”
- Page 135, dedication of right of way. This should be spelled out as opposed to leaving it to the public works director.
- Page 135, sidewalk “modification.”
- Page 152, on what basis should the Director “waive or relax.”
- Page 176, on what basis should the Director resolve a “conflict” between frontage standards?
- Page 177, reduction in transparency, based upon what?
- Page 178, high visibility corners, based upon what?
- Page 205, wave or relax building design standards based upon what?
- Page 225, wave or relax landscaping standards based upon what?
- Page 234, on what basis would the Director require greater buffers to preserve existing mature trees?
- Page 235, on what basis would the Director decide “other effective visual transitions”?
- Page 235, “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.” Based upon what?
- Page 236, on what basis is the Director to determine “variations in the planting of trees”?
- Page 241, on what basis would the director decide “Limbing” up trees and “topping” or shearing off trees”?
- Page 242, on what basis would the Director reduce the requirement for a performance bond?

I. The proposed regulations have ignored RCW 82.02.060 impact fees. The new development must be supported by development fees. Public subsidy of new development must not occur. Impact fees were originally addressed in Chapter 20, but were removed during the review process with the assurance that such fees would be addressed later. “Later” has arrived. This version of the development code dramatically increases the burden on the existing neighborhoods and infrastructure. Without meaningful impact fees that recover development costs to existing residents we are asking the public to subsidize private companies.

J. The proposed regulations are filled with internal inconsistencies and problematic provisions. These errors will never be located and corrected by just reading from page 1 to 246. One approach is to identify historic problems or issues and then search the proposed code for how the problem or issue is treated. Error or problems so detected may then be corrected. These problems or issues might include:

- Uses by zone. In the current code, most of the regulatory provisions are organized by a specific geographic zone. The proposed code is organized by regulatory function i.e., permitted uses, form and intensity, supplemental use criteria, block frontage, design, landscaping etc. All these regulatory functions must be treated consistently within each zone. There are a finite number of zones but a potentially unlimited number of regulatory functions. The current code has been poorly administered in the past. The propose code will be even more difficult to administer. There must be cross references throughout the code linking all applicable provisions.
- Consistent uses of definitions. Search the proposed code including the definitions with every definition. Make sure the definitions are consistently used in the regulatory context. If never used then they probably need not be included. But watch for words that warrant definitions such as: “gross square feet,” “low density multifamily,” “underlying lots,” “frontage” “historical plats,” “units” “boundaries” etc. (e.g. Anacortes has a history of established boundaries that are altered by surveyor hired by the developer).
- How frontage is determined-“frontage” remains undefined yet it is used throughout the proposed development regulations and been the source of so much historical abuse.
- How are flag lot set-backs, side, back and front yards to be defined and measured?
- The current code includes a policy of limiting development to “buildable gross acres.” How is that policy carried forward in the proposed development regulations?
- Compare with the Shoreline Management Plan, Critical Area Ordinance, storm water plans, etc. to identify conflicts, correct or plan for appropriate revisions in the interest of consistency.
- How are “assisted living facilities” managed in the regulations? In the definitions, there is no reference to “assisted living facilities” yet those words are used elsewhere in the code. “Senior citizen assisted housing” is defined but never used elsewhere in the proposed regulations. “Assisted living facilities” appears to be essentially deregulated. The entire history of the K Avenue memory care facility has be ignored or sanctioned.
- How is development on unimproved streets and alley regulated, if at all?
- How is traffic safety considered?
- How is access to emergency medical and fire suppression services addressed? In the past the fire chief has made ad hoc decisions but based upon what?

Vernon Lauridsen 2219 32nd Street, Anacortes.

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Sunday, February 04, 2018 8:58 PM
To: Grage, Libby
Cc: Measamer, Don; Gere, Laurie
Subject: new zoning regulations
Attachments: PC093148.JPG

Libby,

I've been thinking a lot about the proposed draft zoning code, and would like to offer the following general comments. Please share this with Makers, and whomever else might be interested.

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

ACHIEVING A BALANCE IN DESIGN REGULATIONS

Any code or regulation, whether for zoning, traffic, criminal activities, or other topics, must try to achieve a balance between restricting individual rights for the benefit of the community and allowing individual expression to the extent that it does not harm others. Just because some people don't care for something doesn't mean we necessarily need to regulate it.

With regard to the current draft of the Anacortes zoning regulations, my sense is that they are unduly restrictive, particularly with regard to design standards. The intent of improving the appearance of our city is admirable. But too many rules can increase costs and reduce options for responding to individual needs without a clear benefit to the community.

Design standards which promote conformity and familiar characteristics can create a cityscape that is comforting. But it can also be boring. Lack of standards can allow diversity, but that can become chaotic and disorienting. What is the right balance?

Unlike a shopping mall, office park or residential neighborhood that is built by a single developer and controlled by very strict design guidelines enforced by a committee, Anacortes was built over a century during which design preferences evolved through many phases. Victorian style homes and cannery worker cottages gave way to Craftsman bungalows, then post-war ramblers,

mid-century modern, suburban, post modern, brutalism, Northwest contemporary, and other styles - interspersed with the occasional quirky castle or log home.

Some of those styles were popular for a while, then faded away. The best loved have survived and become mainstream. We have no way of knowing what styles will appear and become loved or despised in the future. But by limiting design guidelines to what we find appealing now, we preclude even better new styles from being tried. If only historic materials and details are allowed, there will be nothing to represent the 21st century aesthetic 200 years from now.

There is no consistent historic Anacortes style in either the residential or commercial areas. To many of us, that is part of the charm of our town. When someone buys or builds a home or business, they have the freedom to express their own design preferences, whether traditional or contemporary. Just because a person prefers certain styles doesn't mean they should control what their neighbor builds, if the neighbor has different preferences.

Sometimes conformity with design standards can stand in the way of creating a memorable and iconic symbol for a city, or for an individual business.



Recently I read that the Guggenheim Museum in New York (above) is "the most photographed building in the US".

These buildings are also recognizable icons. None of them could be built under the proposed design standards:



My point is not that we need a monumental iconic building in Anacortes. But if our standards are too strict, we risk blandness and rule out opportunities for creative expression.

- What is the smallest list of minimum standards needed to promote a sense of harmony, while still allowing diversity?

- Can someone build a design that may seem radical (and unpopular) now but might be the start of something that will eventually become acceptable, then mainstream, and then historic?

For each code requirement (whether keeping an existing one or proposing a new one), it is essential to ask,

1. "What is the objective that this requirement is trying to achieve?"
2. "Is that objective important enough to require regulation via the code?"
3. "Will it achieve that objective?"
4. "Will it create other problems?"
5. "On balance, is achieving that objective more important than the problems?"
6. "Are there other ways of achieving the objective that are more flexible, less costly, or have other benefits?"

As an example, one suggested code change is to require the front doors of houses to face the street.

1. The objective is to make the home seem more friendly and welcoming to people passing by.
2. Just because it's desirable does not mean it is important enough to require a code regulation.
3. Yes, to some extent a door facing the street will be welcoming.
4. It will limit the functional arrangement of rooms within the home, may be very difficult on a lot that slopes steeply up or down from the street, could result in an entry that doesn't access the main living level, could interfere with enjoyment of a view from the street side of the house, could limit the use of the front yard for private outdoor space, and could be more costly to construct than a side or rear entry on some lots.
5. Which is more important - the appearance of the house to the general public, or the ability of the homeowner to maximize the potential of the house to meet their personal needs and lifestyle?
6. How about allowing the entry to be on any side, but requiring that a sidewalk with a clear route to the entry be provided for ease of access by visitors, delivery people, and emergency responders?

Some of the requirements in the proposed code address things that aren't really very significant in the overall scheme of things, and create a layer of complexity for owners and city staff far out of proportion to their importance. Two examples:

- Chain link fences prohibited within 10 ft. of a street right-of-way in all zones.
Why should industrial types of uses within their appropriate zones have this restriction? Chain link fences offer inexpensive, sturdy security while allowing surveillance from passing police. Setting the fence back 10 ft. takes away considerable useable square footage, and the fence still looks the same. It's not

necessary to regulate fence types in these zones. Let the industrial types of uses be practical and work-oriented. It's not necessary to prettify them.

- Darker colored signs can be larger than lighter colored signs.

This is really getting into picky details. We should just regulate the size of the sign, and let the owner choose colors, text, symbols, etc. As long as the size is limited, even if a few signs end up being garish or not very readable, the impact on the community is very minimal, and the cost for staff to monitor sign details is way out of proportion to its importance.

Go back to the questions above - what are these fence and sign restrictions intending to achieve? Is that important enough to regulate them via the code? Let's only regulate the really important things.

We should try to achieve a balance between restricting individual rights for the benefit of the community and allowing individual expression to the extent that it does not harm others or isn't that important in the overall scheme of things. What is the right balance? Keep it simple.



Grage, Libby

From: Ken Hansen <khansen1809@gmail.com>
Sent: Wednesday, February 07, 2018 6:16 AM
To: Grage, Libby
Subject: Re: New Newsflash Development Regulations Update: Draft Fence, Walls, Hedges Chapter available For The City of Anacortes

Hi Libby,

I looked through the draft document for fences, walls, and hedges, and like what I saw. I do have a couple comments for areas that could use more detail.

1. I am under the impression that fences or gates are mandatory on top of any retaining wall or deck higher than 3', so the fence setback on page 10 doesn't make sense for safety purposes. If there is a risk of someone falling off a retaining wall edge, especially when more than 5' high, I think a fence should be mandatory. Transparency can be changed, but not the height or location of the fence.

2. There was no mention of trees and bushes between the street and property line. I regularly walk on sidewalks in Old Town and don't think I should have to duck under tree branches or walk around bushes that are covering the sidewalk. If you are trying to improve visibility (via fence heights) in this area, you should also include regulations on lowest foliage on trees and max height or setback of bushes, especially when evergreens.

Keep up the good work.

Regards,
 Ken Hansen
 1809 8th Street

On Fri, Feb 2, 2018 at 3:58 PM, Planning, Community, & Economic Development <listserv@civicplus.com> wrote:

[View this in your browser](#)

February 02, 2018

Development Regulations Update: Draft Fence, Walls, Hedges Chapter available

Here is your reading material for this weekend! The 1st draft of proposed updates to the Fences, Signs & Hedges chapter of the AMC is available for public..... [Read on](#)

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Grage, Libby

From: Mount, Jeff
Sent: Thursday, February 15, 2018 7:32 PM
To: Grage, Libby
Subject: Re: Development Regulations Update: Draft Fence, Walls, Hedges Chapter available

Hi Libby,

This is one question that may come up. I have a very steep slope behind my house, with a fire service road running behind it. I would assume there are hundreds of people in that situation. I am not considering a fence, but if I had a dog I probably would and a 42 inch fence would look terrible. I don't know how your standards would apply to a fire access road, but the same concern would certainly pertain if there was a street down there.

Jeff

From: Grage, Libby
Sent: Friday, February 2, 2018 4:13 PM
To: Planning Commission; City Council
Cc: Gere, Laurie; Measamer, Don
Subject: Development Regulations Update: Draft Fence, Walls, Hedges Chapter available

Here is your weekend reading material! The 1st draft of proposed updates to the Fences, Signs & Hedges chapter of the AMC is available for public review on the City's Development Regulation Update [project webpage](#). Look under "1st Draft Documents" heading.

The proposed new and updated regulations are part of the overall development regulations update project, and help to implement the 2016 Anacortes Comprehensive Plan. Safety, security and aesthetics are guiding principles throughout the fence chapter updates. A primary goal of the draft regulations is to encourage a more attractive and walkable environment, and provide more guidance in the design and approval of fence/wall designs for homeowners, developers, and staff, especially in residential areas.

Please take a look, and let us know what you think! Please send your feedback to Libby Grage, Planning Manager, PCED, libbyb@cityofanacortes.org.

Thank you,

Libby Grage | Planning, Community & Economic Development Department
 P.O. Box 547 | 904 6th Street | Anacortes, WA 98221
 360.299.1986 (work) | libbyb@cityofanacortes.org | www.cityofanacortes.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

Grage, Libby

From: Cynthia Richardson <richrson@cnw.com>
Sent: Sunday, February 18, 2018 10:05 PM
To: Grage, Libby
Subject: fence code section with edits
Attachments: 20180202-Fences CR edits.docx

Libby,

Here are my comments on the fence section of the draft code. I really appreciate your giving me a chance to do this detailed review. Hopefully it will help make the end result better for everyone.

When will the medical overlay be ready for review?

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

CHAPTER 19.67 - FENCES, WALLS & HEDGES

Draft – February 2, 2018

DRAFT ADR MASTER-FENCES_18-0202

19.67.010 - Purpose. (NEW)

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.
- D. Balance public benefits with individual concerns, including personal privacy from public view and buffering from impacts of adjacent uses.

19.67.020 - Applicability. (NEW)

This chapter applies to all fences, walls, and hedges, of whatever nature and wherever located, within the City.

19.67.030 – Fences, walls, and hedges for residential zones. (NEW)

- A. **Height and design standards by location.** Table 19.67.030 provides height and transparency standards for fences, walls, and hedges for residential uses and zones. Figure 19.67.030.A provides clarification on the location of fences, walls, and hedges associated with the standards in Table 19.67.030. Note that building codes require a building permit for fences over ??? ft. in height.

Commented [LBG1]: General note to reviewers:

Here are some of the goals and guiding principles behind the updates that are proposed in this draft chapter:

- Current adopted fence/wall code (AMC 17.52) is very limited, so this is an opportunity to expand upon it with more details.
- Safety, security, and aesthetics are important guiding principles throughout the chapter.
- Acknowledge different design contexts and provide more guidance for developers, homeowners, and staff in designing and approving fence/wall designs, especially in residential areas.
- Provide a more attractive and walkable environment, which fences, walls and hedges can play a large part in encouraging or hindering.

Commented [CR2]: It seems as though the purpose of the standards in residential zones is to allow people to look into the yards from the street. Security is mentioned as one of the reasons. But in non-residential zones, fences seem to be used to prevent people from looking into the yards. Isn't security important there too?

Commented [CR3]: For example, because only low fences are allowed in front yards, a person living on a busy street can't open the shades to let sunshine in without having every passer-by peering in their windows. And if the street is on the sunny side of the house, it's not possible to have a private outdoor area that gets sunshine.

I agree that having extensive tall fences along the sidewalk makes it seem like a walled city, which would not be good. But an occasional short section of taller (say, 6 ft. tall x 12 ft. length) fence for privacy could be tolerated without ruining the neighborhood. This is a particular problem along Oakes Ave. where thousands of cars go by every day and residents have no way to fence out the noise and prying eyes.

Figure 19.67.030(A)

Clarification on the location of fences, walls, and hedges associated with the standards in Table 19.67.030.

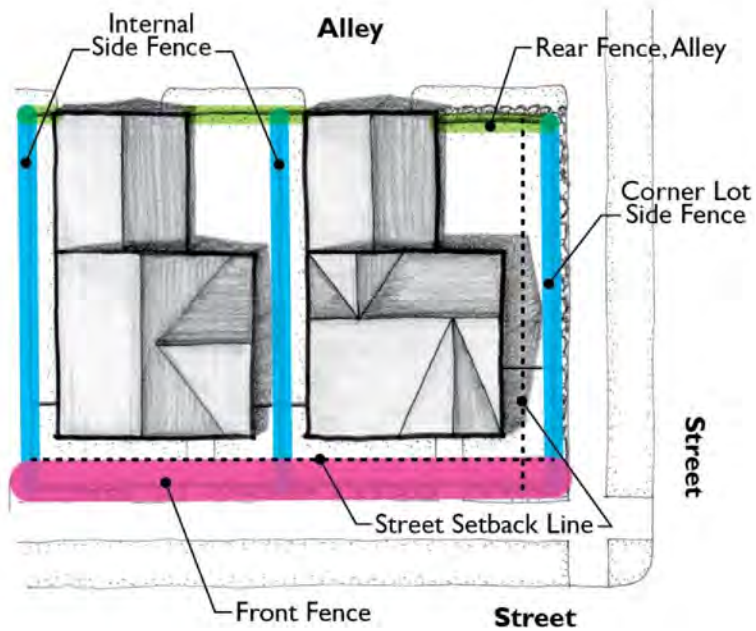


Table 19.67.030

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 <u>street-required front setback</u>	<u>42" 54", and any portion above 42" must be at least 50 percent transparent</u> <u>30" for solid fences</u> <u>54" for non-sight-obscuring</u>	<u>54", and any portion above 42" must be at least 50 percent transparent</u>
	Elsewhere between <u>the façade any building and the front property line</u>	7'	7'
Side *	Corner lot – side fence, <u>within less than 5 feet of from any street property line</u>	<u>42" 54", and any portion above 42" must be at least 50 percent transparent</u>	<u>54", and any portion above 42" must be at least 50 percent transparent</u>
	Corner lot – side fence, <u>more than 5 feet or more from any street property line</u>	7'	7'
	<u>Along/near Between any internal side property line and the required side setback line</u>	7'	7'
Rear *	<u>Along/near rear property line with or without an abutting alley</u>	7'	7'
	Reverse frontage lots – within <u>5'-10'</u> of a street property line	<u>54" within 5' of the property line, and any portion above 42" must be at least 50 percent transparent 42"</u>	<u>54" within 5' of the property line, and any portion above 42" must be at least 50 percent transparent</u>
	Reverse frontage lots – <u>5'-10'</u> or more from street property line	7'	7'

* 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.

Commented [LBG4]: These standards are based on state licensing requirements for home daycare uses. Trying to avoid barriers to establishing accessory home day care uses.

Commented [CR5]: What if the daycare use moves out - do they have to lop off the top of the fence? **SIMPLIFY THIS AND HAVE THE SAME STANDARDS EVERYWHERE**. Delete the column for daycare uses.

Commented [LBG6]: The overall maximum fence height in front yards is proposed to be reduced from 54" to 42". 42" is sort of a standard compromise – allowing for taller solid fences but shorter non-obscuring walls—as the 54" is quite high and tends to be less welcoming

Commented [CR7]: What's the rationale for this? Is it so voyeurs can peer at the kids, or so police can see if they are being molested by staff? Seems arbitrary.

Commented [CR8]: What's the rationale for this? Is it so voyeurs can peer at the kids, or so police can see if they are being molested by staff? Seems arbitrary.

Commented [LBG9]: to the street.

Vision clearance
Vision clearance /sight distance triangle requirements will need to be addressed/referenced somewhere in this Chapter. The Engineering standards say currently say no fences, walls, hedges over 36" in height within the sight distance triangle on corner lots.

Commented [CR10]: Side yard technically is between the front setback line and the rear setback line (both of which extend across the whole lot) so the taller fence can't extend into the 20' front setback - but most people don't understand that. At many corners, the actual property lines are quite a distance from the street pavement, so the sight triangle is within the public right-of-way. Could handle this with a footnote.

Commented [SB11]: An alternative consideration for lots with alleys is to promote shorter fences adjacent to alleys (to allow for better alley visibility for safety purposes), or at least require some setbacks for taller fences along alleys (better aesthetics). Consider the image below.

Commented [CR12]: Do not require low fences along alleys. This is the only place many people have for private outdoor space for enjoyment of outdoor recreation. It is also where many people store their junk.

Commented [LBG13]: A reverse frontage lot is a lot having frontage on two parallel or approximately parallel streets.

Commented [CR14]: This is problematic in some cases. The "back yard" of the reverse frontage lot may be on a street that is the "front yard" for the adjacent houses. This rule could result in one house having a 7' fence in the middle of a block where everyone else has lower fences. Not sure how to resolve this.

Figures 19.67.030(B) through (D) below provide acceptable and unacceptable examples of fences, walls, and hedges.

Figure 19.67.030(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.

Commented [CR15]: In many Anacortes neighborhoods, deer are a serious problem. They can easily jump over a 54" fence and devour all of the expensive landscaping that we are trying to encourage people to plant.

Perhaps allow 7' high if the area above 54" is cables or open wire mesh fencing extending higher to deter the deer. Could specify what is permitted. This could also offer added security while allowing police surveillance.

Commented [CR16]: None of these examples is 42" high, nor is any 42" plus the extra 50% transparent section to 54". Show examples of these types.

Figure 19.67.030(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 19.67.030(D)**Acceptable and unacceptable side fences on corner lots in residential zones or along reverse frontage lots where the rear setback abuts a street.**

The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear setback an interior side property line (between two lots), but are not allowed within 5 feet of a property line adjacent to a street. The right image shows an acceptable example where the fence is set back from the sidewalk 5 ft. 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 19.67.030) 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.

Commented [CR17]: Is a 10' or higher chain link fence allowed to enclose a tennis court?

C. Fences in the interior of a lot on or beyond the required front, rear, or side setback lines. Fences or walls within the area bounded by the required setback lines may be up to 8 feet in height and may be solid.

19.67.040 – Fences, walls, and hedges for mixed-use and industrial zones. (NEW)

A. Fences within the street setback:

1. Fences within the street setback area are subject to the block frontage standards set forth in AMC chapter 19.61.
2. Supplemental street setback standards: Fences less than 10 feet from a property line are limited to 42-54 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 district per Table 19.66.040(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.

Commented [CR18]: If a building can be 25 ft. tall or more in the interior of the lot (behind the setback line) then it should be OK to have a taller fence within that buildable area. Of course, we would not want 25 ft. tall fences, but certainly within that area it should be OK to have a private fenced outdoor courtyard with a solid fence or wall for security and privacy.

Commented [CR19]: Industrial zones are by nature working areas that are often cluttered. While some people might find that unattractive, I question the need to "beautify" every single part of town. Let the working areas alone. Don't put extra burdens on businesses unless it's really needed.

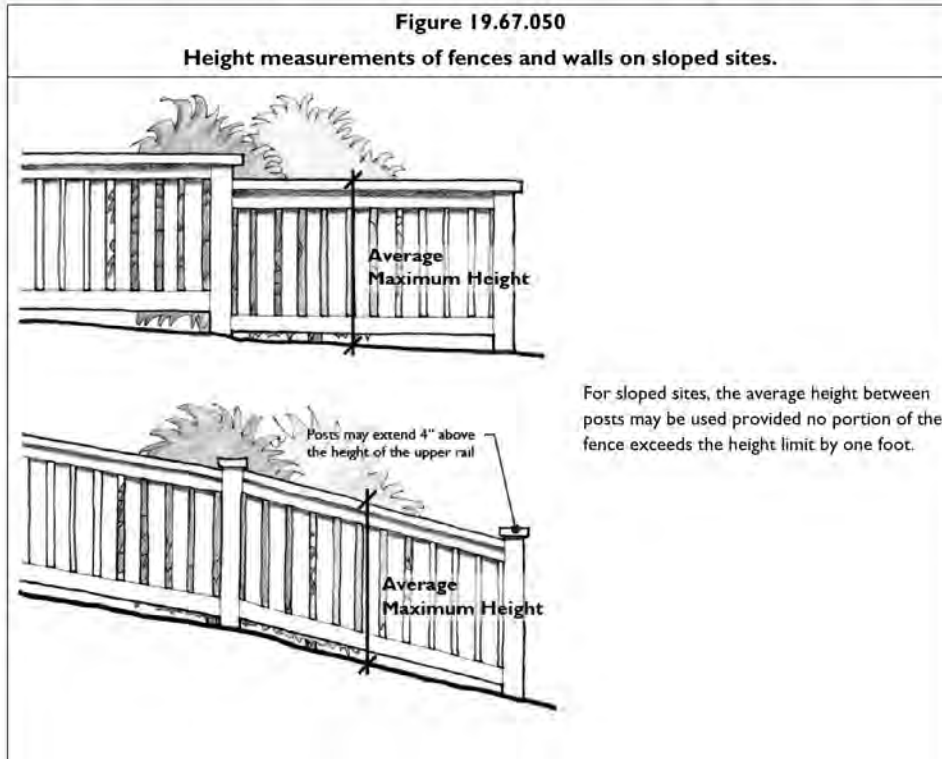
Commented [CR20]: If more attractive streetscapes are required, limit it to areas abutting a residential or commercial zone or CBD. Internally to the industrial type zones (I, MS, HM, LM, LM1) practicality should take precedence over aesthetics.

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.

This is a truck route. Give the businesses a little slack. 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.

19.67.050 - Fence and wall measurements. (NEW)

Fence and freestanding wall height must be measured from the finished grade to the top of the fence as shown in Figure 19.67.050. Fence posts that exceed the height of the upper rail by less than ~~four~~ **eight** inches may be exempted from the maximum height standards. For sloped sites, the average height between posts may be used provided no portion of the fence exceeds the height limit by one foot.



Commented [CR21]: 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 examples of posts that extend up with a small trellis above the fence.

Include these exceptions with an illustration.
Also, many decorative post caps, particularly those with lights, are more than 4 inches above the fence.

19.67.060 - Fence and wall location and maintenance. (NEW + 17.52.020)

- 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. (From 17.52.020)

19.67.070 - Fence types prohibited. (NEW + 17.52.030 and 040)**A. Chain link fences are prohibited in the following areas:**

1. All residential zones and residential uses in other zones, within 10 feet of a street right-of-way. 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.
2. Between a street right-of-way and the front of any residential building.
3. Exception: a chain link fence up to 54" high may be allowed if substantially obscured by landscaping on the street side of the fence.

Commented [LBG22]: Proposed because chain link fencing is not prominent in Anacortes and is generally inconsistent with established character.

Commented [CR23]: Industrial uses typically **DO** use chain link fences as part of their established character. Requiring the fence to be set back 10 ft. take quite a bit of valuable square footage out of the available working yard area. There is no need for residential standards to apply in working industrial areas.

B. Electric fences are prohibited in all zones except RI 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.

Commented [LBG24]: (From 17.52.030)

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.

Commented [LBG25]: (From 17.52.040)

Commented [CR26]: Some boat storage yards and other industrial areas have tall chain link fences with barbed wire. These are not public facilities. Are they allowed?

19.67.080 - Retaining walls and rockeries. (17.52.050 + NEW)**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 19.14.035.

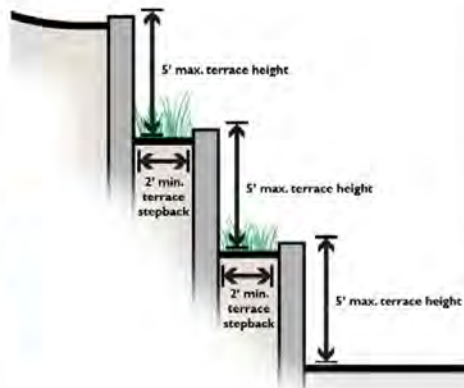
Commented [CR27]: Can we just say which ones are exempted, so a person doesn't have to look it up in the International codes to find out what is exempt?

B. Drainage control. Drainage control must be provided for the area behind retaining walls and rockeries, to avoid impacting adjacent properties or undermining the structural integrity of the wall.**C. Retaining wall and rockery terracing standards. (NEW)**

1. This subsection (C) applies to retaining walls or rockeries, or any combination of retaining walls or 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. Retaining walls and rockeries meeting the requirements of subsection (1) must meet the following terracing standards:
 - a. 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 19.67.080(C).
 - b. The City may require the retaining walls or rockeries to be designed by a structural engineer if the total height exceeds 10 ft. or if drainage issues or unstable soils are present.
 - c. Where a slope consists of natural solid rock, rather than a constructed wall or rockery, terracing is not required.

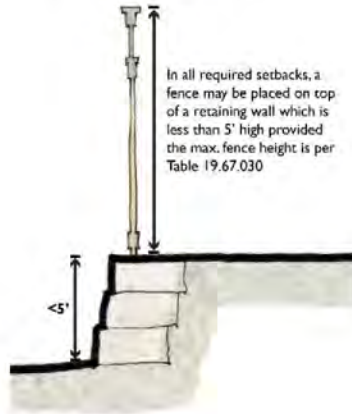
Figure 19.67.080(C)**Terracing standards for retaining walls and rockeries.**

Terraced retaining wall example

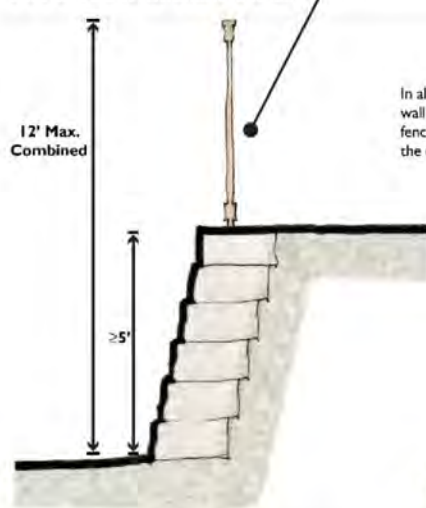
**D. Standards for fences on and near retaining walls and rockeries. (NEW)**

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 above the wall complies with Table 19.67.030.
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 set back at least five feet from the edge of the retaining wall or rockery.

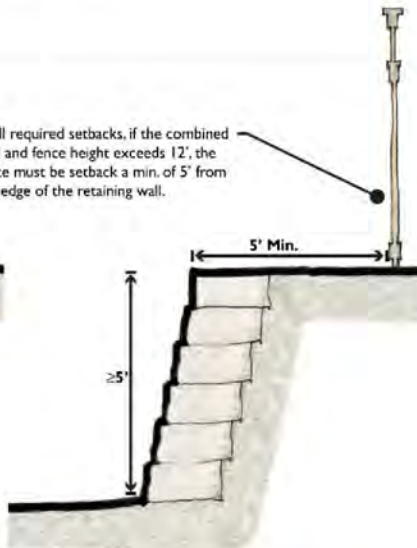
c. In all required setbacks the maximum fence height above the wall must comply with Table 19.67.030.

Figure 19.67.080(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.



In all required setbacks, if the combined wall and fence height exceeds 12', the fence must be setback a min. of 5' from the edge of the retaining wall.



F. Standards for large scale manufactured blocks. (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 must incorporate decorative materials, stamped patterns, or other treatments which create visual interest approved by the director.

Commented [CR28]: These blocks should also be prohibited in these zones entirely- whether or not used for retaining walls. Maybe this prohibition belongs here, or maybe in some other section.

Grage, Libby

From: Mount, Jeff
Sent: Wednesday, February 21, 2018 10:07 PM
To: Grage, Libby
Subject: signs19.68.030
Attachments: Anacortes Municipal Code Updates & new way to receive project updates

Hi Libby,

1) In the section which says trucks cannot be displayed on private property with signs not pertaining to the activity therein, does that allow or prohibit for sale signs? You could bust a dozen people every day if it prohibits them.

2) In Section 8, does the 25% restriction apply to each sign or to the cumulative space taken up by all signs? If it's cumulative, every store on Commercial probably is in violation. If it's not, we should probably reword it.

Jeff

Grage, Libby

From: Ken Hansen <khansen1809@gmail.com>
Sent: Wednesday, February 28, 2018 1:19 PM
To: Grage, Libby
Subject: Re: New Newsflash Development Regulations Update: Draft Fence, Walls, Hedges Chapter available For The City of Anacortes

Hi Libby,

I reviewed the draft Development Regulations and discussed this document with the Historic Preservation Board on the 14th. We knew the Comprehensive Plan would only provide preservation goals and objectives, so are disappointed that the listed regulations don't include more detail or "teeth." Is this document identifying all intended changes to Building Code, or just a little more detail than the Comp Plan? The statement "Historic resources, character and scale" does not really identify what we are trying to preserve. Understanding purpose of the draft document will help us determine if level of details is sufficient and meaningful. I do have one comment for page 23 - "Landmark building" means a structure recognized as historic or architecturally significant and so designated by the city council. (City Council only designates buildings on the local historic register, so recommend changing to - recognized as historic or architecturally significant through designation on a local, state, or national historic register.) I look forward to learning more on the changes and how we can help.

Regards,
 Ken Hansen

On Wed, Feb 7, 2018 at 9:04 AM, Grage, Libby <LibbyB@cityofanacortes.org> wrote:

Thanks for the feedback, Ken! I'll have to check with some folks on your questions – I seem to recall they are addressed in other areas of the code, but am not sure where. I'll let you know once I find out.

Have you had a chance to look at the [other draft regulations](#)? The historic preservation committee's feedback on some of the other changes and new proposed design provisions would be appreciated.

Best,

Libby Grage | Planning, Community & Economic Development Department

P.O. Box [547](#) | [904 6th](#) Street | Anacortes, WA 98221

[360.299.1986](tel:360.299.1986) (work) | libbyb@cityofanacortes.org | www.cityofanacortes.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56.

From: Ken Hansen [mailto:khansen1809@gmail.com]

Sent: Wednesday, February 07, 2018 6:16 AM

To: Grage, Libby <LibbyB@cityofanacortes.org>

Subject: Re: New Newsflash Development Regulations Update: Draft Fence, Walls, Hedges Chapter available For The City of Anacortes

Hi Libby,

I looked through the draft document for fences, walls, and hedges, and like what I saw. I do have a couple comments for areas that could use more detail.

1. I am under the impression that fences or gates are mandatory on top of any retaining wall or deck higher than 3', so the fence setback on page 10 doesn't make sense for safety purposes. If there is a risk of someone falling off a retaining wall edge, especially when more than 5' high, I think a fence should be mandatory. Transparency can be changed, but not the height or location of the fence.

2. There was no mention of trees and bushes between the street and property line. I regularly walk on sidewalks in Old Town and don't think I should have to duck under tree branches or walk around bushes that are covering the sidewalk. If you are trying to improve visibility (via fence heights) in this area, you should also include regulations on lowest foliage on trees and max height or setback of bushes, especially when evergreens.

Keep up the good work.

Regards,

Ken Hansen

1809 8th Street

On Fri, Feb 2, 2018 at 3:58 PM, Planning, Community, & Economic Development <listserv@civicplus.com> wrote:

[View this in your browser](#)

February 02, 2018

Development Regulations Update: Draft Fence, Walls, Hedges Chapter available

Here is your reading material for this weekend! The 1st draft of proposed updates to the Fences, Signs & Hedges chapter of the AMC is available for public..... [Read on](#)

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March 16, 2018

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

Reference: Shell Puget Sound Refinery
March Point, Skagit County
Comment Letter to City of Anacortes
City Development Regulations Update

Dear Ms. Grage:

This letter is submitted on behalf of Equilon Enterprises LLC (“Shell” or “Shell Puget Sound Refinery”) in response to the City of Anacortes (“City”) requests for public comments to the current draft Title 19 – Unified Development Code.

Background – Property & Facilities

The Shell Puget Sound Refinery is a large industrial complex with many existing structures over 50-feet high. These include: water cooling towers, distillation columns, various crude and product storage tanks, butane spheres, flares, and other process equipment. We estimate there are presently over 100 structures that currently exist which exceed 50-feet in height. The tallest structure is approximately 300 feet tall.

By way of background, the Shell Puget Sound Refinery was initially constructed and opened in 1958. Shell acquired the facility in 1998 as part of a joint venture with Texaco. The site is now wholly owned by Shell. The facility is located on the March Point peninsula between Fidalgo and Padilla Bays, and Shell owns more than 900 acres in total property on March Point.

Shell is one the largest employers in the Skagit County and is the County’s largest taxpayer. Shell continually reinvests in the facility to improve the overall efficiency of the refinery and to upgrade the facility to meet evolving federal regulations.

Attached please find an aerial photograph of the Shell Puget Sound Refinery. Attachment 1.

Background - Regulatory

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The Shell Puget Sound Refinery is located in unincorporated Skagit County, within a planned area known as the Anacortes UGA Urban Development District (A-UD). Permitting is handled by Skagit County but subject to City land use codes. Per Skagit County Code (SCC) 14.16.220, uses are allowed within Urban Growth Areas provided they are also consistent with the standards for the zone that have been identified by the City. The City classifies the site as within the March Point HM (Heavy Manufacturing) District.

Per Anacortes Municipal Code (AMC) Chapter 17.15, the March Point HM District is intended primarily for heavy manufacturing and closely related uses. Permitted uses in the HM zone include industrial, processing, and shipping terminal uses, provided such uses do not inflict nuisances or hazards onto neighboring districts. Therefore, the primary activities on Shell Puget Sound Refinery property are considered permitted uses and are consistent with the HM District.

The Issue

Under City HM zone regulations, the maximum height limit for structures without additional approvals is 50-feet. A Conditional Use Permit (CUP) is required to exceed this height limit within the HM zone (AMC 17.15.090 - HM Use District). Per SCC 14.06.05(1)(b)(i) and SCC 14.06.120, the CUP application is processed by Skagit County as a Hearing Examiner Variance (Level II application).

Given the history, context and surrounding landscape of the refinery, this height threshold is arbitrary and inconsistent with the intent of permitting uses and the current use patterns within this type of zone. The intent of the HM zone is that industrial uses are permitted as long as they do not inflict nuisances or hazards on surrounding districts. The Shell Puget Sound Refinery is wholly contained within the March Point HM District and as mentioned above, Shell also owns 900 acres which allows for undeveloped buffers between the facility and non-industrial neighbors.

Under present conditions, a new 50-foot structure within the processing area of the refinery would not be readily visible beyond the refinery and is not accessible by the public. Past installations have never required a Conditional Use Permit.

A 50-foot height limit is not required of other refineries in Washington. Washington State has four large refineries. Two are in Skagit County/March Point HM District (Andeaver and Shell). Two are within Whatcom County, which does not have height restrictions on structures within its Heavy Impact Industrial District. There is also a small refinery (U.S. Oil and Refining) at the Port of Tacoma. Maximum height is 100 feet for the zone (Port Maritime and Industrial) it is in.

A 50-foot height limit creates unnecessary obstacles for the continued reinvestment into the refinery, as future development will likely follow similar development patterns that the refinery has seen over the past several decades including similar kinds of structures and equipment which will continue to exceed 50-ft in height. For example, the Shell Puget Sound Refinery was required to apply for two CUPs due to this height threshold within the last six-months. Heights greater than

Ms. L. Grage, Planning Manager
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50-feet may be preferable for reasons of safety, environmental protection and/or to reduce the footprint of operations and protect currently undeveloped areas.

Recommendations & Requests.

We offer three approaches to address this issue in the upcoming update of the City Development Regulations. The first approach simply clarifies what are already in the code as common exemptions from height restrictions, such as smokestacks and derricks. The second approach is patterned after Whatcom County's zoning code in its Heavy Impact Industrial District ("HIID"), which establishes no height limit in general, but then regulates height above 50-feet with additional setback requirements of one foot additional setback for each additional foot over 50-feet. See Attachment 2, Whatcom County Code Section 20.68.400. The third approach would mirror the City of Seattle's approach to height in its industrial zones: set a general height exemption, subject to specific limitations near property boundaries based on the nature of the adjoining use.

- **Option 1.** Shell requests that the City modify proposed Section 19.42.070.D "Building height and exceptions." As written, this section exempts from height restrictions the following " ...church spires, belfries, cupolas, and domes not intended for residential purposes, or to monuments, *water towers*, observation towers, power transmission towers, silos, grain elevators, *smokestacks*, *derricks*, *conveyors*, flag poles, radio, masts, aerial, and *similar structures*." [Emphasis added.] The facilities at the refinery are similar in nature to the italicized terms and fall within the meaning of "*similar structures*." The City can solve the 50-foot height limitation by clarifying 19.42.070.D by including a term such as "refinery facilities." This exemption provision is similar to the City of Seattle's exemption in its Industrial Zones at Seattle Municipal Code (SMC) Chapter 23.50.020.
- **Option 2.** Shell requests that the City amend the proposed Table at Section 19.42.030 in the manner of Whatcom County Code Section 28.60.400 by (1) inserting "No height limit" in lieu of the currently proposed 50-foot limit and (2) substituting in Note 14 the following: "Any structure above 50-feet requires an additional setback of 1 foot for each additional foot of height over 50-feet."
- **Option 3.** Shell requests that the City adopt a tiered approach similar to Seattle's land use code for industrial zones. Seattle has created four (4) industrial zones depending on location and intensity of use: Industrial General 1 (IG1), Industrial General 2 (IG2), Industrial Buffer (IB), and Industrial Commercial (IC). In Seattle, the starting point is no height limit (with some exceptions) and then the imposition of height limits the closer the proposed structure is to a differing land use. Attached please find four illustrations from the Seattle zoning code showing a base provision of no height limit and then a gradual step down of height limitations based on adjoining types of uses and zones. Attachments 3A – 3E. Shell believes the Seattle approach is the least desirable of the three options because the land uses immediately adjacent to industrially zoned

Ms. L. Grage, Planning Manager
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areas in Seattle are far more diverse than the land uses immediately adjacent to Shell's facility.

Consistency with Skagit County Comprehensive Plan & City Comprehensive Plan.

Both the Skagit County Comprehensive Plan (2016-2036) and the City's Comprehensive Plan (2016) articulate goals of simplifying and streamlining regulations. Shell's request to "keep it simple" on height restrictions for necessary facilities dovetails with these planning policies.

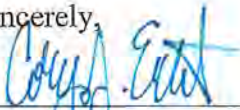
The Skagit County Comprehensive Plan (2016-2036) has adopted a Development Process Goal, specifically Goal 2A-8 which states: "work with local jurisdictions to *simplify* the permitting process for landowners and developers within the unincorporated portions of the Urban Growth Area." [Emphasis added.] In this unincorporated portion of the A-UD, the City should be looking to simplify regulations.

The City's Comprehensive Plan (2016) also supports Shell's request. See specifically Goals ED – 4 ("Manufacturing and Industrial: Strengthen the marine trades economy and encourage other manufacturing and industrial opportunities") and ED-7 ("Encourage regulatory predictability. Streamline regulations and permitting"), at pages I-37 and I-38 respectively.

We thank you for your consideration of these comments. We request that you adopt one of the three options we have proposed.

Please let us know if there is any additional information you need from Shell.

Sincerely,



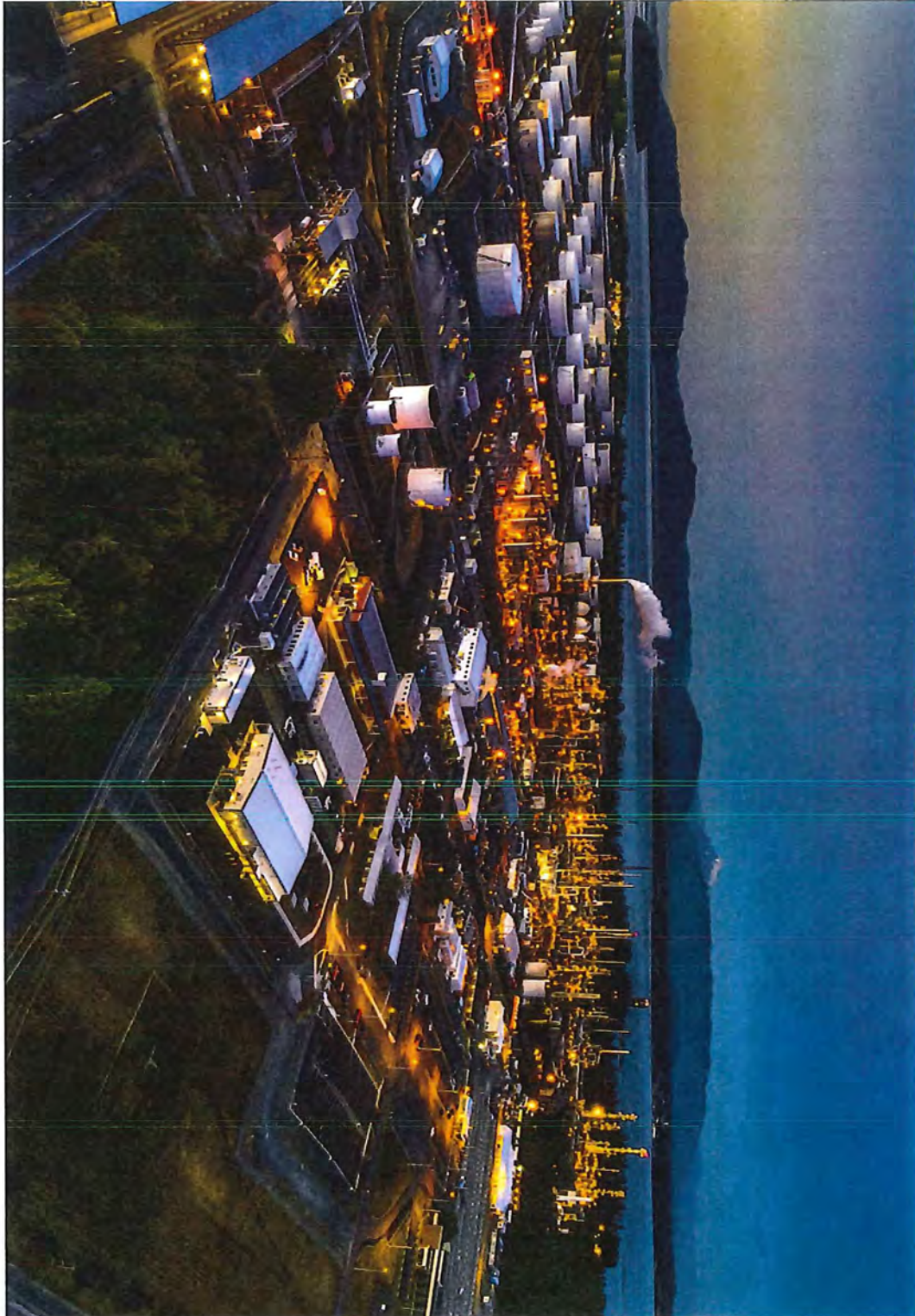
Cory Ertel
 External Relations Manager
 Shell Puget Sound Refinery

Attachments:

- 1 Aerial Photo
- 2 Whatcom County Zoning Code, Section 20.68.400
- 3 Seattle City Code Diagrams of Height Limits

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Exhibit 1



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March 15, 2018
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Exhibit 2

Whatcom County Code

Chapter 20.68 HEAVY IMPACT INDUSTRIAL (HII) DISTRICT

20.68.400 Height limitations.

No maximum height is established; however, when a building exceeds 50 feet, the setback requirements of WCC [20.80.200](#) shall be increased by one foot for each foot of building height in excess of 50 feet, as applicable to all setbacks.

Ms. L. Grage, Planning Manager
March 15, 2018
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Exhibit 3 (A – E)

[See attached]

Exhibit A for 23.50.022
Maximum Height Limit
General Industrial I and 2 Zones

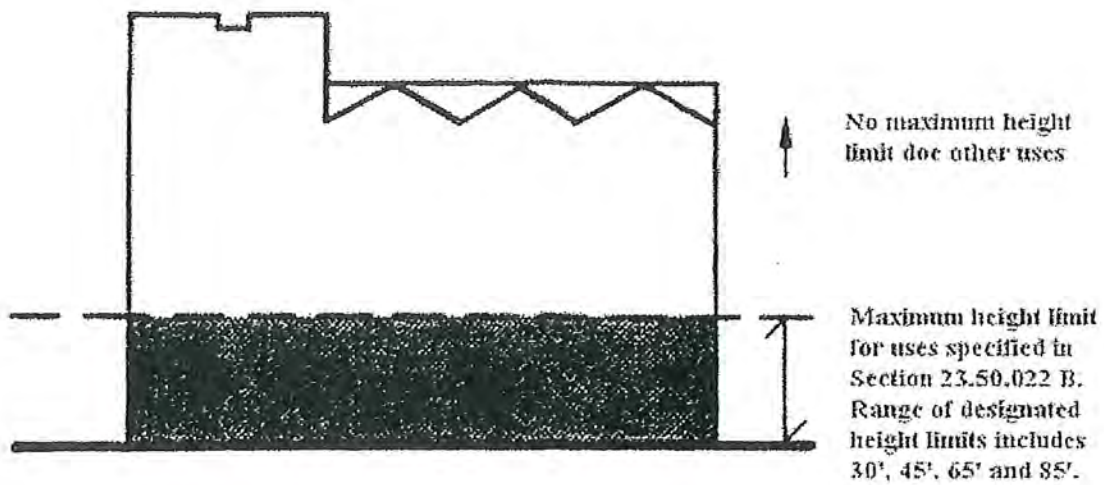


Exhibit 23.50.024 A
 Industrial Buffer Zone
 Height Limits for All Uses on Lots Directly Across a Street
 Right-of-way Eighty (80) Feet or Less in Width from Lots in
 a Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 Zone

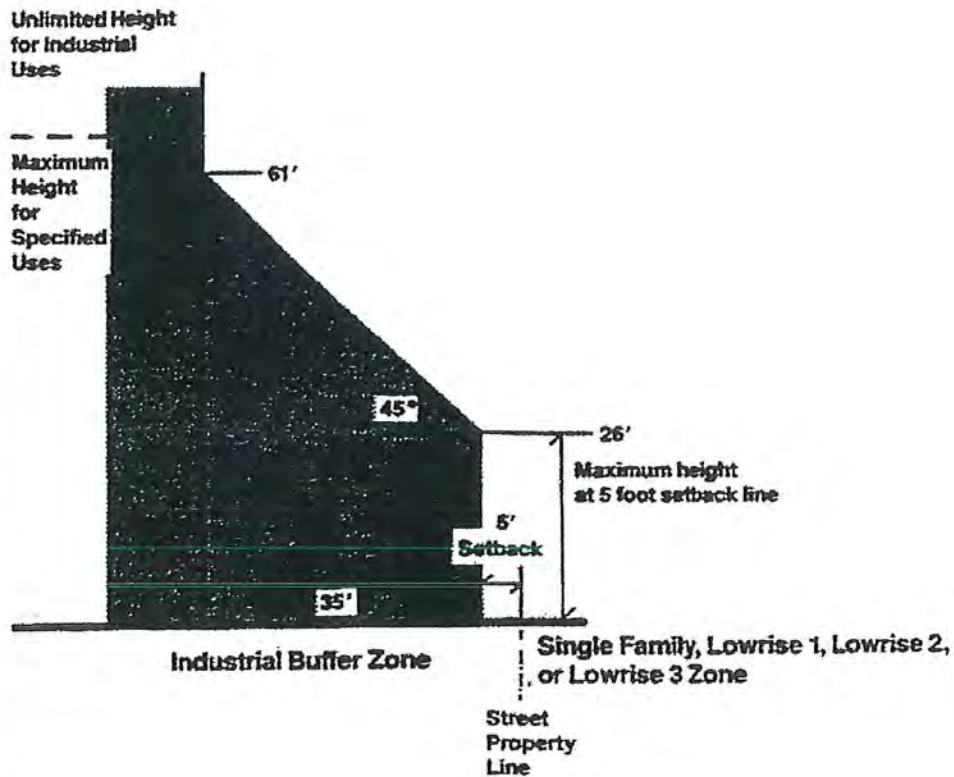


Exhibit 23.50.024 B
Industrial Buffer Zone
Height Limits for All Lots Directly Across an Alley
from Lots in a Single-family, Lowrise 1, Lowrise 2
or Lowrise 3 Zone

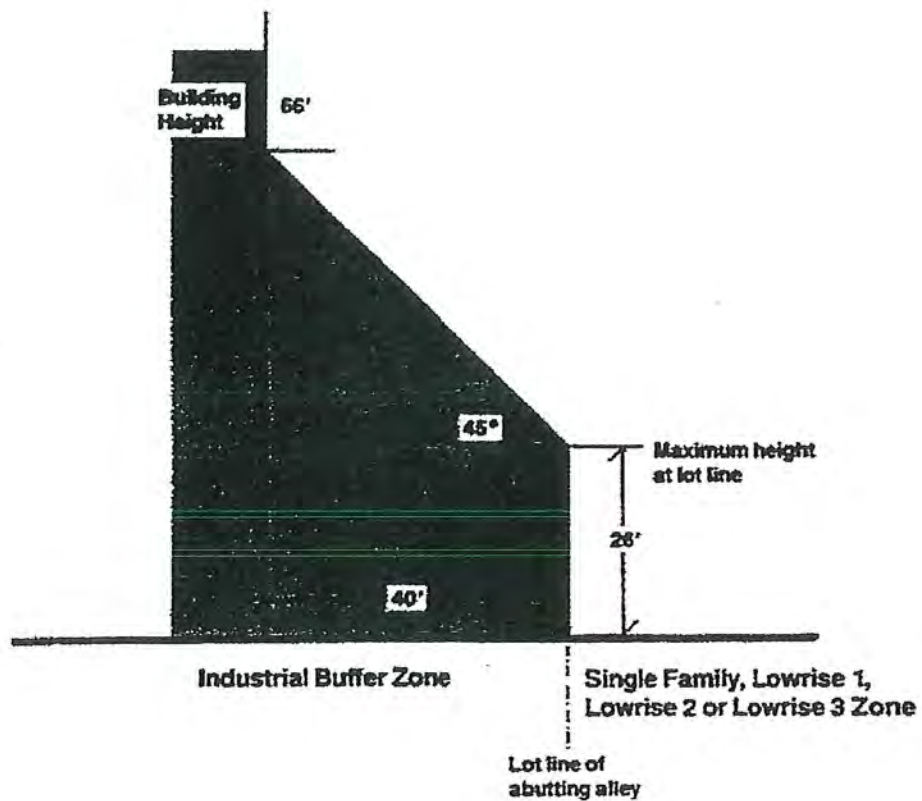


Exhibit 23.50.024 C
 Industrial Buffer Zone
 Height Limits for All Lots Abutting a Lot in a
 Single-family, Lowrise 1, Lowrise 2 or Lowrise 3 Zone

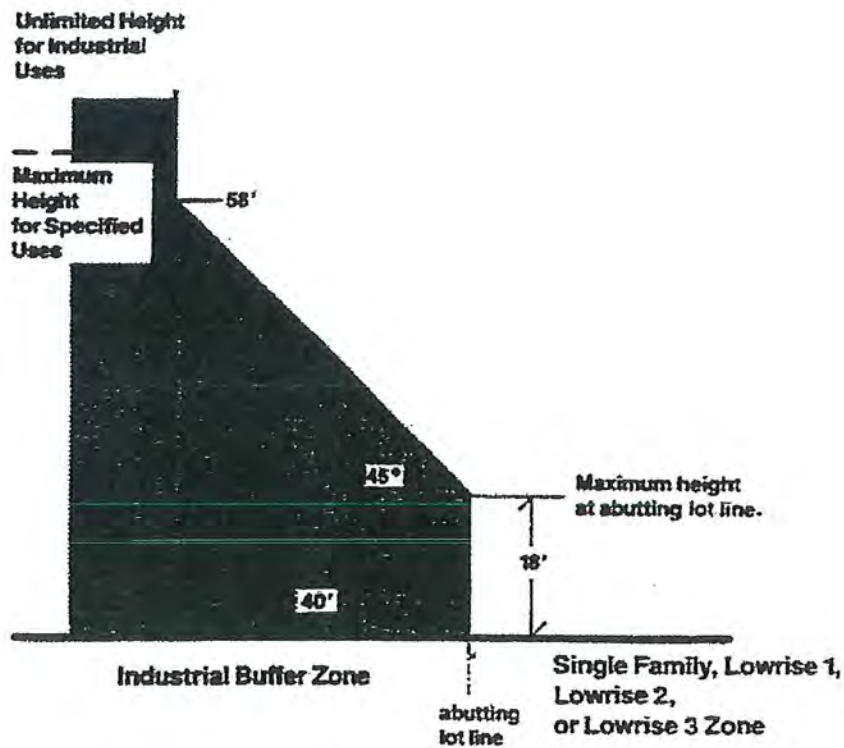
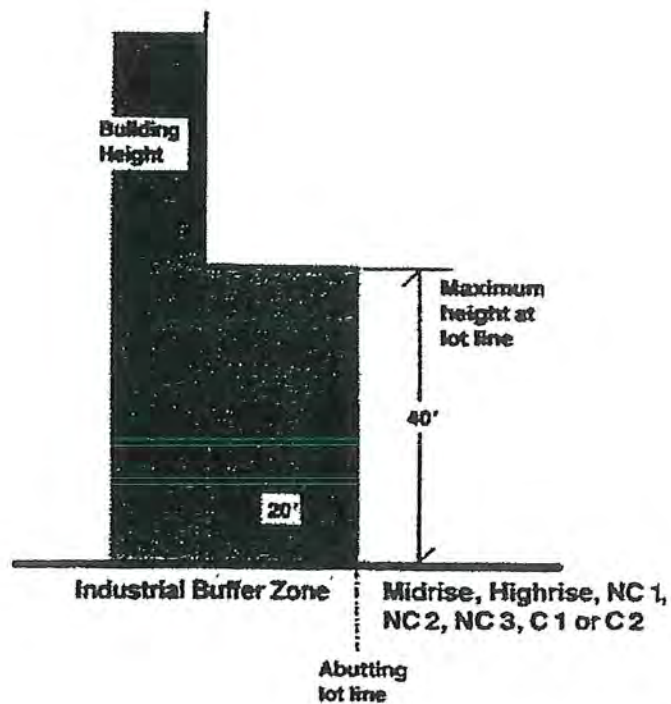


Exhibit 23.50.024 D
Industrial Buffer Zone
Height Limits for Lots Which Abut a Lot in a
Midrise, Highrise or Commercial Zone



April 12, 2018

Mr. Don Measamer
Director of Planning and Development
City of Anacortes
PO Box 547
Anacortes, WA 98221



RE: Draft Code Update

Dear Mr. Measamer,

Don, as a developer and builder in Anacortes for 25 years, building hundreds of homes and developing dozens of neighborhoods, I trust you will take my comments as constructive feedback. Although I have read the entire document I have only had time to comment on issues that relate to property I currently own. I plan to make time in the future to comment on the entire document.

I have several concerns with "FAR", Setbacks, Height Restrictions, Cottages, and street standards: My first comment is.... why FAR? Were the current lot coverage and height restrictions not working, FAR is much more complicated and as written more restrictive. What issue are we trying to solve, are homes too big?

F. definitions (page 19 of 246) "Floor Area".

The definition of "Floor Area" is very unclear to me? Does it include or not include garages, every time a home is built this definition will be tested, so it should be extremely clear and as written it is not.

19.42.060

*FAR is already very restrictive why double count areas 17.5 feet or above, that will guarantee we never build "open to below" plans. Have there been problems with "open to below" plans, is this causing problems in the city?

A. Subterranean Basements Including Underground Parking: Per your definition of "Floor Area" parking areas are exempt wherever they are, why exempt them again when they are underground. Parking areas are exempt period if that is what you want, exempting something already exempt is confusing.

B. Daylight Basement: That would be the equivalent of exempting 2nd floors, most homes we build are Daylight Basements. Why wouldn't you count them? I do think there are areas of daylight basements that should never be counted; for example, storage and utility space. If you don't count Daylight Basements this is a huge loop whole and everyone will just build Daylight Basements no matter what the slope is on the lot.

C. OK

D. **Detached Garages:** Why would a detached garage that is accessed from the alley be exempt, or are all garages exempt? If garages aren't exempt, then what difference does it make if it is detached or accessed from alley?

E. Ok.

Other issues with "FAR": Some related to the table on 19.42.020 (which is far to restrictive)

Example:

Per the current code we are allowed to cover 35% of a lot and build to 35 feet. Given a typical 7500 sq. ft. lot we would be able to cover $35\% \times 7500 = 2625$ sq. ft. including garages, raised decks and covered porches etc. If you add a 2nd floor you could add another 2625 sq. ft., and a 3rd floor another 2625 sq. ft. Typically, a full 3 story home is not possible due to height restrictions, so if you assume $\frac{1}{2}$ a daylight basement or $\frac{1}{2}$ of 3rd story built in to the roof, the current code would allow for approximately 6500 total sq. ft. of volume on a 7500 sq. ft. lot.

The proposed FAR would allow: $7500 \times 45\% = 3375$ sq. ft. total.

Assuming the garage is part of FAR the largest home size you could build is $3375 - 600$ sq. ft. (2 car) = 2775 or $3375 - 900 = 2475$ with a three-car garage.

* It also appears that lot coverage will be going away, so the entire foot print could be built on one level, the max 3375 sq. ft. with no second story or daylight basement. The size of the Rambler would take up the entire buildable area on a 75 x 100 ft lot, setback to setback. Great if you want large ramblers which it appears FAR would allow, but not great if your trying to reduce mass and impervious surface?

** It appears there are many exceptions to FAR, including decks and porches open on 2 sides, so does that mean we can add unlimited decks and porches, as long as they are within the setbacks. If FAR doesn't include garages (I can't tell by the way it is written), does this mean we can add 5 garage bays on a small home, since its not part of the FAR calc?

*** With the new minimum lot size of 6000 in R2, FAR would be 2700 sq. ft., this makes no sense; a home with a 2-car garage would only be allowed to have 2100 sq. ft. total livable area.

"FAR" is too restrictive, not everyone moving to Anacortes wants a tiny home, why are we changing the code to restrict larger homes and require a multitude of small homes. I really do not see the benefit from moving away from lot coverage and height restrictions? What will FAR do except complicate things further.

** The notes in the column state "lot coverage is outdated and encourages surface parking", I do not understand that comment. A too restrictive FAR not only encourages surface parking it makes it mandatory. FAR doesn't restrict surface parking either?

Setbacks:

Side Yard Setbacks: Why change the code? This second floor 7.5ft setback is just impractical. Offsetting a wall by 2.5ft architecturally is ridiculous and terribly expensive based on the engineering. Think this through and please leave the setbacks the way they were. Your new code is requiring homes ½ the size of the current size allowed, why do we need concessions on side setbacks.

Front Setbacks: Why increase the Front Setback to 25ft. No client I have ever had, has wished for *MORE* front setback, they want more rear yard/setback. Rarely does anyone use their front yard, we have successfully reduced front setbacks in many of my existing developments and they look and work great i.e. Fircrest and 48 North. There is just no reason to setback homes to 25ft at the expense of a back yard. Leave a mandatory 20ft in front of garage that's fine. Additionally, if you want to save trees you save them in the back, not the front, its impossible to save trees in the front yards due to dry utilities. I like the current 20ft front yard setback with exception to 15 ft for covered porches and steps etc.

Height Restrictions: Who ever thought up the definition "Clarification on how building height is measured" 19.12.010. Has clearly never designed a home, built a home, and certainly never filled out the paper work necessary to prove a home is within the height restriction for a permit application.

Here are my issues:

1. Roof types, roofs are not all Flat, Gambrel (who does those), or Gable, the most popular style now is Shed.
2. Roofs are complicated, they may have several pitches, many gables, many hips, multiple plate heights etc. Who will determine how this is measured, this is a neighborhood conflict waiting to happen.
3. Height of a home should be absolute, today views are worth millions, there should be no question what the limit is, who cares what type of roof they do.
4. What happens when I propose a 18/12 roof pitch on a 50ft wide span, this will likely be a very tall home but within code, major loop hole.
5. Currently the code allows for 35ft, we need 35ft all the time (especially on upward sloping lots), given sloped ground etc. reducing height restrictions to 25ft is a severe restriction. This is especially true since many homes are being built with flatter or shed roofs. The proposed code is taking away the possibility of a 3rd level. This is okay for a flat lot, but when your lot slopes 40ft from one end to the other the designer needs more flexibility.

Cottages: 19.44.085

- 5.a. Why do all roofs need to be pitched with 6 /12 or greater? Why define the architecture?
6. I would like to see a slightly larger size allowed, maybe 1200 sq. ft. total livable area, one or two floors, developer choice. Whether we like it or not most of our home buying population is retired they don't like stairs.

9.b. Is not clear to me what your expectation is?

9.c. I'm okay with screening, but what if the public street is within the Cottage Community? Very difficult to screen from that?

9.e. Garage allowance needs to be larger than 200 sq. ft. that is simply too small. A small one car garage is 12ft x 22ft or 264 sq. ft. (I'd like to see an allowance of 300 sq. ft.) If you don't leave enough room in the garage everyone's junk will end up on the porch or in the yard.

9.f. Not clear on what this means.

** I am completely unclear on the street design standards for a cottage development. I see no reference to how they might be constructed? Private, COA owned, standards? Given your street design standard access to 12 Cottage units would require a 64ft wide ROW full city street with a cul de sac, not very cottagey.

Street Design Standards: Table 19.52.040

The typical standard street ROW has always been 50ft, this would accommodate 32ft of paving, 3ft planter and 5ft sidewalks on both sides. Now the minimum ROW is proposed at 56ft (although your math doesn't work you need 64ft per your sketch) I assume the only reason to do this is to allow 14ft of planter for water quality reasons. I don't think this is a bad idea if the water quality actually works in that location, but the vast majority of the time it will not. In practical terms and in my experience, this is a terrible idea and waste of space if this is a mandatory ROW width.

1. If Water Quality works in the planter great, allow this as an option, if it works on one side, there is no reason 14ft of planter needs to be installed on the other? I travel a lot and look at new homes and developments, this is not a typical design that I have seen anywhere.
2. Who is responsible to maintain this planter area, if this is installed in a less than high end neighborhood this planter is going to look terrible, the swale will be full of garbage, and the grass and trees will not be maintained. Certainly, this area will need to be irrigated and mowed weekly, who will pay for this, will the COA require an HOA with dues to maintain. If not, they will need to, that is the only way this idea will work.
3. I'm fine with everything here except the mandatory 28ft of planter area, clearly not thought out very well.
4. I would allow for a minimum 41ft ROW, 24ft paved, 0.5ft of curb both sides, 3ft planter both sides and 5ft of sidewalk both sides as standard. If the developer finds that the water quality can fit in the planter and the ROW needs to be increased to 14ft, then allow that as an option (or hasn't it always been an option, but it just never works?) This new street plan will almost never work, it's a waste of land that will look terrible without a lot of expensive planning.
5. Why would a single-family dwelling with access off a "Lane" be required to provide sprinklers, is the minimum fire access not 20ft? Which is your proposed standard?
6. Driveway cuts, especially on smaller lot developments will encroach on almost half the swale length, Developments will look like the WEST streets, terrible. Imagine 60ft wide lots with a 20-25 ft culvert in front of every garage and an open ditch. Terrible!!

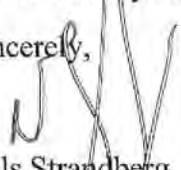
*Although I used one type of street for my example, my issue with Water Quality Swale applies to all road types proposed. I would like to see this as an option not mandatory.

In Summary: We have very little land left and what is left is extremely difficult to build on, increased ROW's, increased front setback, reduced height restrictions, just make building tougher and MORE expensive. I don't entirely understand the catalyst for making such drastic changes. The document as it exists has so many flaws, I cannot see how it could even be close to approval. I would think the COA would identify first "what is not working" and then try to solve that issue, rather than work with an expensive consultant's first time around "boilerplate document." We are not just any city we are Anacortes with unique qualities, one of which is we have no large tracts of land anywhere, we have tough steep lots, infill within the denser city is tight where feasible options are limited. My opinion is the COA needs to take a step back and do studies (i.e. Drawings and Calcs) that actually test the results of this new code and I'm certain most people at the COA or even the consultants don't really understand the change or the effects of the change.

Given the magnitude of changes to the code, I think it is critical that a predictable time line is established for adoption of the new code. For example; one of my clients buys a lot this July assuming a 35ft height restriction and you adopt the code in August, because that's the day you think it's done and the code changes to 25ft that is not fair. There needs to be a grace period that will allow time for people to vest their projects and homes under the old code, or at their discretion wait for the new code.

I am happy to sit down and discuss this and many more items related. I would have preferred to not be directly involved, but clearly, I will need to be from this point forward.

Sincerely,



Nels Strandberg
Strandberg Construction, Inc.

Grage, Libby

Subject: FW: comments
Attachments: MJB Anacortes LUC Review Final 2018-04-25.pdf

From: Jim Blais [mailto:JBlais@gmccinc.com]
Sent: Thursday, April 26, 2018 3:40 PM
To: Grage, Libby <LibbyB@cityofanacortes.org>
Subject: RE: comments

Libby,

Please find MJB's comments on the development regulations attached. Thank you for taking the time to meet and discuss these issues. Please feel free to contact me should you have any questions regarding our comments.

Thank you,

Jimmy Blais

Merlino Properties
5050 1st Ave. S., Suite 102
Seattle, WA 98134
Cell 206-255-5153
JBlais@gmccinc.com

Page	Code Section	Excerpt	Comment
14	19.12.020.A	"Area site". "Site area" means the total horizontal area within the property lines excluding external <u>public</u> 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 <u>public</u> streets.	A site should receive any FAR or building mass prior to dedication of any required public streets. A site should not be penalized for the street dedications.
21	19.12.020.H	"Height, building". Building height means the vertical distance between the average grade level and... The allowable height shall be 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 or structure. Natural or existing topography is the topography of the lot, parcel or tract of real property immediately prior to any site preparation, grading, excavation or filling.	This could penalize properties that sit lower in elevation than a city street. If there is an existing public street and your property sits lower, then you are effectively penalized. Don't you want the front door to match street elevation? If you record a final plat, you can modify the topography, so this is a loophole.
27	19.12.020.M	"Mixed-use" means a development that is primarily residential and also has a mix of uses such as, but not limited to office, residential, retail, civic, institutional and artisan manufacturing. In a vertical configuration, typically, but not always, only the ground floor is occupied by non-residential uses and residences are located on the upper floors.	Simplify the definition.
36	19.12.020.W	"Weather protection" means a horizontal structure above pedestrian areas such as sidewalks and building entries that blocks rain, snow, and sun protects pedestrians from inclement weather.	
36	19.12.020.W	"Water-based service uses" refers to service and storage uses that are dependent and/or based on water access or water-based uses. This includes, but is not limited to, recreational boat building and repair, dry stack boat storage, and other related uses.	
36	19.12.020.W	"Water-based industrial uses" means industrial type uses that are dependent and/or based on water access or water-based uses. This includes, but is not limited to, ship and boat building and repair, seafood processing, maritime administration, piers and wharfs, water-based shipping terminals, dry docks, and other related uses.	

77	19.40.040.C.2.b and c	b. Allowing for residential uses provided they are mixed with other permitted uses either vertically or horizontally. c. Encouraging multi-story buildings provided they are designed and oriented to maximize public marine views and to integrate human-scaled design details.	2.b. Allow residential use as a single use building. 2.c. MJB Properties has committed to the extension of 17th Street, 20th Street and 22nd Street through the site and establishing these as the primary public view corridors. Any other view regulations should be eliminated.
78	19.40.040.E.2	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,	Should allow for residential uses in a single use building.
80		K. Industrial (I) 2.b. Conditionally allowing marinas and buildings over 200,000 square feet in area.	
86, 87, and 88	19.41.030.A.	Table A. 1. Allow retail use larger than 50K NLA as a conditional use. 2. Allow retail greater than 5K – 50K NLA as a permitted use in MMU. 3. Allow drive through uses as permitted in MMU? 4. Allow boat & marine equipment sales as a permitted use in I. 5. Allow boat & marine equipment service as a permitted use in I. 6. Allow medical office as a permitted use in MMU. 7. Allow water-based service uses as a permitted use in MMU. 8. Allow boat launch facility as a permitted use in MMU. 9. Allow self service storage uses as a permitted use in I. 10. Remove development conditions 2 from office use in I.	Potentially could limit retail uses greater than 50K NLA to only grocery stores. Anticipate future drive through uses, driven by on-line ordering, such as grocery store pickup.
89, 90, and 91	19.41.030.B	1. Remove Development Condition 3 from MMU zone. 2. Add Hotel/Motel as a permitted use in the MMU zone. 3. Add Marinas and boat moorage as a permitted use in the MMU zone. 4. Add Parks and plazas as a permitted use in the MMU and I zone. 5. Add Pier/float/dock as a permitted use in the MMU zone. How does the existing Barge dock be allowed as a permitted use? Do not make this a non-conforming use.	Why allow a Yacht Club as a permitted use and not a Marina and boat moorage?

96, 97 and 98	19.42.030	1. What is the maximum impervious area? 2. Increase maximum height with bonus to seventy (70) feet to comply with IBC wood frame maximum. 3. Delete CUP process to achieve height above base. Bonus height should be based on a standard table or inclusion of public benefits.	
100	19.42.060	1. Remove parking from FAR calculations. 2. Remove mechanical/vent/floor penetrations from FAR calculations.	High water tables might prevent underground parking, shouldn't be penalized for this.
104 New	19.43.030	1. Add open space and other public amenity spaces eligible for bonus heights. 2. Increase income eligibility to 60%. Non-profits and other NGO's should provide for income groups between 30% - 60%. 3. What happens with the Affordability agreement if an apartment converts to a condominium? 4. Minimum size of affordable units should have a process for reducing below absolutes. 5. Provide fee in-lieu provisions as an option to satisfy affordable housing requirements.	
New	19.43.050.B.	1. Change from Conditional Use Permit to a different process. 2. Create more predictability, identify critical views now and not leave to the discretion of the Director. 3. This whole process needs to be more predictable and flexible for the developer.	
119	19.44.090.E.1.	Reduce open space minimum dimensions of 12 feet on all sides to six (6) feet.	
120	19.44.090.F.1.	Thus – if individual units are 15 feet wide, the building must include at least three articulation features for all facades facing a <u>public street or public open space, common or other shared open space, and common parking areas at intervals no greater than 15 feet.</u>	
121	19.44.100	Grocery store, neighborhood. How does this supplemental use regulation get applied to the MMU or CM1 zoning district? If this prohibits this type of use in the MMU or CM1, then increase or delete the size and radius limitations.	Supplemental Use Criteria appears to apply in all zones.

125	19.44.165.B.3.	Should Religious Institutions be prohibited within the 200 foot Shoreline jurisdiction line?	
126	19.44.170.A.	1. Change sidewalk permit type to Right-of-Way Permit instead of Conditional Use Permits. 2. Add MMU district to the zones allowed for this type of permit.	Streamline and simplify process, why use a CUP?
133	19.51.050.B.3	Sidewalks or other pedestrian <u>and non-motorized</u> facilities	
139	19.53	This whole section is kind of confusing as it appears to primarily deal with residential subdivisions. There is one section dealing with commercial and light industrial zones. All of the examples are residential in nature. Should this be clarified and split into two sections, residential and commercial?	
139	19.53.020.A.2 and A.3	A.2. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. A.3. Pedestrian accessways <u>connectivity</u> . Short internal pathways can improve pedestrian mobility within developments. Examples could include an accessway <u>path</u> in the middle of a block or at the end of a cul-de-sac.	
140	19.53.020.C	Not reviewed as this is a placeholder.	
152	19.61.020.C	This paragraph is highly discretionary. The criteria should be more objective.	
154	Table 19.61.030	Why can't some residential uses such as fitness rooms, community rooms or other active amenity spaces be allowed on the ground floor? I think you have to be really careful here, given the state of the retail market these days and what retail will be in the future. MMU can choose between Storefront or Landscape Block Frontage. However, the Storefront limits uses and the Landscape requires a ten (10) foot setback. It seems that the City should encourage flexibility so that buildings with active uses can go to the sidewalk edge. Some residential amenity uses are active uses and contribute to the pedestrian environment. Maybe a solution is to allow residential uses on the ground floor in the MMU zone only.	

		Please clarify if the MMU zone can choose to mix storefront or landscape frontages within the same street block or if you have to choose one or the other along the whole block.	
158	19.61.040.C	1. Remove the extension of 21 st Street east of Q Avenue. 2. Should High Visibility Street Corners be located on the roundabout? 3. What is the purpose of the Landscaped Block Frontage designation along just a portion of R / Q Avenue?	
163	19.61.050	Strongly support structured parking facility openings simulating windows counting to satisfy transparency requirements.	
165	19.61.060.B	1. Previous page states weather protection should be over 60% of the façade, this states 75%. 2. Vehicular access from a storefront street should be prohibited if there is access available from another street or alley.	
176	19.61.140	Where a property fronts onto more than one <u>public</u> street, each building frontage must comply with the standards for the block frontage upon which it fronts <u>the public street</u> , with the following clarifications: Change the preference if a conflict occurs, suggest it is dependent on the use proposed.	
177	19.61.140.B – E	1. Add <u>public</u> in front of any “street”. 2. Correct Figure 19.61.140, change “streetfront” to “storefront”.	
178	19.61.160.B	Why can the director choose other areas, shouldn't all the High Visibility Street Corners be identified on the maps in Section 19.61.040 (pages 156 – 161)?	
180	19.61.170.C	Develop a Master Development Plan process. Develop a Development Agreement process.	
182	19.62.020	This section is duplicated in numbering on page 181. We believe setbacks should provide the necessary privacy and compatibility between developments. We believe this section should be deleted.	
183	19.62.020.C	We believe setbacks should provide the necessary light and air access between developments. We believe this section should be deleted.	
184	19.62.030.B	Change minimum usable open space to 100 SF per dwelling unit with a maximum cap of 20% of the site area.	

185 and 186	19.62.030.B.3	Private balconies and decks. Such spaces must be at least 36 <u>32</u> square feet, with no dimension less than six <u>four</u> feet, to provide a space usable for human activity.	
187	19.62.030.C	"Development Envelope" should be defined. Amount of open space should be related to the size of the building instead of the property or "development envelope". Allow public amenities provided at the master plan level (waterfront esplanade) in all zones to satisfy this requirement.	
188	19.62.030.D.3.a	Allow asphalt pavement under certain conditions, maybe with a departure. Bike paths and multi-purpose trails are two features that asphalt should be an acceptable use.	
194	19.62.040.C.4	Delete C.4, these types of pathways through parking lots are not used.	
195	19.62.040.C.6 and D.1, D.3 and D.4	C.6. Gates that limit access to residents should also be considered. What about security issues? D.1. Internal pedestrian walkways should have a minimum dimension of four feet. D.3. Reduce landscaping requirement from three feet to two feet. D.4. Reduce pathway dimensions to six feet minimum unobstructed width and minimum nine feet in overall width with landscaping.	
198	19.62.050.C	Reduce the requirement for all internal access roadways to have street trees and sidewalks. These should be prioritized for only the main internal access roadways.	
200	19.62.060.B.3.	Service areas must <u>should</u> not be visible from the sidewalks <u>adjacent to public streets</u> and adjacent properties <u>to the maximum extent feasible</u> .	
201	19.62.060.C.1.c.	Where the interior of a service enclosures is visible from surrounding <u>public</u> streets, <u>public</u> pathways, and buildings, an opaque or semi-opaque horizontal cover or screen must be used to mitigate unsightly views.	
202	19.62.060.C.2	The sides and rear of service enclosures must be screened with landscaping at least five <u>two and a half (2.5)</u> feet wide in locations visible from the <u>public</u> street, parking lots , and <u>public</u> pathways to soften views of the screening element and add visual interest.	

203 and 204	19.62.060.E.2 and 3.	1. All rooftop mechanical equipment, including air conditioners, heaters, vents, and similar equipment must be fully screened from public view both at grade and from higher buildings with the exception of solar panels and roof-mounted wind turbines. 2. 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 <u>to prevent views from the public street or sidewalk.</u>	
205	19.63.020.A.2	The director may waive or relax these provisions: This is arbitrary, what are the standards and/or criteria used by the director in making this decision? What can the director waive or relax?	
207 and 208	19.63.040.B 19.63.040.C	Why every 30 feet? Why not every 50 or 60 feet? This is also required for all non-residential uses, so offices would have to conform. I don't believe this restriction at this microscale is necessary. These standards should only be applied to public street facades, other facades along private streets or alleys should have less restrictions.	Ketchum townsite lots are 55 feet in width, this seems more of an acceptable dimension.
210	19.63.040.E.1	Building walls facing alleys, <u>private streets</u>, rear or side yards are not subject to the standards herein, except for zone edge properties, when adjacent to a lower intensity zoning district. Provide vertical building modulation at least 10 <u>four (4)</u> feet deep and 30 <u>twenty (20)</u> feet wide. For multi-story buildings, the modulation must extend through more at least than one-half of the building floors.	
213	19.63.050.B	Add <u>public</u> street frontage or <u>public open space</u> for each façade articulation interval.	
216	19.63.050.C	All windows <u>on the ground floor</u> (except storefront display windows) must be recessed at least two inches from the façade or incorporate other design treatments that add depth, richness, and visual interest to the façade.	

		Prohibited windows: Mirrored glass is prohibited. What is the definition of mirrored glass? Should relate to the degree of transparency. This is a very undefined standard.	
219	19.63.060.B	Add <u>public street facades</u> and <u>public open spaces</u> to when this requirement is necessary. Are cast materials or simulations of brick, stone or masonry acceptable?	
220	19.63.060.C.3	a. Increase limitation on EIFS from 20 percent to 60% depending on visual impact. d. Allow EIFS to be used on ground floor when facing private streets or pathways.	
221	19.63.060.C.4	Allow the use of cement board paneling/siding on the ground floor if it meets criteria "4.b."	
222	19.63.070.C	Untreated blank walls visible from <u>adjacent to</u> a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway sidewalk are prohibited.	
225	19.66.020.A.2	The current wording is arbitrary. Provide more definitive criteria when this would be applicable.	
226	19.66.030.A	Need to clarify "entire site" as it relates to phasing and master planned projects.	
229	19.66.xxx	Minimum sizing conflicts with other sections of the proposed code.	
235	19.66.040.A	Review table	
236	19.66.040.D	3. Remove minimum width and length.	
237	19.66.040.D	6.b. Reduce ten foot requirement to five feet	