

ANACORTES PLANNING COMMISSION



May 9, 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 will be presented at a later date**
3. **Special Session – Joint Planning Commission & City Council Meeting for Development Regulations and Design Standards Adoption Process Kick-off. No Action will be taken at this meeting.**



Planning Commission/City Council Agenda Bill

Meeting Date: 5/9/2018 **Agenda Item:** 1

Subject: Joint PC/CC meeting on the 2nd draft of the proposed development regulation updates

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: On May 9, 2018, the City Council and Planning Commission will hold a joint meeting to kick off the review and adoption process for the development regulations update. Staff will provide an overview of the process. Bob Bengford and Scott Bonjukian of Makers Architecture and Urban Design will provide a presentation introducing the 2nd draft of the development regulations update. There will be an opportunity for Planning Commission and City Council discussion and questions for Makers and City staff.

Background: Please see the attached staff memo dated May 3, 2018 for additional information. 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>)

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 make informal 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: N/A

Alternative Actions: N/A

Attachments:

Staff memo dated May 3, 2018

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Planning, Community, & Economic Development Department

Don Measamer, Director

Memo

Date: May 3, 2018
From: Libby Grage, Planning Manager
Subject: Overview of development regulation updates and zoning map amendments

1. Proposal Summary

Overview

Amendments to the Anacortes Municipal Code (AMC) development regulations and the City's Official Zoning Map are proposed to implement key goals and policies of the 2016 Anacortes Comprehensive Plan and its Future Land Use Map (FLUM).

The City completed the Growth Management Act (GMA) mandated periodic update of the Anacortes Comprehensive Plan in 2016¹. The update resulted in a new vision statement, goals and supporting policy guidance focusing on compatible infill development, increasing housing choices and affordability, strengthening the community's economic vitality, and emphasizing environmental sustainability. Under the Growth Management Act, the City's development regulations must be consistent with and implement the Comprehensive Plan.

Amendments to the development regulations and area-wide rezones follow the procedures outlined in AMC Ch. 19.16 Legislative Actions.

Next Steps

The next steps are to kick off the formal public review and adoption process, beginning with the introduction of the 2nd Draft of the proposed Development Regulations update at a joint Planning Commission and City Council meeting on May 9, 2018. The Planning Commission will then review the proposed development regulations and zoning map amendments at a series of public meetings. Informal public comment may be taken at these meetings. During this time, environmental (SEPA) and state review of the proposed amendments will occur. The result will be a Planning Commission-recommended draft of the development regulations and recommendations regarding the area-wide rezone proposals. A formal public comment period and public hearing will be advertised to take official public comment on the proposals.

¹ Ord. 2982, adopted July 18, 2016

After the public hearing, the Planning Commission will deliberate and then forward a recommendation to City Council for its review and consideration. City Council will consider and take action on the Planning Commission's recommendation, with adoption of the final amendments by ordinance.

Attachment 1 shows graphically the anticipated remaining project schedule.

2. Summary of Key Development Regulation Amendments

Overview

Over the past 1 ½ years, MAKERS Architecture and Urban Design and city staff have worked to produce draft development regulation update proposals intended to assist achieving the community's vision expressed in the 2016 Comprehensive Plan. The initial development regulation concepts and draft documents were reviewed at a series of community open houses, stakeholder meetings, and city council planning committee meetings in 2017. Feedback was integrated into a partial 1st Draft, which was made available for review and comment in November 2017, with additional content being added throughout the winter. The 2nd draft of the proposed development regulations update was released on April 27, 2018. The 2nd Draft and additional background information regarding the process can be viewed on the [project website](#).

The proposed amendments involve a reorganization of the city's regulations governing use and development of land. Existing adopted development regulations are contained primarily within AMC Title 16 Subdivisions and Title 17 Zoning. These regulations are proposed to be updated and integrated into Title 19 Unified Development Code, with new site and building design standards added to encourage compatibility with existing development, maintain Anacortes's desired character, and improve the overall appearance of key areas.

Below is an outline of existing and proposed Title 19 organization and summary of proposed changes. Strike-out/underline are used in the Chapter number and title columns to indicate proposed changes in Chapter organization. New chapters are underlined.

Title 19 Unified Development Code Organization & Update Summary

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
Division 1: General and Legislative Provisions				
19.10	General Provisions	Ord. 2992	Various	No changes currently proposed.
19.12	Definitions and Interpretation	Ord. 2992	17.06; 16.04	Updates to definitions.
19.14	International Codes	Ord. 2992	None	No changes currently proposed.
19.16	Legislative Actions	Ord. 2992	None	Minor updates to grammar, sentence structure and mechanics.
Division 2: Procedures				
19.20	Application Procedures	Ord. 2992	None	Updates to the review classification and process matrix. New Departure and Framework Development Plan options. Updates to grammar/punctuation.
19.22	Concurrency	Ord. 2992 (Reserved)	17.05	No changes currently proposed.

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
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.
Division 3: Permits				
19.32	Land Divisions	Ord. 2992 (Reserved)	16.04 – 16.32	Updated land division review and approval criteria. New “Unit Lot Subdivision” option.
19.34	Boundary Line Adjustments	New	16.08	Updated boundary line adjustment review criteria and final approval/recording requirements.
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.
Division 4: Zoning and Land Uses				
19.40	Zoning	Ord. 2992 (Reserved)	Title 17	New/updated content - establishment and classification of zones.
19.41	<u>Allowed Uses</u>	Ord. 2992 (Reserved)	Title 17 - various	New/updated content – allowed use tables
19.42	<u>Uses Form and Intensity Standards</u>	Ord. 2992 New	Title 17 - various	New/updated content – form and intensity standards, bonus incentives, and calculation/measurement methods.
19.43	<u>Residential Uses</u>	New	Title 17 - various	New/updated content – use definitions and supplemental use standards.
19.44	<u>Supplemental Use Criteria Commercial Uses</u>	Ord. 2992 New	Title 17 - various	New/updated content – use definitions and supplemental use standards.
19.45	<u>Industrial Uses</u>	New	Title 17 - various	New/updated content – use definitions and supplemental use standards.
19.46	<u>Affordable Housing Demonstration Program</u>	Ord. 3017	None	Bonus incentive provisions in new 19.42 replace this program.
	<u>Public, Institutional & Open Uses</u>	New	Title 17 - various	New/updated content – use definitions and supplemental use standards.
19.47	<u>Accessory Uses & Structures</u>	New	Title 17 - various	New/updated content – accessory structures, accessory dwelling units and home occupations.
19.48	<u>Temporary Uses</u>	New	Title 17 - various	New/updated content – temporary event and use standards
19.49	Nonconforming Uses & Structures	Ord. 2992	None	Updated maintenance allowances. Updates to grammar, sentence structure and mechanics.
Division 5: Community Design				
19.50	<u>Introduction</u>	New	None	New content – Division 5 purpose and applicability.

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
19.51	<u>Public Street Improvements Required</u>	New	19.24; 16.20; 16.32	New/updated content – applicability; minimum public street improvement requirements; modifications, deferments and waivers; new sidewalk construction in-lieu program.
19.52	<u>Public Street Design</u>	New	16.32	New/updated content – street geometric design and streetscape; new “lane” standard to serve small infill development.
19.53	<u>Private Driveways & Access Standards</u>	New	Title 17 - various	New/updated content – driveway/access location, spacing and separation; access easements, including new residential shared driveway standard for up to 6 lots.
19.54	<u>Subdivision Design & Block Structure</u>	New	16.20, 16.24, 16.30, 16.32	New/updated content – Block design and connectivity; open space/parks; lot design options, including zero lot line, reciprocal use, and shared access lots; updated services and utilities requirements.
Division 6: Project Design				
19.60	Recreational Vehicle Parks	Ord. 2992		RV Park standards have been relocated to outdoor recreation supplemental use standards.
	<u>Introduction</u>	New	None	New applicability provisions based on improvement “levels”.
19.61	<u>Block Frontage Standards</u>	New	None	New content – block frontage designation maps designate mixed-use, multi-family and industrial block frontage types, which determine the applicable site and building design standards.
19.62	<u>Site Planning</u>	New	Title 17 - various	New content – Site planning requirements applicable to all non-residential and multi-family development; relationship to adjacent properties, open space, pedestrian access, vehicular circulation and service/mechanical areas design.
19.63	<u>Building Design</u>	New	Title 17 - various	New content – Building design requirements applicable to all non-residential and multi-family development; building character; building massing and articulation; building details; building materials; and blank wall treatments.
19.64	<u>Parking</u>	New	17.46	New/updated content - Computation of required parking and number

Div./Ch.	Title	Ord. # or New	Other code location(s)	Proposed Updates Summary
				required; sizes; reduced parking requirements; parking fee-in-lieu; shared parking; bicycle parking requirements; parking plans and construction standards.
19.65	<u>Landscaping</u>	New	17.41	New/updated content – landscape plans; plant material and installation standards; landscaping types; site design standards; maintenance; irrigation standards; performance assurance/bonding.
19.66	<u>Fences, Walls and Hedges</u>	New	17.52	New/updated content – Fence, wall & hedge standards for residential and mixed-use & industrial zones; measurements; fence/wall location and maintenance; fence types prohibited; retaining walls and rockeries standards.
19.67	<u>Signs</u>	New	17.40	New/updated content – Updates to address Reed v. Town of Gilbert; interpretation; exemptions; definitions; general requirements; measurement of area; sign typologies; sign types permitted by zone; specific sign type standards; noncommercial speech signs; temporary sign standards; nonconforming signs; severability.
Division 7: Environment				
19.70	Critical Areas	Ord. 2992 (Reserved)	None	Updates currently underway under separate process.
19.72	Shorelines	Ord. 2992 (Reserved)	None	No changes currently proposed.
19.76	Stormwater	Ord. 2991	None	No changes currently proposed.
19.78	Clearing and Grading	Ord. 2991	None	No changes currently proposed.
Division 8: Development Agreements				
19.80	Development Agreements	Ord. 2992 (Reserved)	None.	Forthcoming.
19.82	Development Agreement for Port-Owned Property	Ord. 2992	None.	No changes currently proposed.

3. Summary of Area-Wide Zoning Map Amendments

The Future Land Use Map

The Future Land Use Map in the Comprehensive Plan illustrates the general location and distribution of the various categories of land uses anticipated by the Comprehensive Plan policies over the life of the Plan. The

Land Use Element of the Comprehensive Plan describes the purpose of each land use designation and identifies its implementing zones. The Land Use Element of the Comprehensive Plan directs that the City's Official Zoning Map is to be managed and maintained to ensure continued consistency with the FLUM.

Zoning Map Amendments

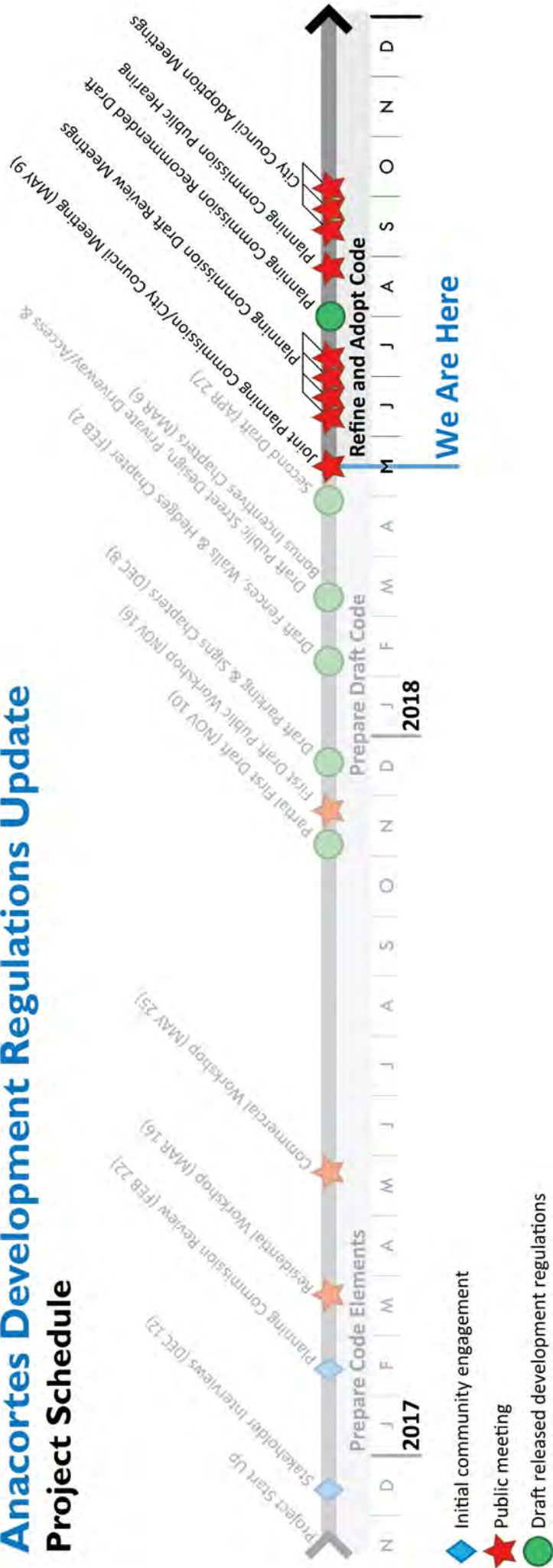
Area-wide amendments to the City's Official Zoning Map are needed to achieve consistency with the Future Land Use Map and to implement other key Comprehensive Plan goals and policies. The proposed updates to the development regulations establish new zones and overlays, and development regulations to guide development within them. The new zones include the Marine Mixed Use (MMU), R2A, and R3A zones, as well as new the Medical, Live-Work, and Mixed-Use Business Overlay Zones. In order to apply these new development regulations, applicable properties will need to be rezoned to the appropriate zone designation.

Attachment 2 shows the area-wide rezones that are proposed in order to implement and achieve consistency with the FLUM. Below is a summary of the proposed rezones, including key Comprehensive Plan direction and staff comments. The numbers in the left hand column correspond to each area labeled on the map.

Map #	Area Description	Rezone Action	Key Comprehensive Plan Direction & Policies	Comments
1	Skyline Marina	CM to MMU	FLUM land use designation is Marine Mixed Use (MMU).	
2	South Ferry Terminal Rd.	CM to MMU	FLUM land use designation is MMU.	
3	San Juan Passage / Portalis area	CM to R2	FLUM land use designation is Residential Low Density 2 (RLD-2).	
4	R2 area east of Anacopper Mine Rd.	R2 to R2A	FLUM land use designation is RLD-2. Table LU-1 RLD-2 category includes special topics to explore: "Explore option for 6,000 sf lots where compatible with existing development." R2A is included as an implementing zoning designation.	Much of the R2 area east of Anacopper Mine Rd. consists of platted 3,000 sq. ft. lots that have been combined to equal 7,500 sq. ft. and developed with SFRs. The modest reduction in lot size to 6,000 sf (via rezone to R2A) would allow for increased infill opportunities where undeveloped blocks remain or where larger partially developed lots exist. Areas are within closer proximity to commercial services.
5	Old Town	R3/Old Town Overlay to OT	FLUM land use designation is Old Town (OT).	
6	Cap Sante	R2 to R2A	FLUM land use designation is RLD2. Table LU-1 RLD-2 category includes special topics to explore: "Explore option for 6,000 sf lots where compatible with existing development."	Staff recommends retaining the R2 designation in this location due to limited potential for infill development, shoreline

			R2A is included as an implementing zoning designation.	proximity and public infrastructure limitations.
7	Central Fidalgo Bay	CM1 to MMU	FLUM land use designation is MMU.	
8	Hospital area	Add Medical Overlay (MED-O)	FLUM land use designation is Residential High Density (RHD) with Medical Overlay (MED-O). Table LU-2. Medical Overlay special topics to explore: Refine overlay boundary, use provisions, and height provisions.	
9	R4A hospital area	R4A to R4	FLUM land use designation is RHD.	
10	R4B zone	R4B to R4	FLUM land use designation is RHD; R4B is eliminated as an implementing zone.	
11	Beale's Maple Grove Addition area	R3 to R4 with Live-Work Overlay	FLUM land use designation is RHD with Live-Work Overlay.	
12	Sharpe's Corner business park	LM1 to R4 with Mixed Use Business Overlay	FLUM land use designation is RHD with Mixed Use Business Overlay (MUB-O).	
13	SR20/SR20 Spur intersection	LM1 to C	FLUM land use designation is Commercial (C).	
14	Former Wyman Marina	CM1 to CM	FLUM land use designation is Commercial Marine (CM).	This site would be the only remaining CM1 zoned area in the City if not rezoned to CM. Half of the area has been converted to an aquatic mitigation site, and the remaining area includes a restaurant building and drop-frame barge loading ramp.

Anacortes Development Regulations Update Project Schedule



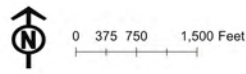
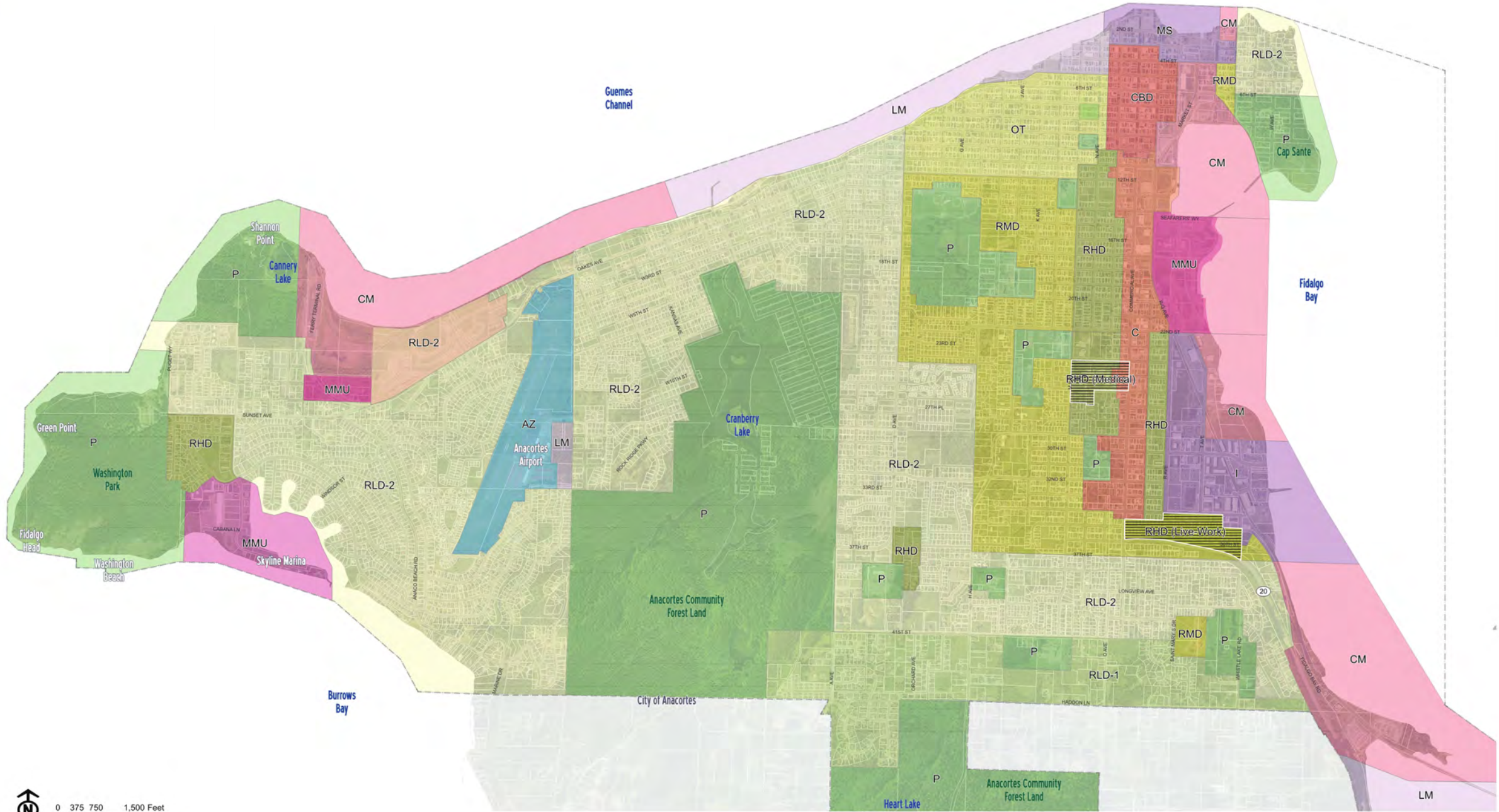
Future Land Use Map

Land Use Designation

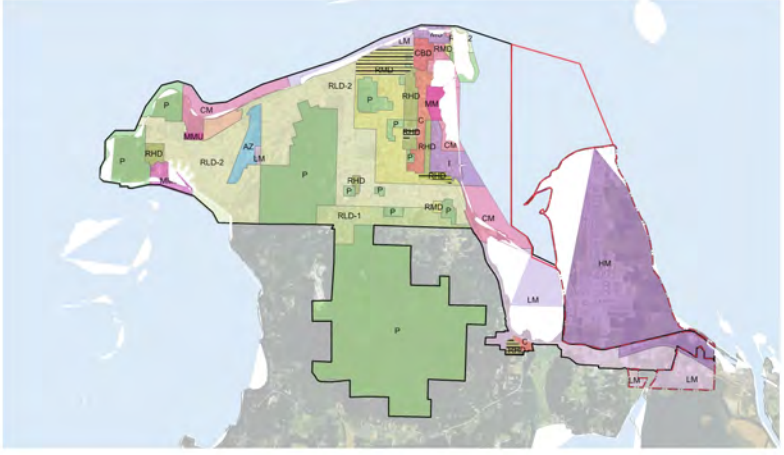
- CBD Central Business District
- C Commercial
- CM Commercial Marine
- MMU Marine Mixed Use
- AZ Airport Zone
- HM Heavy Manufacturing
- I Industrial
- LM Light Manufacturing
- MS Manufacturing/Shipping

- P Public Use

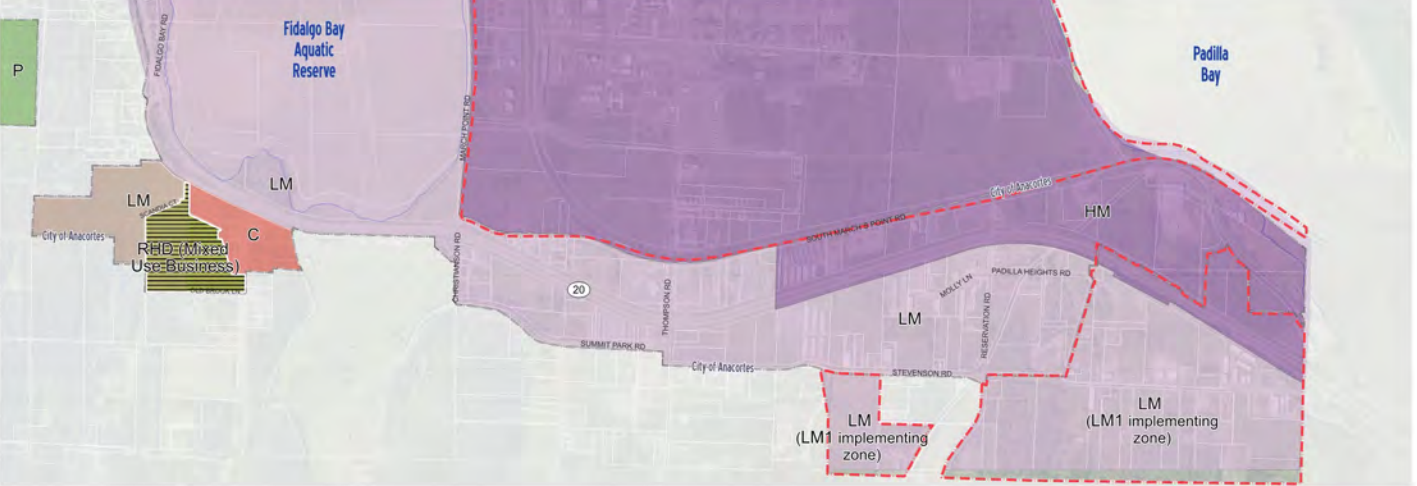
- RHD Residential High Density
- RMD Residential Medium Density
- OT Old Town
- RLD-2 Residential Low Density 2
- RLD-1 Residential Low Density 1
- Overlay Area
- City Limit
- UGA



- City Limit
- UGA



MARCH POINT INSET





TITLE 19 - UNIFIED DEVELOPMENT CODE:

Second Draft – April 27, 2018

DRAFT ADR MASTER_18-0427

New Organization

The new code features an improved organization with eight overarching divisions. Each division contains a number of chapters, and individual sections follow after that. See page 3 for a table of contents with the chapters and sections.

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

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 the following ways:

1. For sections and subsections that are **entirely new**, such sections or subsections include “(NEW)” after the title. Internal modifications to this inserted text are shown in Track Changes format with additions and ~~deletions~~ shown as such.
2. For sections and subsections that are **adopted in the existing code**, such sections or subsections include a “(Title 17 or Title 19)” reference after the title. Proposed changes to this existing text are shown in Track Changes format with additions and ~~deletions~~ shown as such.
3. Key changes made to text and graphics since the first public draft are **highlighted in yellow**.

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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 19 definitions are shown as normal text and new definitions are shown in track changes.

NOTE: Definitions being moved to Division 4 for supplemental uses are marked in **purple**.

19.12.020 - Definitions.

~~The following definitions are added to this section:~~

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

A. A definitions.

"A-board" means a type of sign defined in AMC 19.67.030, ~~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 small dwelling on the same lot as a single-family dwelling and meeting the requirements of AMC 19.47.030(B), ~~second dwelling unit, that has separate kitchen, sleeping, and bathroom facilities, and is attached or detached from the primary residential unit on a lot.~~

"Accessory structure" means a subordinate type of structure defined in AMC 19.47.020, ~~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. See AMC Chapter 19.47 Uses and Structures for applicable standards.

"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 retail and concession stands related to the principal use.

"Adjacent/regulated slopes" ~~means 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 group living use defined in AMC 19.43.020(B), 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.

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

"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 rearrangement of interior partitions affecting more than one-third of a single floor area is 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.

"Articulation" means the giving of emphasis to architectural elements (like windows, balconies, entries, etc.) that create a complementary pattern or rhythm, dividing large buildings into smaller identifiable pieces. See AMC 19.63.040 for articulation provisions.

"Articulation interval" means the measure of articulation, the distance before architectural elements repeat. See AMC 19.63.040 for articulation provisions.

"Artisan manufacturing" means production of goods by the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of net 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; a light manufacturing use defined in AMC 19.45.030(B).

"Assisted living center/congregate care facility". means a facility 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.

"Senior citizen assisted housing Assisted living facility" means a type of group living use defined in AMC 19.43.020(D). 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.

"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 is considered "attached;" open beams or lattice work will not be considered "attached."

B. B definitions.

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

"Basement, daylight" means a portion the floor level of a building having its floor subgrade (below the ground floor) with exterior doors and/or windows, (usually within a structure located on a slope).

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

"Bed and breakfast establishment" means an overnight lodging use defined in AMC 19.44.050(B), single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations. A home must have been in single-family use for two years before it qualifies for conversion into a bed-and-breakfast.

"Binding site plan" 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.

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

"Blank wall" means a ground floor wall or portion of a ground floor wall as described in AMC 19.63.070(B) that does not include a transparent window or door.

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

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

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

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

"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 areas from human disturbances.

"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 height". See AMC 19.42.130 for building height calculations, exceptions, and modifications.

Building height means the vertical distance between the average grade level and:

— The highest point of the roof beams of a flat roof.

— The highest point on the deck of a mansard or gambrel roof.

~~— 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 must 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" must 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 must 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 must 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.

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

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

"Building site". See "site area"

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

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

C. C definitions.

~~"Cafeteria". 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 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~~ must not be considered applicable to any criminal laws related to marijuana or cannabis.

~~“Cargo container” a type of temporary use defined in AMC 19.48.020(C). 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 chassis for movement by truck-trailer or loaded on a ship.~~

“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.

“City” means the City of Anacortes, Washington.

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

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

~~“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.

~~“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 R-1, R-2, R-3, R-4, and P.~~

“Commission” means planning commission for the purposes of this title.

~~“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.~~

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

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

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

~~“Conference center”. See “Event center.”~~

"Conforming sign" means a sign which meets the specifications of Chapter 19.66.

~~"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.~~

~~"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.

"Cornice" means a horizontal molding projecting along the top of a wall, building, etc. See AMC 19.63.050(D) for related standards.

"Cottage dwelling" refers to a type of household living use defined in AMC 19.43.010(D). ~~small single family dwelling that is clustered with other similar units surrounding a common open space. See _____ for special cottage housing provisions.~~

"Council". See "City Council".

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

D. D definitions.

"Day" means calendar day, not business day, unless otherwise specified. ~~But s~~See AMC 1.04.070; Computation of time.

~~"Day care" means a commercial use defined in AMC 19.44.010. an establishment for group care of nonresident adults or children. Specifically:~~

~~1. Day care includes child day care services, adult day care centers, and all of the following:~~

- ~~a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.~~
- ~~b. Nursery schools for children under minimum age for education in public schools.~~
- ~~c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.~~
- ~~d. Programs covering after-school care for school children.~~

~~2. Day care establishments are subclassified as follows:~~

- ~~a. Day care I – a maximum of 12 adults or children in any 24-hour period.~~
- ~~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 Planning, Community, and Economic Development Department.

"Departure" means a provision allowing for applicants to propose alternative means of compliance with a specific standard on a voluntary basis, provided they meet the "intent" of the standard. See AMC 19.20.250 for more information on departures.

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

“Development” means any land use, activity, or project regulated by AMC Titles 13, 16, 17, ~~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.

“Development site” means the lot or lots that encompass all phases of a development proposal.

~~“Directional sign” means off-premises signs incorporating general public information.~~

“Director” means the director of the Planning, Community and 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.~~

“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.

“Duplex dwelling” refers to a type of household living use defined in AMC 19.43.010(E). (a-building that is entirely surrounded by open space on the same lot and contains two dwelling units. See _____ for special duplex provisions.

“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 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.~~

F. F definitions.

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

“Family” means:

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

“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.

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

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

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

~~“Floor area” 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 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 exterior walls, including elevator shafts and stairwells on each floor and all horizontal areas having a ceiling height of seven feet or more. Floor area does not include, but excluding 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 or housing of mechanical or central heating equipment. An unfinished room, basement, or attic which could be finished and made habitable must be included in floor area.

“Floor area ratio (FAR)” refers to the floor area of all buildings on a lot divided by the area of that lot. See AMC 19.42.120 Floor area ratio calculations for details on certain floor areas that are excluded from FAR calculations.

"Fourplex dwelling" refers to a type of household living use defined in AMC 19.43.010(G). -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.

"Freestanding sign" means a type of sign defined in AMC 19.67.030, 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.

"Gateway block frontage" refers to a type of block frontage designation that emphasizes landscaping on frontages facing Highway 20. See AMC 19.61.100 for details.

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

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

"General service establishment" refers to a type of commercial use category defined in AMC 19.44.020(A). 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, and other services.

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

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

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

"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.

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

"Ground floor" means the first floor of any building nearest, on, or above the same plane as the streetfronting right-of-way.

"Grubbing" means the removal of trees, shrubs, stumps and rubbish from the project site.

H. H definitions.

"Habitable floor" means any floor 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 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 must 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 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 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 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 a advanced registered nurse practitioner licensed under Chapter 18.79 RCW.

"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 industry" means a land use category defined in AMC 19.45.010(A).

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

"Home occupation" means a type of accessory use defined in AMC 19.47.150. any activity undertaken for financial gain or profit and carried on in a dwelling, or building accessory to a dwelling.

"~~''~~" means large scale assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or mineral extraction. Additional uses in this category include (but is not limited to) wrecking yards, breweries, building material manufacturing, chemical plants, concrete and asphalt plants, freight facilities, 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. Heavy truck traffic to and from these uses are a common attribute for heavy industrial uses.

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

~~“Hotel” or “motel” means a type of overnight lodging use defined in 19.44.060(C). building or portion thereof designed or used for the transient rental and accessory uses of units for sleeping purposes.~~

I. I definitions.

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

“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.

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

J. J definitions.

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

K. K definitions.

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

L. L definitions.

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

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

~~“Landscape” and “landscaped area”.—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 as set forth in AMC 19.65.030.~~

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

~~“Light industry” means a land use category defined in AMC 19.45.020(A). 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, regional distribution, and crematories.~~

~~“Live-work dwelling unit” refers to a type of household living use defined in AMC 19.43.010(K). an attached residential building type designed to accommodate a small commercial enterprise on the ground floor and a residential unit above and/or behind.~~

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

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

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

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

~~"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 must 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 must any residual lot or parcel be created which does not meet the area requirements of this title.~~

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

"Lot coverage" means the area of a lot which is covered by buildings and structures. The area covered shall be measured from the outside of external walls of enclosed spaces, from the outer edge of the floor of open decks and porches and from the supporting members of structures such as a carport which are not enclosed by walls. 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 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.

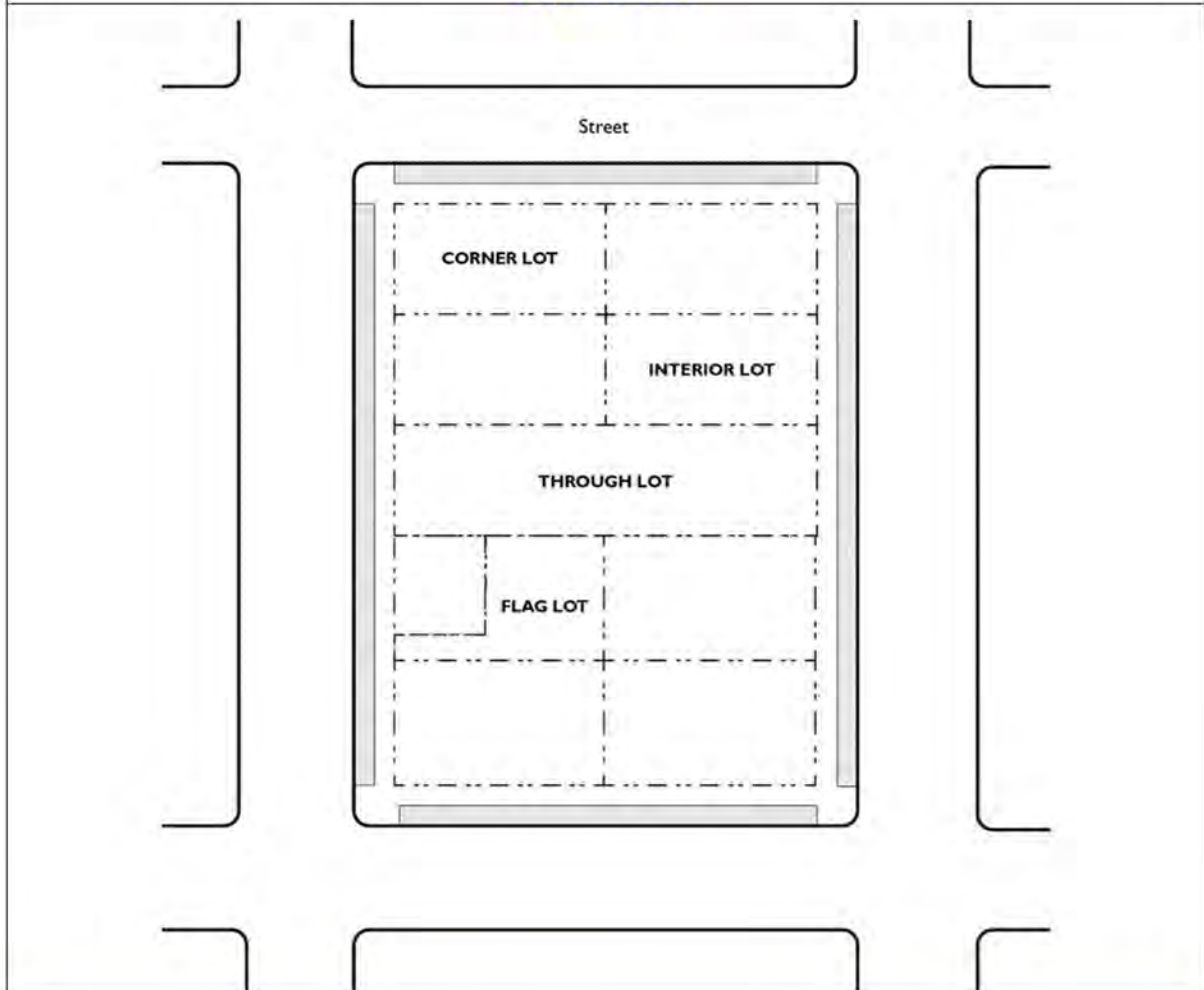
"Lot frontage": ~~The means frontage of a lot shall be construed to be the portion of the property line which abuts a street right-of-way. For the purposes of determining yard requirements on corner lots and through lots, all property lines of a lot adjacent to streets shall must be considered frontage, and yards shall be provided as indicated under "Yards" in Sections 17.06.900 through 17.06.915.~~

“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 19.12.020(L) 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~~ must be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees. ~~See lots marked A-I in the diagram.~~
2. “Interior lot” means a lot with frontage on only one street ~~other than a corner lot with only one frontage on a street.~~
3. “Through lot” means a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. ~~“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).~~
4. “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. Where a minimum street frontage is not required by this Code, the minimum width of the “flag” shall~~ must be not less than that required by the fire chief and or designee for fire apparatus access.

Figure 19.12.020(L)
Types of lots.



“Lot measurements, width.” Width of a lot shall be considered to be 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.

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 and, 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”.~~

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

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

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

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

“Mixed-use” 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.

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

~~“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”.~~

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

~~“Multi-family dwelling” refers to a type of household living use defined in AMC 19.43.010(I). building that contains fourthree or more dwelling units.~~

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

N. N definitions.

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

~~“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, 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. Common areas are excluded whether there is a single tenant or multiple tenants.

~~“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 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.

~~"Nursery", plant materials". "Plant materials nursery" means a type of agriculture use defined in AMC 19.46.010(E), 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.~~

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

"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.

P. P definitions.

~~"Passive recreation"~~~~A 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.

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

~~"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.

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

“Permanent sign” means a 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 a category of land uses defined in AMC 19.44.080(A), 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, and steam and sauna baths.

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

~~“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.

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

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

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

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

“Private street” means a private thoroughfare which provides the principal means of access to abutting properties and which is so designated by the city council.

~~“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 R-1, R-2, R-3, R-4, 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 type of temporary use defined in AMC 19.48.020(A).~~

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

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

~~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 park” means a type of parks, open space, and natural areas land use defined by 19.46.030(B), land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.~~

~~“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 R-1, R-2, R-3, R-4, 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 type of general service used defined in AMC 19.44.020(E), 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.~~

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

~~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 roadway 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;~~

Q. Q definitions.

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

~~"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, etc.~~

R. R definitions.

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

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

- ~~A. Offers constructive, restorative, and pleasurable human benefits and fosters appreciation and understanding of open space and its purpose;~~
- ~~B. Is compatible with other passive recreation uses;~~

C. Does not significantly impact natural, cultural, scientific, or agricultural values; and

D. 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.

"Recreational vehicle" means a type of temporary use defined in AMC 19.48.020(D), vehicle built on a chassis and propelled by its own engine, or a trailer or "fifth wheel" designed to be towed, with cooking, bathing, and toilet facilities to be used as a temporary dwelling for travel and recreational purposes.

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

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

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

"Research and development" means a type of use category defined in AMC 19.45.040, 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 subdivisions or multi-unit dwellings.

"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.~~

~~"Retail" means a type of use category defined in AMC 19.44.120(A), any use which involves the display and sale of retail consumer goods.~~

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

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

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

"Rockery" means placed rocks used to control soil erosion.

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

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

~~"Rooming or boarding house" means a type of group living use defined in AMC 19.43.020(F), dwelling, with a central kitchen and with more than one but fewer than nine boarders, with no more than nine sleeping rooms.~~

S. 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. a type of civic use defined in AMC 19.46.030(I).~~

~~"Second floor" means the habitable floor above the ground floor.~~

~~"Secure community transition facility (SCTF)". 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 needs of senior citizens.~~

~~"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, senior housing is a type of multifamily dwelling, unless it also meets the definition of senior citizen assisted housing~~

~~"Service station" means a building and premises where gasoline, oil, grease, batteries, tires, and automobile 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 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.~~

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

“Setback” means the minimum required 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: means a line designating the minimum setback from the property line. See AMC 19.42.140 for measurement clarifications.

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

“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.

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

“Short subdivision” means the division or redivision of land into nine or fewer lots for the purpose of sale, lease, or transfer of ownership.

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

“Single family - small lot dwelling” refers to a type of household living use defined in AMC 19.43.010(C), detached single family dwelling that is on a lot that has less than 5,000 square feet in net lot area. See _____ for special design provisions that apply to such development types.

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

“Sign”. See AMC 19.67.030 for sign and sign-related definitions. 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, or similar organization.

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

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

“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.

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

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

"Stormwater management manual" means the city's manual for design of stormwater facilities, as adopted in AMC 19.76.040.

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

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

"Structure" means that which is built or constructed. An edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner, not to include fences less than 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.

"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.

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

"SWMMWW" means 2014 Stormwater Management Manual for Western Washington.

~~"Symbolic sign" means a sign representative of a traditional profession or trade.~~

T. T definitions.

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

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

"Townhouse dwelling" refers to a type of household living use defined in AMC 19.43.010(H). ~~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 ____ special design provisions.~~

"Tract" means a lot, usually several acres in area.

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

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

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

~~“Triplex dwelling” refers to a type of household living use defined in AMC 19.43.010(F), building that is entirely surrounded by open space on the same lot and contains three dwelling units. See _____ for special triplex provisions.~~

U. U definitions.

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

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

~~“Under-marquee-canopy signs” means a type of building-mounted sign defined in AMC 19.67.030, signs attached to the underside of a marquee, canopy, or permanent walkway cover, or other similar structure.~~

~~“Unit”. See “Dwelling unit”. means _____~~

“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 19 issued per AMC Chapter 19.38 Variances.

“Vertical building modulation” means a stepping back or projecting forward vertical walls of a building face, within specified intervals of building width and depth, as a means of breaking up the apparent bulk of a structure’s continuous exterior walls. Vertical building modulation may be used to meet façade articulation standards set forth in AMC 19.63.040.

W. W definitions.

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

~~“Wall sign” means a type of building-mounted sign defined in AMC 19.67.030, sign of flat design attached parallel to, or painted on, a building.~~

~~“Water-based oriented 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, and other related uses, a type of use category defined in AMC 19.45.080(A).~~

~~“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 and repair, dry stack boat storage, and other related uses.~~

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

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

“Window sign” means a ~~type of building-mounted sign defined in AMC 19.67.030 sign that can be observed by the general public as displayed in or applied to the transparent or translucent window and door areas of a building.~~

19.12.040 - 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 Shoreline Master Plan control.

19.12.080 - Administrative interpretation.

- A. Consistent with RCW 36.70B.110(11), any person may submit a written request for an interpretation of this title. Any such request must:
 - 1. ~~S~~specify each code section for which an interpretation is requested.;
 - 2. ~~D~~escribe why an interpretation of each section is necessary.;
 - 3. ~~I~~include any reasons or material in support of a proposed interpretation.;
 - 4. ~~I~~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. ~~T~~he applicable provisions of the code including their purpose and context.;
 - 2. ~~T~~he applicable provisions of the Comprehensive Plan and other relevant codes and policies.;
 - 3. ~~T~~he impact of the interpretation on other provisions of the AMC.;
 - 4. ~~T~~he implications of the interpretation for development within the City as a whole.
- D. The director may respond to inquiries regarding the applicability and interpretation of various code provisions prior to or outside the context of a formal request for an administrative interpretation.

- E. An administrative interpretation is not binding on the director or City, nor appealable, but the decision-maker on a relevant development permit application may treat an interpretation as persuasive authority.

Chapter 19.14 - INTERNATIONAL CODES

NOTE TO REVIEWERS:

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

Chapter 19.16 - LEGISLATIVE ACTIONS

19.16.010 - Purpose.

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

19.16.020 - Applicability.

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

19.16.030 - General requirements.

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

1. Accept petitions per AMC 19.16.040 and docket amendments per AMC 19.16.050, or the City may itself initiate the process of adopting or amending development regulations at any time;
 2. Provide all public notices per AMC 19.16.070;
 3. Perform review by the Planning Commission per AMC 19.16.080;
 4. Offer additional opportunities for public comment if required per AMC 19.16.090; and
 5. Adopt all amendments by ordinance.
- C. For amendments to the capital facilities planning element, or the capital facilities financing plan, the City must:
1. Update the capital facilities financing plan at least once every two years;
 2. Ensure the financing plan is consistent with the Comprehensive Plan, as required by RCW 36.70A.070, and includes at least the next six years of capital facilities expenditures;
 3. Ensure the financing plan is consistent with the City budget;
 4. Hold a public hearing and offer a written comment period of at least two weeks;
 5. Provide public notice consistent per AMC 19.16.070;
 6. Offer additional opportunities for public comment if required per AMC 19.16.090;
 7. Adopt the amendments to the capital facilities planning element, or the capital facilities financing plan, by ordinance into the City's Comprehensive Plan; and
 8. Consistent with the provisions for timing of amendments to the Comprehensive Plan identified in RCW 36.70A.130, adopt the amendments either:
 - a. Simultaneous with the docket of annual amendments to the Comprehensive Plan; or
 - b. Simultaneous with adoption or amendment of the City budget.

19.16.040 - Petitions.

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

3. A City-initiated petition does not require a written petition or fees.
- D. Contents of petition. A petition for amendment of the Comprehensive Plan or the development regulations must include the following:
1. a detailed statement of what is proposed to be changed and why~~;~~
 2. a statement of anticipated impacts to be caused by the change, including geographic area affected and issues presented~~;~~
 3. a demonstration of why the proposal is needed~~;~~
 4. a statement of how the amendment is consistent with the Comprehensive Plan's vision and goals.
- E. A petition for a rezone or amendment of the Comprehensive Plan map must also include a detailed description of how the map amendment complies with:
1. the land use designation criteria in the Comprehensive Plan~~;~~ ~~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 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.
 3. Defer. The City Council's decision to defer a petition means the City Council will consider the petition for docketing in the next annual amendment cycle.
- E. The petitions included in the docket must be processed according to the remaining sections of this chapter, including public review and comment and Planning Commission recommendation, and final City Council action to approve, approve with modifications, defer to a subsequent amendment cycle, or deny each petition.

19.16.060 - Environmental review of docket.

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

19.16.070 - Public notices.

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

2. Mailing notice directly to the owners of the subject property and to all property owners within 300 feet of the subject property.

D. Notices must include all of the following:

1. A concise description of the proposal in plain English;
2. Information on how to provide comment on the proposal;
3. Deadlines for public comment;
4. Address of the project webpage.

19.16.080 - Review by Planning Commission.

A. Public Hearing.

1. After environmental review, the Planning Commission must hold at least one public hearing before issuing a recommendation on each proposal.
2. If necessary due to the number of people present to comment, the Planning Commission may continue the public hearing to another date, time, or location.

B. Deliberations.

1. Required consideration. The Planning Commission must consider the following in making its recommendation:
 - a. public hearing testimony and written comment received during any public comment period;
 - b. recommendations and analysis from relevant City advisory groups;
 - c. staff recommendations and analysis;
 - d. legal advice;
 - e. consistency of the proposal with the Comprehensive Plan;
 - f. for proposed Comprehensive Plan map changes, whether the proposal is justified by changed or changing conditions, whether the proposal would create an isolated land use designation unrelated to adjacent designations (a spot zone), and whether the proposal will be compatible with neighboring properties and not adversely affect the value of those properties.
2. Ability to ask follow-up questions. The Planning Commission may ask specific follow-up questions of those that testify or submit written comments in order to clarify their testimony or request specific further information.
3. Ability to continue deliberations. The Planning Commission may continue their deliberations to a subsequent meeting if it needs additional information or additional time to deliberate.

C. Recommendation to City Council.

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

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

19.16.090 - Review by City Council.

- A. Upon receipt of the Planning Commission's recommendation, the City Council must consider and take action on the recommendation.
- B. The City Council may take final action with no further process in any of the following situations:
 1. when the plan, plan amendment, or development regulation to be adopted by the City Council conforms substantially to the proposal as made available for public comment;
 2. pursuant to RCW 36.70A.035, when any of the following are true:
 - a. An environmental impact statement (EIS) has been prepared under RCW Chapter 43.21C for the pending resolution or ordinance and the proposed change is within the range of alternatives considered in the environmental impact statement;
 - b. The proposed change is within the scope of the alternatives available for public comment;
 - c. The proposed change only corrects typographical errors, corrects cross-references, makes address or name changes, or clarifies language of a proposed ordinance or resolution without changing its effect;
 - d. The proposed change is to a resolution or ordinance making a capital budget decision as provided in RCW 36.70A.120 ~~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 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.

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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 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 • Assessment of impact fees • 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 • Sign permits • Fence permit • Boundary line adjustments	• 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 • Zone boundary determination	• 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 • Framework development plans • Preliminary long subdivisions • Modifications & exceptions per AMC Chapter 16.24 • Site-specific rezones authorized by the comprehensive plan • Shoreline Substantial Development Permits (SSDP) for projects valued at \$1 million or more or on site of 3-acres or more
Pre-Application Conference	At discretion of director	At discretion of director	Yes	Yes	Yes
Pre-Application Neighborhood Meeting	No	No, except for short subdivisions at discretion of director	Yes	Yes	Yes
Notice of Application	No	Yes	Yes	Yes	Yes

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
Comment Period	None	14 days	21 days	21 days (30 for shoreline permits)	21 days (30 for shoreline permits)
Recommendation By	None	None	Director	Director	Planning Commission
Pre-Decision Open-Record Public Hearing	No	No	Yes, before Hearing Examiner	Yes, before Planning Commission	Yes, before Planning Commission
Closed-Record Decision Hearing	No	No	No	No	Yes, before City Council
Decision By	Director	Director	Hearing Examiner	Planning Commission	City Council
Notice of Decision	No	Yes	Yes	Yes	Yes
Local Appeal Available To	Hearing Examiner	Hearing Examiner	City Council	City Council	None
Appeal Hearing Type	Open-record	Open-record	Closed-record	Closed-record	N/A

19.20.040 - Consolidated review.

- A. Optional consolidated application processing. All projects that involve two or more application processes may, at the applicant's written request, be processed collectively under the highest numbered type procedure required for any part of the application or may be processed individually under each of the review procedures. If the application is processed under the individual procedures option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.
- B. Integration of environmental review. An application for a development permit that is subject to the State Environmental Policy Act (SEPA) must be reviewed per AMC Chapter 18.04 [State Environmental Policy Act](#) concurrently with review of the development permit application except where exempted by that chapter.
- C. Per RCW 36.70B.050, review of an application is allowed only one open record hearing and one closed record appeal hearing.

- D. The appeal of a SEPA procedural determination is not subject to this section.

19.20.050 - Eligibility for permits.

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

19.20.060 - Lots of record.

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

19.20.070 - Vesting.

- A. An application for a building permit or land division vests at the time a complete application is filed with the Department and all application fees are paid, consistent with RCW 19.27.095(1) and RCW 58.17.033(1).
1. An application is complete on the date a complete application is filed, as subsequently determined in the letter of completeness.
 2. An application vested under this section is not subject to laws or regulations that become effective after the date of vesting, except as provided below.
- B. This section may not be construed to restrict the City from imposing conditions on development permits pursuant to the State Environmental Policy Act, RCW Chapter 43.21C, WAC Chapter 197-

11, as long as such conditions do not change any of the requirements of the underlying code section pertinent to the particular development permit.

- C. This section may not be construed to prevent the City from imposing new regulations necessary to protect the public health and safety, including, but not limited to, the requirements of the building, health, and fire codes, as now adopted or as subsequently amended.

19.20.090 - 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 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:

- 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.
 - 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.

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, 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

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

19.20.170 - 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 ~~r~~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 43.21C;
 - 10. a notice that affected property owners may request a change in valuation from the County Assessor for property tax purposes notwithstanding any program of revaluation;
 - 11. the procedure for appeal and the deadline for filing an appeal.

19.20.210 - 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 rReview 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.

19.20.260 – Framework development plans. (NEW)

- A. The purpose of this subsection is to provide an administrative procedure whereby a developer may opt to submit, and the city consider, a framework development plan for a large and/or phased development proposal that depicts its major development and design parameters (i.e., major circulation and infrastructure systems, major open spaces, block frontage designations, allocation of categories of land uses and development intensities among portions of the development site, and phasing of development over time). Framework development plan approval is intended to provide a developer an opportunity to obtain the city’s preliminary approval of such framework development plans — either in conjunction with an application for a development agreement or as a precursor to the preparation and submittal of the more specific and more detailed plans required for subdivision approvals or site plan approvals.

- B. Applicability.

- I. General.

- Framework development plan approval is not required for any development except where indicated in Division 6 of this title, but any landowner may submit an application for framework development plan approval to obtain the city’s preliminary approval of conceptual plans for a development, provided the application meets at least one of the following qualifications:

PLACEHOLDER – TO BE COMPLETED. Provisions herein intended to be an option for large scale development as noted above – pursuant to the Type 4 review process. Additional details to be developed include permitted modification to approved plans and approval criteria.

Chapter 19.22 - CONCURRENCY

Reserved.

Chapter 19.24 - PUBLIC IMPROVEMENTS

19.24.100- Public improvements-design standards.

- A. Public improvements, private roads, private sewer connections, and private stormwater facilities must be constructed consistent with the most recent version of the Anacortes Engineering Design Standards.
- 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 percent 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 the Anacortes Engineering Design 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 the Anacortes Engineering Design 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

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

- 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 ~~Administrator~~ **director** for one year if the applicant has attempted in good faith to complete the proposed development activity necessary to meet the conditions of approval.
- F. **Extension of Shoreline Permits.** In accordance with Section 18.16.130.

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Chapter 19.32 - LAND DIVISIONS

19.32.010 - Purpose. (16.04.030)

- A. To provide criteria, regulations, processes, and standards to govern the division of land within the city.
- B. To ensure that public facilities and services necessary to support development are adequate to serve development at the time development occurs.
- C. To preserve and protect promote the public health, safety, and general welfare of the city in accordance with standards established by the state subdivision law, as set forth in RCW 58.17.010.
- D. To guide the future growth and development of the city in accordance with the goals and policies of Anacortes Comprehensive Plan.
- E. ~~To provide for adequate light, air, and privacy to secure safety from fire, flood, and other danger and to prevent overcrowding of the land and undue congestion of population.~~
- F. ~~To protect the character and social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the community through appropriate growth management techniques. These techniques shall be designed to: assure appropriate timing and sequencing of development; to promote appropriate infill development in existing neighborhoods and nonresidential areas with adequate public facilities; to assure proper urban form and open space separation of urban areas; and to protect environmentally critical areas premature for urban development.~~
- G. ~~To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings;~~
- H. ~~To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, playgrounds, recreation, and other public requirements and facilities;~~
- I. ~~To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city. This will involve: avoiding congestion in the streets and highways, ensuring that pedestrian traffic movements are appropriate to the various uses of land and buildings, and providing for the proper location and width of streets and building lines.~~
- J. ~~To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land.~~
- K. ~~To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;~~
- L. ~~To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the city in order to preserve the integrity, stability and beauty of the community and the value of land;~~
- M. ~~To preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;~~

- ~~N. To provide for open spaces through the most efficient design and layout of the land, including the use of average density through the PUD process in providing for minimum width and area of lots, while preserving the density of development as established in the zoning ordinance of the city;~~
- ~~O. Implement the Regulatory Reform Act (1995).~~

19.32.020 - Applicability. (NEW/REPLACES AMC 16.04.050-060)

- A. This chapter applies to all divisions or redivisions, of land applied for after the effective date of the ordinance codified in this chapter, except as listed in subsection (B) below. Subdivisions, short subdivisions, binding site plans, unit lot subdivisions, plat alterations, and plat vacations are all considered divisions or redivisions of land for purposes of this chapter.
- B. This chapter does not apply to:
1. Cemeteries and other burial plots while used for that purpose.
 2. Divisions of land into lots or tracts each of which is five acres or larger if the land is not capable of description as a fraction of a section of land, including the area bordering on a street or road which would be bounded by the centerline of the street or road and the side lot lines of the lot running perpendicular to such center line.
 3. Divisions made by testamentary provisions, or the laws of descent.
 4. Divisions for the purpose of lease when no residential structure, other than manufactured homes or travel trailers, are permitted to be placed upon the land and an enforceable, binding site plan has been approved in accordance with the binding site plan provisions of this chapter, and which:
 - a. Identifies and shows the areas and location of all streets, roads, improvements, utilities, open spaces, and any other matters specified for planned unit developments.
 - b. Contains inscriptions or attachments setting forth the limitations and conditions for the use of the land as are established by the city council.
 5. Divisions made in connection with acquisition of land by the city, including divisions made by deed for road widening purposes, provided that such land may be accepted on behalf of the city by action of city council.
 6. Adjustments of boundary lines in accordance with AMC 19.34 Boundary Line Adjustments.
 7. Divisions of land into lots or tracts less than three acres that is recorded in accordance with 58.09 RCW and is used or to be used for the purpose of establishing a site for construction and operation of consumer-owned or investor-owned electric utility facilities per RCW 58.17.040(9).
 8. Divisions of land for the purpose of leasing land for facilities providing personal wireless services while use for that purpose.
 9. Divisions of land for the purpose of dedicating to the public such tracts of lands for open spaces, drainage ways, roads, alleys, easements, parks, playgrounds, sites for schools, school grounds, water supplies, sanitary wastes and other general purposes that may be required to protect the public health, safety and welfare.

10. Condominiums, pursuant to RCW 58.17.040(7).

19.32.030 - Preliminary land division approval - Submittal requirements.

- A. Preliminary approval. All land division applications must be submitted in conformance with AMC 19.20.130 and contain the following:
1. Application. A completed application form and application fees;
 2. Title report. A title report issued within 30 days of application, showing all persons having ownership interest, a legal description describing exterior boundary of the land to be subdivided and listing all encumbrances affecting the land.
 3. SEPA. A completed and signed environmental (SEPA) checklist if the division of land is not exempt under WAC 197-11-800.
 4. Grading. A preliminary grading plan in accordance with Chapter AMC [REDACTED].
 5. Stormwater. A preliminary stormwater management plan including runoff calculations, documentation that the minimum technical requirements of the Stormwater Management Manual for Western Washington, as adopted by the city, have been met, upstream and downstream analysis, a maintenance plan for any new stormwater facilities and existing and proposed drainage facilities for the site and adjacent areas as specified by the engineer, and feasibility analysis of using LID facilities, all consistent with AMC Chapter 19.76.
 6. Tree preservation plan. A tree survey including accurate drip lines of all significant trees in accordance with AMC [REDACTED].
 7. Supplemental studies and reports. Any related information and/or studies identified in the preapplication conference meeting, or deemed necessary by the director, including but not limited to a traffic study, geotechnical report, critical areas report and mitigation plan, landscape plans.
 8. Preliminary plans. A set of full size plans containing the following information (multiple sheets may be used in order to provide clarity):
 - a. The name of the proposed project, if any.
 - b. The name, address, seal and signature of the land surveyor who prepared the preliminary plat map.
 - c. The date the preliminary plat map was prepared or revised, the scale, north arrow, and quarter section, section, township and range.
 - d. Full and correct legal description of lands being subdivided.
 - e. A vicinity sketch clearly showing the location of the property.
 - f. Accurate lines to scale showing the parcel to be subdivided, the block lines, and the lot lines.
 - g. Dimensions and numbers or description for each lot and tract.
 - h. Total acreage and square feet of land to be divided and the land area by acreage and in square feet of each of the proposed lots.
 - i. Density calculations indicating maximum and minimum density requirements, if applicable, for the proposal and including density bonus calculations, if applicable.
 - j. Existing zoning and zoning boundaries on the site and immediately adjacent property.

- k. Municipal boundaries, township lines, and section lines.
 - l. Setback lines for all proposed lots having unusual shape, steep topography, critical areas, wetlands or other environmental or unusual limitations on its building site.
 - m. Location, width, and names of all existing and proposed streets or other public ways within or adjacent to the proposed subdivision. Road profiles may be required.
 - n. Location of existing and proposed improvements such as stormwater facilities, sidewalks, utilities, power poles, etc., within the boundaries of the lands being subdivided and adjacent lots and right-of-way.
 - o. Location of existing and proposed easements or tracts to be dedicated for any public purpose or for the common use of the property owners of the lands being divided.
 - p. Location of existing structures, septic tanks, drain fields, wells and other improvements located on the site and within 50 feet of the development; and whether such structures are proposed to remain on the property.
 - q. Shorelines and critical areas as defined in AMC Division 7.
 - r. A current topographic survey. Contour lines in areas to be developed must be at two-foot intervals, or as specified by the city engineer. Five-foot intervals may be used in areas not to be developed. All contour lines must be extended into adjacent properties at least 300 feet to show the topographical relationship of adjacent property to the proposed development.
 - s. A legend identifying all existing and proposed boundary lines, buffers, drainage facilities and utilities, roadway sections, erosion control facilities, grading and critical areas, landscape features, and other required items specified above.
9. Reduced-size plans. A reduced size vicinity map and site plan showing proposed lot layout (suitable for public notice purposes).
10. Detailed requirements. The director is authorized to provide more detailed requirements for each of the items required for submittal of a complete preliminary plat or final plat application, including size, scale, number of copies, and content.

19.32.050 - Preliminary land division approval – Criteria for decision.

(NEW/REPLACES AMC 16.08.030-16.12.020)

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

- A. The proposal conforms to the requirements of this chapter.
- B. The proposal conforms [to the form and intensity standards set forth in AMC Chapter 19.42](#) ~~development regulations applicable to the property and~~ for the zone in which the property is located.
- C. [The proposal conforms to the community design standards set forth in AMC Division 5, including:](#)
 - 1. [Public street improvement requirements \(AMC Chapter 19.51\).](#)
 - 2. [Public street design \(AMC Chapter 19.52\).](#)
 - 3. [Private driveways and access \(AMC Chapter 19.53\).](#)
 - 4. [Subdivision design and block structure \(AMC Chapter 19.54\).](#)
- C. The proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision:

1. Makes adequate provision for streets, roads, alleys, other public ways, and transit stops as required by this chapter; and the proposed street system conforms to AMC _____ and the Transportation Element of the Comprehensive Plan, and is laid out in such a manner as to provide for the safe, orderly, and efficient circulation of traffic.
 2. Will be adequately served with water, sewer, storm drainage, and other utilities appropriate to the nature of the land division.
 3. Makes adequate provision for parks, recreation, and playgrounds, as required by this chapter;
 4. Makes adequate provision for schools and school grounds;
 5. Makes adequate provisions for sidewalks and other planning features that meet the requirements of this chapter and that provide safe walking conditions for students who walk to and from school;
 6. Serves the public interest and makes appropriate provisions for the public health, safety, and welfare.
- D. Lack of compliance with the criteria set forth in subsection (C) above will be grounds for denial of a proposed short subdivision, binding site plan, unit lot subdivision, or preliminary subdivision, or for the issuance of conditions necessary to more fully satisfy the criteria.
- E. Phasing. Where a subdivision is to be developed in phases with a final plat approved and recorded separately for each phase, the following applies:
1. The applicant must request approval of phasing in the preliminary subdivision application.
 2. Each separate phase is required to meet the requirements of subsection (C) above and all other applicable city codes when considered independently from any other phase.
 3. Where an applicant requests phasing after preliminary subdivision approval has been granted, phasing may be approved only through modification of the preliminary subdivision approval using the preliminary subdivision approval procedures set forth in AMC 19.20.030.

19.32.070 - Procedures for review – Specific land division types.

A. Preliminary short subdivision procedures.

1. Approval process. Short subdivision follow the procedures established in AMC 19.20.030.
2. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All such facilities and improvements must be completed or have a performance assurance posted to assure completion as provided in AMC _____, prior to recording of the short subdivision. All development of a short subdivision must be subject to any conditions imposed by the city on the short subdivision approval.
3. Revision and expiration. Per AMC 19.28.010.
4. Recording. All short subdivisions must be recorded in compliance with the following:
 - a. Prior to recording, the applicant must submit the final short plat map to the city for signatures.
 - b. Recording required. No short subdivision may be recorded unless approved as provided in this chapter. A copy of an approved short subdivision must be filed for record with the Skagit County Auditor, and one reproducible copy must be furnished to the city.

5. Restriction on further division. Land within an approved and recorded short subdivision may not be further subdivided within a period of five years from the date of final approval if such further division would result in more than nine lots within the original short subdivision boundaries. Any division that would result in more than nine lots within the original short subdivision within the five-year period may be accomplished only by following the process for preliminary and final subdivision approval set forth in [REDACTED].

B. Preliminary long subdivision procedures.

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

C. Final long subdivision procedures.

1. Final plat submitted in accordance with AMC 19.32.070.
2. Review. The final plat must be reviewed to assure that the following have been completed:
 - a. The proposed final plat meets all standards established by state law and this section relating to the final plat's drawings and subdivision improvements.
 - b. The proposed final plat bears the certificates and statements of approval required by this section.
 - c. A current title insurance report furnished by the subdivider confirms the title of the land in the proposed subdivision is vested in the name of the owners whose signatures appear on the final plat.
 - d. The legal description of the plat boundary on the current title insurance report agrees with the legal description on the final plat.
 - e. The facilities and improvements required to be provided by the subdivider have been completed or, alternatively, that the subdivider has provided a surety in an amount commensurate with improvements remaining to be completed, as AMC [REDACTED], Performance Assurance.
 - f. The surveyor has certified that all survey monument lot corners are in place and visible.
 - g. The final plat contains a dedication to the public of all common improvements, including but not limited to streets, roads, sewage disposal systems, storm drainage systems, and water supply systems which were a condition of approval. The intention to dedicate shall be evidenced by the owner's presentment of a final plat showing the dedication, and the acceptance by the city shall be evidenced by the approval of the final plat.
3. Review – city council. The city council must review the final plat at a public meeting, according to the decision criteria for final plats set forth in AMC [REDACTED], of this chapter. No public hearing is required. If the city council approves the final plat, the Mayor is authorized to inscribe and execute the written approval on the face of the plat map. If the city council denies the final plat, the final plat will be returned to the applicant with reasons for denial and conditions for compliance.
4. Recording. All final plats must be recorded in compliance with the following:

- a. Fees and performance assurance. Prior to recording, the applicant shall submit the original final plat drawings to the Public Works Department together with the plat checking fees. Unless all required improvements have been constructed prior to final plat approval, the applicant shall also submit all required performance assurances to guarantee completion of the improvements as required by AMC [REDACTED], Performance Assurance.
- b. Recording required. No final plat may be recorded unless approved as provided in this section. The original of an approved final plat shall be filed for record with the Skagit County Auditor.
- c. Time limit. All final plats must be recorded within 120 days after final approval is granted by the city. Approval must expire if the final plat is not recorded within this period.

D. Unit lot subdivisions.

1. Approval process. Unit lot subdivisions follow the procedures established in AMC 19.20.030 for short subdivision or long subdivision, according to the number of unit lots proposed. Final unit lot subdivisions of ten or more lots follow the procedures established in subsection (C)AMC [REDACTED] (Final long subdivision procedures) above, of this Chapter for final plats.
2. Compliance with prior approvals. Sites developed or proposed to be developed with cottages and townhouses per the standards in AMC 19.43.010 ~~single-family attached units~~ may be subdivided into individual unit lots as provided herein. The development as a whole must conform to the regulations applicable to the site and zone ~~that the site is located in~~ and to the applicable plans that were granted approval through provisions of this code, either:
 3. Development on individual unit lots is not required to conform with all development standards that typically apply to individual lots as long as the parent lot conforms to all such development standards. Each lot must comply with applicable building codes. Fire protection for the buildings is based on the aggregate square footage of the parent lot.
 4. Internal vehicular courts and driveways providing vehicular access to unit lots in the subdivision from public streets must not be considered public or private streets when considering unit lot subdivision.
 5. Subsequent platting actions, additions, or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.
 6. Access easements, joint use and maintenance agreements, and covenants, conditions and restrictions (CC&Rs) identifying the rights and responsibilities of property owners and/or the homeowners' association must be executed for use and maintenance of common garage, parking and vehicle access areas; underground utilities; common open space, such as common courtyard open space; exterior building facades and roofs; and other similar features, must be recorded with the Skagit County Auditor.
 7. Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use the parking is formalized by an easement recorded with the Skagit County Auditor.
 8. Notes must be placed on the face of the plat or short plat as recorded with the Skagit County Auditor to acknowledge the following:
 - a. Approval of the design of the unit on each of the lots was granted by the review of the development, as a whole, on the parent lot by...

stating the subject file application number.

- b. Development, redevelopment, or rehabilitation of structures on each unit lot is subject to review and approval of plans that are consistent with the design of the surrounding structures on the parent lot as approved by the city through subject file number as stated in 8.a. above.
9. Effect of preliminary approval. Preliminary approval constitutes authorization for the applicant to develop the required facilities and improvements, upon review and approval of construction drawings by the Public Works Department. All development must be subject to any conditions imposed by the city on the preliminary approval.
10. Revision and expiration. Per AMC 19.28.010.

E. Binding site plans.

1. Division of land using the binding site plan process is limited to:
 - a. Divisions for sale or lease of commercial or industrial zoned property.
 - b. Divisions for the purpose of lease when no residential structures other than manufactured homes or travel trailers are permitted to be placed on the land.
 - c. Divisions of land into lots or tracts made under the provisions of the Horizontal Properties Regimes Act (RCW Ch. 64.32) or the Condominium Act (RCW CH. 64.34).
2. Approval process. Binding site plans follow the procedures established in AMC 19.20.030.
3. Drawing requirements. In addition to the items in [AMC 19.32.030](#), the binding site plan must include:
 - a. Inscriptions or attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City of Anacortes.
 - b. Provisions requiring that any development must comply with the approved binding site plan.
4. Post approval requirements. The following requirements apply to proposals submitted under this section:
 - a. Approved binding site plans shall be submitted for recording with the Skagit County Auditor.
 - b. All provisions, conditions, and requirements of the binding site plan are legally enforceable on the purchaser or any person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan. A sale, transfer, or lease of any lot, tract, or parcel that does not conform to the requirements of the binding site plan approval, will be considered a violation of this chapter.
 - c. All development must be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document must reference the requirement for compliance with any existing or subsequent permit approval.
 - d. Amendments to an approved binding site plan shall follow the process established in Administrative Modifications. Vacations of an approved binding site plan shall be made through the subdivision vacation process; and
 - e. Approved binding site plans may contain any easements, restrictions, covenants, or conditions as would a subdivision approved by the city.

19.32.050 - Final plat submittal requirements.

- A. Applications for final plat approval will be accepted only when all of the following conditions have been satisfied:
 - 1. All plans, specifications and documents relating to required public improvements have been approved and accepted by the city engineer.
 - 2. All deeds, conveyances, covenants, dedications, indemnities, restrictions, and agreements have been approved by the City Attorney.
 - 3. All fees are paid and accepted, all voluntary contributions are accepted and approved, and all security devices are approved and effective.
 - 4. All improvements and other conditions required by the preliminary plat approval have been installed and approved, or have been bonded in accordance with this Title.
 - 5. All sewage disposal, water supply, stormwater and other utility systems are functioning properly and are determined to be adequate.
 - 6. All required certifications by the owner, financial institutions, and surveyor are signed.
 - 7. A title report, completed within 30 days preceding submittal of a complete final plat, is provided showing ownership and all other interests in the land described and shown on the final plat is in the name of the person signing the owner's certificate.
- B. Final plat maps must be prepared in accordance with the following:
 - 1. A land surveyor registered in the state of Washington must prepare or supervise the preparation of the final plat, pursuant to RCW 58.04.003, and must certify and sign the map.
 - 2. A land surveyor registered in the State of Washington must survey the land to be divided, and as much of the sections in which the land is located as is needed to properly orient the land within the sections. The survey must comply with applicable state and city standards.
- C. The following information must be included on all final plat maps:
 - 1. The full and complete legal description of all land included in the plat.
 - 2. Locations and names, without abbreviation, of all streets, public areas, easements within and adjoining the plat.
 - 3. The length and bearings of all straight lines, radii, arcs and semi-tangents of all curves.
 - 4. Centerline data on streets and easements, including bearings and distances.
 - 5. All dimensions along the lines of each lot and tract, in feet and decimals of a foot to the nearest hundredth, with the true bearings and any other data necessary for the location of any boundary line in the field.
 - 6. Centerline data, width and sidelines of all easements, restrictions, and rights-of-way to which lots and tracts are subject.
 - 7. Easements for storm drains, sewers, utilities and all other purposes must be denoted by broken lines.
 - 8. Provisions satisfactory to the city attorney, ensuring access to storm drainage facilities and public access to trails or sidewalks if required as a condition of preliminary plat approval.
 - 9. Contiguous plats, by name or if unplatted, so noted.
 - 10. City and county boundaries cross or adjoining the subdivision.

11. All lots must be numbered in sequence.
 12. Each lot must be shown entirely on one sheet.
 13. All points which were used as ties to establish the boundaries of the tract.
 14. The location and type of all permanent monuments within the subdivision.
 15. Accurate boundaries of all areas to be dedicated or reserved for public use or to be committed for the common use of property owners within the subdivision. All dedications and reservations must be stated on the plat together with appropriate recording references as required by the director.
 16. All required dedications, endorsements, covenants, affidavits, and certificates must be stated and shown on the face of the plat.
 17. The section, township and range.
 18. Conditions of approval of the preliminary plat including but not limited to dedications, reservations, open space tracts, critical areas and buffers, LID features, stormwater requirements and homeowners' association obligations.
 19. Homeowners' association documents, condominium declarations, and other similar documents required or permitted by the preliminary plat.
- D. Certificates. The following certificates must be shown on the final plat map. Certifications by the owner, financial institutions and surveyor must be signed before the final plat is submitted for city signatures.
1. Surveyor. The surveyor's seal and signature on the plat along with a statement certifying that:
 - a. The plat was prepared by the surveyor or under their supervision;
 - b. The plat is a true and correct representation of the land and has been thoroughly surveyed as required by this chapter;
 - c. The legal description is a full and correct description of the land to be divided; and
 - d. Monumentation and lot corner stakes as required by the city engineer and this chapter have been or will be set.
 2. Owner. The owner of any interest in and the holder of any lien or encumbrance upon the land proposed for subdivision must certify that the proposed final plat is submitted with their consent and there is no objection thereto.
 3. Dedications. A statement and certificate of dedication by the owner, acknowledged by a notary, and acceptable to the city attorney, for all areas to be dedicated to or for the benefit of the public.
 4. Owner's covenant. The owner must grant to the city a covenant acceptable to the city and releasing, indemnifying and holding the city harmless from any and all claims for damages, liabilities, or injunctive relief of whatever nature arising from the design, construction, operation and maintenance of the plat and all associated improvements.
 5. Waiver of access. If required by the conditions of preliminary plat approval, a waiver by the owner of direct access to any street from any property.
 6. Roads not dedicated. A statement by the owner and clear visual indication on the plat of every street, way, road, sidewalk or the similar facility that is not dedicated to the public, and specifying the maintenance and inspection responsibility therefor.

7. Owner's attorney-in-fact. The owner must designate the city as its attorney in fact for the limited purpose set forth in AMC [REDACTED].
 8. City engineer. A statement to be signed by the city engineer accepting the survey data, dedications and reservations, the layout of streets and other rights-of-way, design of bridges, sewage and water system, all other utilities, and all other public improvements.
 9. Director. A statement to be signed by the director that the final plat conforms to the approved preliminary plat and all conditions of the preliminary approval.
 10. County treasurer. A statement to be signed by the county treasurer that all taxes and assessments for which the land to be divided may be liable as of the date of the signing of the statement have been paid in full.
 11. City treasurer. A statement to be signed by the city treasurer that all assessments, fees and contributions have been paid in full or secured in accordance with this title.
 12. Council approval. For long subdivision final plats only, a statement that the city council has approved the final plat, to be signed by the mayor and city clerk following final action of the city council.
- E. The surveyor must set monuments as street intersections, lot and block corners, boundary angle points, points in curves in streets, points of tangents in streets, points of intersection in streets, controlling corners on the boundaries of land and at other points as required by the city engineer. The type of monument and method of setting will be specified by the city engineer.

19.32.060 - Decision criteria for approval of final subdivisions.

No final subdivision may be approved unless the final subdivision:

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

19.32.070 - Correction of platting errors.

Errors discovered in a recorded plat may be corrected by the city by recording a correction or errata notice with the Skagit County Auditor. The owner must designate the city as its attorney in fact for such limited purposes as required by this chapter. Such corrections do not constitute a replat as defined in AMC 19.12.020.R.

19.32.080 - Subdivision alteration and vacation.

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

19.32.090 - Violations - Penalty.

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

Chapter 19.34 - BOUNDARY LINE ADJUSTMENTS

19.34.010 - Purpose. (NEW)

The purpose of this Chapter is to 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 per~~ 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;~~
 - 3. ~~To make a lot, structure, setback, or buffer from a critical area/ environmentally sensitive area more conforming;~~
 - 4.3. Other minor adjustments to boundary lines that meet the requirements and purpose of this chapter.
- B. In order to approve a boundary line adjustment, the decision maker must find that the boundary line adjustment will not:
 - 1. Create any additional lot;;
 - 2. Alter the underlying plat pattern such as changing the general orientation of lots or lot access;
 - 3. Result in the entire relocation of lots from one area to another;
 - 4. ~~Be for the purpose of~~ Result in avoiding public improvement requirements that would be associated with a replat or other new land division approval, or an obligation to pay latecomer fees;
 - 5. Require the creation of new streets or private roads, or require dedication of public right-of-way, ~~or creation of access easements, 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~~Result in 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; the minimum lot size for the applicable zone;~~

8. Amend or act contrary to the conditions of approval for property that is part of an existing plat or short subdivision;
9. ~~Create-Result in~~ 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.

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~~chapter; 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 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.

19.36.050 - Conditions authorized.

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

Chapter 19.38 - VARIANCES

19.38.010 - Purpose.

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

19.38.020 - Applicability.

- A. Generally, variances are allowed to grant relief from dimensional or numeric standards, including:
 - 1. ~~B~~building size or height.
 - 2. ~~L~~landscaping.
 - 3. ~~Lot coverage.~~
 - 34. ~~M~~minimum density or maximum lot size.
 - 45. ~~P~~parking.
 - 56. ~~s~~Setbacks.
- B. Variances are not allowed for any of the following:
 - 1. ~~A~~allowable, conditionally permitted, or prohibited uses in each zone.
 - 2. ~~M~~maximum density or minimum lot size.
 - 3. ~~P~~rocedural or administrative provision of this Title.
 - 4. ~~A~~any provision of this code which, by the express terms of that provision, is not subject to a variance.
 - 5. ~~A~~any conditions of approval established during permit review.
 - 6. ~~T~~he provisions of AMC Chapter 17.70 Critical Areas.

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.

DIVISION 4 - ZONING AND LAND USES

[NOTE TO REVIEWERS: Division 4 has been substantially re-organized since the last draft was released. The chapter list below tracks how the division has been updated].

Chapters:

- Chapter 19.40 ~~Zoning Districts~~Zones
- Chapter 19.42 ~~Permitted Uses~~Allowed Uses
- Chapter 19.41 ~~Form and Intensity Standards~~Form and Intensity Standards
- Chapter 19.43 ~~Density Bonus Incentives~~Residential Uses
- Chapter 19.44 ~~Supplemental Use Criteria~~Commercial Uses
- Chapter 19.45 ~~Annexation~~Industrial Uses
- Chapter 19.46 Public, Institutional & Open Uses
- Chapter 19.47 Accessory Uses
- Chapter 19.48 Temporary Uses
- Chapter 19.49 Nonconforming Uses and Structures

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Chapter 19.40 - ZONES

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;~~
2. Providing for adequate public facilities and services in conjunction with development.
3. ~~Providing an efficient and Encouraging the most appropriate and compatible relationship of land uses and zones of land.~~
4. 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.
- ~~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;~~
5. Conserving the City's natural resources and attractions.
- ~~10. Implementing the Regulatory Reform Act (1995).~~

B. Establishment of the Official Zoning Map. (Updated from 17.12.040, 17.12.020, 17.12.030)

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

C. **Zoning map interpretation** ~~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:

1. Where a boundary is indicated as approximately following the center line of streets, alleys, ~~railroads~~, or highways, the actual center line must be construed to be the boundary.
- ~~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.~~
2. Where a zone boundary is 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 be construed to be the boundaries of such zone.

3. 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, and overall function and integration of the development with the community.~~

4. ~~Where boundaries are indicated as following lines of ordinary high water, government or meander line, the lines must be considered to be the actual boundaries, and, if they should change, the boundaries must be considered to move with them~~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.~~

5. ~~Where a public right-of-way is vacated, the vacated area must have the zone classification of the adjoining property that it merges with~~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 [redacted].~~

D. 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: (17.12.050)

19.40.020 - Establishment of zones. (NEW)

1. Establishment of zones. In order to regulate uses of land, buildings and structures in conformance with the policies of the comprehensive land use plan, the city is divided into the residential zones in AMC 19.40.030, mixed-use zones in AMC 19.40.040, and industrial zones in AMC 19.40.050.
2. The purpose statements for each zone and map designation 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	Comprehensive Plan Designation
RESIDENTIAL ZONES (AMC 19.40.030)		
Residential Low Density 1	R1	Residential Low Density 1
Residential Low Density 2	R2	Residential Low Density 2
Residential Low Density 2A	R2A	Residential Low Density 2
Residential Medium Density 3	R3	Residential Medium Density
Residential Medium Density 3A	R3A	Residential Medium Density
Old Town	OT	Old Town
Residential High Density 4	R4	Residential High Density
Residential High Density 4A	R4A	Residential High Density
MIXED-USE ZONES (AMC 19.40.040)		
Central Business District	CBD	Central Business District
Commercial	C	Commercial
Marine Mixed-Use	MMU	Marine Mixed-Use
Commercial Marine	CM	Commercial Marine
Commercial Marine 1 NOTE: This zone is being eliminated	CM1	
Commercial Marine 2	CM2	Commercial Marine
Public Use	P	Public Use
INDUSTRIAL ZONES (AMC 19.40.050)		
Light Manufacturing	LM	Light Manufacturing
Light Manufacturing I	LM1	Light Manufacturing
Manufacturing and Shipping	MS	Manufacturing and Shipping
Heavy Manufacturing	HM	Heavy Manufacturing
Industrial	I	Industrial
Aeronautical Zone	AZ	Aeronautical Zone
OVERLAY DISTRICTS (AMC 19.40.060)		
Medical Overlay	MED-O	Medical Overlay
Live/Work Overlay	LW-O	Live/Work Overlay
Mixed-Use Business Overlay	MUB-O	Mixed-Use Business Overlay

19.40.030 - Residential zones established. (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.

NOTE TO REVIEWERS: These #2 statement under each zone name were intended to be informative to the concept for each zoning district, but based on comments received, they appear to cause more confusion than help – thus we are deleting them.

32. 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.
- c. Allowing complementary non-residential uses under certain circumstances.
- d. Providing minimum lot sizes generally consistent with the established development pattern in the area.

23. 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.~~

32. 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 enhance the character of the neighborhood, enhance the livability of developments, and promote compatibility between sites.~~

32. Use of this zone is appropriate for areas designated Residential Medium Density in the comprehensive plan.

E. Residential Medium Density 3A (R3A)

1. This designation provides for moderate density residential uses in areas characterized by a historical pattern of smaller (generally 3,000 square ~~feet~~) lots. These areas are conveniently located in relation to traffic routes, public utilities and community facilities.

2. ~~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 enhance the character of the neighborhood, enhance the livability of developments, and promote compatibility between sites.~~

32. 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 and enhance the historical character of the neighborhood and promote compatibility between sites.

32. 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.

32. 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, 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 of multifamily development and better ensure compatibility with existing development in this district.

32. Use of this zone is appropriate for areas designated Residential High Density in the comprehensive plan.

19.40.040 - Mixed-use zones established. (Updates to 17.20-26)

A. Central Business District (CBD)

1. This designation applies to the existing downtown commercial district in Anacortes. The purpose of the ~~district zone~~ is to reinforce downtown as the center of commercial, civic, and cultural activities within the city. The CBD zone is expected to accommodate new development while reinforcing and enhancing its historic pedestrian-friendly character and scale.
2. ~~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 along Commercial Avenue.~~
 - c. ~~Encouraging multi-story buildings with a mixture of uses.~~
 - d. ~~Requiring transit-supportive residential densities (at least 15 dwelling units per gross acre) for new single purpose residential developments.~~
 - e. ~~Providing for special design standards to reinforce and enhance the historical and pedestrian-oriented character of the area.~~
32. Use of this zone is appropriate for areas designated Central Business District in the comprehensive plan.

B. Commercial (C)

1. This designation provides for a wide variety of general service and retail commercial uses, and mixed-uses serving local and regional residents and the traveling public.
2. ~~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 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 vehicle access to businesses.~~
32. Use of this zone is appropriate for areas designated Commercial in the comprehensive plan.

C. Marine Mixed-Use (MMU)

1. This designation provides for a special mix of commercial, cultural, recreational, and residential uses in a high amenity area along the waterfront or with special waterfront relationship. The design of uses is intended to emphasize the unique marine setting by providing marine access and views from public spaces and establishing/maintaining a pedestrian-friendly character.
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 facilitate public marine views and integrate human-scaled design details.
- d. 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.
 - viii. Locate and design off-street parking to minimize negative visual impacts to pedestrian areas and uses.

32. 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 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.

32. Use of this zone is appropriate for areas designated Commercial Marine in the comprehensive plan.

E. Commercial Marine I (CMI)

NOTE TO REVIEWERS: This zone is being eliminated.

- 1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for a marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways and the tourism trade is the primary importance.
- 2. These purposes are accomplished by:

- a. ~~Allowing ship and boat building and repair, marine sales and services, conference centers, parks and piers, research and development, yacht clubs, and other uses which support the intent of the district;~~
- b. ~~Allowing manufacturing, storage and shipment of goods, limited retail, multifamily housing above the ground floor, and other uses which enhance the purpose of a marine-oriented district under special conditions and limitations; and~~
- c. ~~Establishing basic design standards focused on building character and the pedestrian environment;~~
- 3. ~~Use of this zone is appropriate for areas designated Commercial Marine in the comprehensive plan;~~

EF. Commercial Marine 2 (CM2)

- 1. This designation is established in recognition of the unique and irreplaceable nature of certain marine sites in Anacortes and provides for a marine-oriented uses and commercial and industrial enterprises where orientation to navigable waterways is the primary importance. This designation provides for a mix of commercial and industrial uses.
- 2. ~~These purposes are accomplished by all of the following:~~
 - a. ~~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.~~
 - b. ~~Allowing manufacturing, storage and shipment of foods under special conditions and limitations.~~
 - c. ~~Establishing basic design standards focused on the design of block frontages, pedestrian access, and waterfront access.~~
 - d. ~~Providing for an increase in building size provided the applicant can successfully demonstrate that visual impacts from the building size increase will be mitigated.~~
- 32. Use of this zone is appropriate for areas designated Commercial Marine in the comprehensive plan.

FG. 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 service the public.~~
- 32. Use of this zone is appropriate for any designation within the City provided the site is appropriately located to accommodate common public uses.

19.40.050 - Industrial zones established. (Updates to 17.15-19 and 17.39)

A. Light Manufacturing (LM)

1. This designation provides for a mix of industrial structures and uses which do not create noise, smoke, odors, or other objectionable nuisances or hazards detrimental to uses in the LM ~~district-zone~~ or surrounding ~~districts/zones~~.

~~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.~~
- ~~c. Establishing basic design standards for buildings over 50,000 square feet in area.~~

32. Use of this zone is appropriate for areas designated Light Manufacturing in the comprehensive plan.

B. Light Manufacturing I (LMI)

1. This designation provides for a mix of industrial structures and uses, service 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. LM It is intended primarily to accommodate industrial type uses that do not need water access or proximity to the central business district or to the Commercial Avenue corridor.

~~2. These purposes are accomplished by all of the following:~~

- ~~a. Allowing light manufacturing and service 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.~~
- ~~c. Providing basic design standards for highway and block frontages to enhance the character of these areas.~~

32. Use of this zone is appropriate for areas designated Light Manufacturing in the comprehensive plan.

C. Manufacturing and Shipping (MS)

1. This designation provides for manufacturing and shipping uses that can utilize the deep waters of Guemes Channel and uses supplementary to and compatible with the principal uses.

~~2. These purposes are accomplished by all of the following:~~

- ~~a. Allowing manufacturing, storage, shipping facilities, offices, building and repair of boats and ships, marine sales and service, parks, and piers.~~
- ~~b. Conditionally allowing marinas, restaurants, recreational facilities, housing, and small scale retail uses.~~
- ~~c. Establishing basic design standards for buildings over 50,000 square feet in area.~~

32. Use of this zone is appropriate for areas designated Manufacturing and Shipping in the comprehensive plan.

D. Heavy Manufacturing (HM)

1. This designation provides for heavy manufacturing and closely related uses in the March Point area. To avoid unnecessary regulations on heavy manufacturing, regulations for this ~~district-zone~~ are intended to provide protection principally against effects harmful to other ~~districts/zones~~.

~~2. These purposes are accomplished by all of the following:~~

- ~~a. Allowing industrial, office, repair, warehouse, processing, shipping terminal, and similar uses.~~
- ~~b. Establishing no limits on density or maximum site coverage.~~

~~32. Use of this zone is appropriate for areas designated Heavy Manufacturing in the comprehensive plan.~~

E. Industrial (I)

1. This designation provides for manufacturing and closely related uses in areas with existing industrial uses or other areas with suitable land and transportation access that are buffered from residential and other uses that are likely to complain about industrial activities.

~~2. 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.~~

~~32. Use of this zone is appropriate for areas designated Industrial in the comprehensive plan.~~

F. Aeronautical Zone (AZ)

1. This designation provides for the Anacortes Airport and associated uses. The purpose of the AZ zone is to 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.~~
- ~~c. Conditionally allowing restaurants, overnight lodging for pilots, and other uses related to airport operations.~~
- ~~d. Establishing specific setback and other development standards for Port-owned property to enhance compatibility with surrounding neighborhoods.~~

~~23. Use of this zone is appropriate for areas designated Aeronautical Zone in the comprehensive plan.~~

19.40.060 - Overlay districts established. (NEW)

A. Purpose. Some areas within the city have unique characteristics, special land uses, and/or land use objectives that call for an overlay district. ~~Overlay districts apply additional requirements or provide unique land use opportunities in addition to the base zoning provisions. Overlay zones impose restrictions on a specific geographic area within an existing zone or zones. Property in an overlay zone remains subject to the restrictions and limitations of the underlying zone and the overlay regulations act to supplement but not replace the regulations of the underlying zone.~~

B. Medical Overlay (MED-O)

This overlay designation provides for coordinated expansion of Island Hospital and growth of medical support uses in the immediate vicinity while minimizing the impacts on surrounding residential uses.

C. Live/Work Overlay (LW-O)

This overlay designation provides the opportunity to combine living and working spaces in individual units, provided the scale and impact of such non-residential uses is limited. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed use and industrial zones.

D. Mixed-Use Business Overlay (MUB-O)

This overlay designation provides the opportunity to integrate non-residential uses together with residential uses. Such uses must be limited to those uses that minimize external or physical impacts on residential uses. Non-residential uses may be developed as single use site or building or integrated with residential uses within a single building or on the same site. This designation is appropriate for select R-3 and R-4 zones that are adjacent to mixed-use or industrial zones.

19.40.070 - Zoning of annexed land.

All annexations must be enacted with the land use designation and zone pre-designated in the comprehensive plan land use map and 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 19.41 - ALLOWED USES

19.41.010 - Purpose. (NEW)

The purpose of this chapter is to establish the uses generally permitted in each zone which are compatible with the purpose of the zone and other uses allowed within the zone.

19.41.020 - Classification of uses. (NEW)

A. Use categories.

1. In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product or physical characteristics.
 2. Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.
 3. Use category definitions are included in AMC Chapters 19.43-46.
 4. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The director has the responsibility for categorizing all uses.
- B. Principal uses. Allowed principal uses by zone are listed in Tables 19.41.040-050. Principal uses are grouped into categories of uses.
- C. Accessory uses. Accessory uses are allowed in conjunction with a permitted principal use as set forth in AMC Chapter 19.47.
- D. Temporary uses. Temporary uses are allowed as set forth in AMC Chapter 19.48.

19.41.030 - Key to the use table. (NEW)

The use tables in this chapter determine whether a use is allowed in a zone.

A. Permitted use (P).

Where the letter "P" appears in the use tables, the subject use is permitted. "Permitted" uses are those that do not require discretionary land use approval permits, but may require building permits, shoreline permits, or other permits required by AMC Chapter 19.14 International Codes.

B. Conditional use (C).

Where the letter "C" appears in the use tables, the subject use is allowed subject to the conditional use review procedures specified in AMC 19.20.030 Types of review and AMC Chapter 19.36 Conditional Uses.

C. Use not permitted ().

Where no symbol appears in the use tables, the subject use is prohibited in that zone.

D. Special use limitations (X).

For uses containing a superscript (X), refer to the code reference in the right column next to the superscript (X).

E. Unclassified uses.

Where a proposed use is not classified in the use tables and sections below, the director must apply the use provisions of a use most similar in scale and associated level of impacts. Where the director finds that there is no such similar use, the director must make a determination in writing on whether the use should be permitted, conditionally permitted, or prohibited, based on the intent of the applicable zone, the mixture of permitted, conditional, and prohibited uses, and the scale and projected impacts of the proposed use. Special criteria in helping to determine whether a use is appropriate for the zone:

1. Consider the scale and type of buildings compared to other permitted uses in the zone.
2. Consider the amount, type, and pattern of vehicular traffic anticipated for the use.
3. Consider the expected outdoor uses and activities associated with the use.
4. Consider the expected noises, odors, emissions, and unique visual impacts associated with the use.

19.41.040 - **Principal u**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.~~

NOTE TO REVIEWERS: The table below was intended to be a useful summary of the permitted use chart, but it appeared to cause more confusion to reviewers than be helpful, thus we are deleting it.

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									

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

NOTE TO REVIEWERS: The use charts have been updated to eliminate footnotes and place reference to the applicable use standards in the right column. We've also updated the organization of the uses based on major categories (Residential, Commercial, etc.) and subcategories (Household Living, Group Living, etc.). The standards for the uses in these categories are addressed in chapters 19.43 to 19.46. In those chapters are definitions for all the uses listed and applicable standards.

Table 19.41.040 Principal uUses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
RESIDENTIAL									
Household Living, as listed below									AMC 19.43.010.A
Single-family	P	P	P	P	P	P	P	P	AMC 19.43.010.B
Single-family, small lot				P	P	P	P		AMC 19.43.010.C
Cottage housing	P	P	P	P	P	P	P		AMC 19.43.010.D
Duplex		C	PC	P	P	P	P	P	AMC 19.43.010.E
Triplex				P	C	P	P		AMC 19.43.010.F
Fourplex				P	C	P	P		AMC 19.43.010.G
Townhouse				C	P	P	P		AMC 19.43.010.H
Multifamily, 4 or more units						P	P		AMC 19.43.010.I and J
Live-work									AMC 19.43.010.K

Table 19.41.040 Principal Uses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Group Living, as listed below									AMC 19.43.020.A
Adult family home	P	P	P	P	P	P	P	P	AMC 19.43.020.B
Assisted living facility				C	C	P	C		AMC 19.43.020.C
Nursing homes						C			AMC 19.43.020.D
Rooming houses				C	C	P	P	C	AMC 19.43.020.E
COMMERCIAL									
Day Care, as listed below									AMC 19.44.010.A
Day care I facilities	P	P	P	P	P	P	P	P	AMC 19.44.010.B
Day care II facilities				C	C	C	C	C	AMC 19.44.010.B
General Service, except as listed below									AMC 19.44.020.A
Public safety facility	C	C	C	C	C	C	C	C	AMC 19.44.020.C
Medical, except as listed below				C (X)	C (X)	C	C		AMC 19.44.030.A (X) AMC 19.44.030.B
Hospital									AMC 19.44.030.C
Office									AMC 19.44.040.A
Overnight Lodging, except as listed below									AMC 19.44.050.A
Bed & breakfast	C	C	C	C	C	P	P	C	AMC 19.44.050.B
Parking	C (X)	C (X)	C (X)	C (X)	C (X)	C (X)	C (X)	C (X)	AMC 19.44.060.A (X) AMC 19.44.060.B
Passenger Terminal									AMC 19.44.070.A
Personal Service, except as listed below									AMC 19.44.080.A
Beauty salons						C	C		AMC 19.44.080.D
Mortuary						C	C		AMC 19.44.080.E
Recreation, Indoor									AMC 19.44.090.A
Recreation, Outdoor									AMC 19.44.100
Restaurant/Bar									AMC 19.44.110.A
Retail Sales, except as listed below									AMC 19.44.120.A
Neighborhood grocery store		C	C	C	C	C	C	C	AMC 19.44.120.D
Vehicle Sales/Rental									AMC 19.44.130.A
INDUSTRIAL									
All industrial uses									AMC Chapter 19.45
PUBLIC, INSTITUTIONAL & OPEN USES									

Table 19.41.040 Principal uUses permitted in residential zones.									
Principal Use	R1	R2	R2A	R3	R3A	R4	R4A	OT	Reference
Agriculture, except as listed below	P(×)								AMC 19.46.010.A (×) AMC 19.46.010.B
Nurseries	PC	C	C	C	C	C	C		AMC 19.46.010.C
Restricted agriculture	P	P	P	P	P	P	P	P	AMC 19.46.010.D
Civic, <u>Based on gross floor area (GFA):</u>									AMC 19.46.020.A-B
<10,000sf GFA		P	P	P	P	P	P	P	
10,000-20,000sf GFA		C	C	C	C	C	C		
>20,000sf GFA									
Specific civic uses:									
Cemetery/columbarium									AMC 19.46.020.C
College, community college, or university									AMC 19.46.020.D
Community center				C	C	C	C		AMC 19.46.020.E
Private recreational, social and/or cultural clubs				C	C	C	C		AMC 19.46.020.F
Schools, public or private (K-12)		C	C	C	C	C	C	C	AMC 19.46.020.H
Parks, Plazas, Open Spaces, & Natural Areas	P	P	P	P	P	P	P	P	AMC 19.46.030
Utilities, as listed below									AMC 19.46.040.A
Utilities, local	P	P	P	P	P	P	P	P	AMC 19.46.040.B
Utilities, regional	C	C	C	C	C	C	C	C	AMC 19.46.040.C
Wireless Telecommunications Towers & Antennas	See AMC Chapter 17.63								

19.41.050 - Principal uses permitted in mixed-use and industrial zones. (NEW)

Table 19.41.050 below provides the list of permitted principal uses in mixed-use and industrial zones.

Table 19.41.050											
Permitted Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
RESIDENTIAL											
Note: Residential uses are not allowed on the ground floor facing a designated Storefront Street (see AMC Chapter 19.61). Lobbies for multifamily uses and live-work dwelling units are an exception, provided the units meet the standards in AMC 19.61.060.											
Household Living, as listed below											AMC 19.43.010.A
Single-family	C(x)	C				C(x)	P				AMC 19.43.010.B (x) AMC 19.43.010.B.2
Single-family, small lot											AMC 19.43.010.C
Cottage housing											AMC 19.43.010.D
Duplex											AMC 19.43.010.E
Triplex											AMC 19.43.010.F
Fourplex											AMC 19.43.010.G
Townhouse	P	P	P(x)								AMC 19.43.010.H (x) AMC 19.43.010.I
Multifamily dwellings, 4 or more units	P	P	P(x)	C(x)		C		C(x)			AMC 19.43.010.I (x) AMC 19.43.010.I.3-5
Live-work	P	P	P					C			AMC 19.43.010.J
Group Living, as listed below											AMC 19.43.020.A
Adult family home											AMC 19.43.020.B
Assisted living facility	P	P	C								AMC 19.43.020.C
Nursing homes	C	C	C								AMC 19.43.020.D
Rooming houses											AMC 19.43.020.E
COMMERCIAL											
Day Care, except as listed below											AMC 19.44.010.A
Day care I facilities	P	P	P	P	P	P	P				AMC 19.44.010.B
Day care II facilities	P	P	P	P			P				AMC 19.44.010.B
General Service, except as listed below	P	P	P	P	P		P				AMC 19.44.020.A
Heavy service		P					P			P	AMC 19.44.020.B
Public safety facility	C	P	C	P	C	P	P	C	P	P	AMC 19.44.020.C

Table 19.41.050											
Permitted Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
Medical, except as listed below	C	C	C								AMC 19.44.030.A
Hospital		C									AMC 19.44.010.C
Office	P	P	P	P	GP(X)		GP	P	P	P	AMC 19.44.040.A (X) AMC 19.44.040.B
Overnight Lodging	P	P	P	P		C					AMC 19.44.050.A
Parking	RC	P	P	P	P	P	P	P	P	P	AMC 19.44.060.A
Passenger terminal except as listed below	P	P	P	P							AMC 19.44.070.A
Aeronautical use											AMC 19.41.080.A.2
Personal Service, except as listed below	P	P	P								AMC 19.44.080.A
Animal care - indoor	C	P					P				AMC 19.44.080.C
Animal care - outdoor		C					E				AMC 19.44.080.D
Recreation, Indoor Based on net leasable floor area:											AMC 19.44.090.A
<10,000sf	P	P	P	P							
10,000sf or greater	C	C	C	C							
Special indoor recreation uses:											
Adult concessions		P					P		P	P	AMC 19.44.090.B
Shooting range							P				AMC 19.44.090.C
Recreation, Outdoor, except as listed below							E				AMC 19.44.100.A-B
Campground				C			C				AMC 19.44.100.C
Golf course							P				AMC 19.44.100.D
Marinas & boat moorage			P	P	P	P	C	C	C		AMC 19.44.100.E
Recreational vehicle park				C							AMC 19.44.100.F
Shooting range											AMC 19.44.100.G
Restaurant/Bar	P	P	P	P	C	P		C			AMC 19.44.110.A
Food truck	P	P	P	P	P	P	P	P	P	P	AMC 19.44.110.C
Retail Sales, Based on net leasable floor area:											AMC 19.44.120.A
<5,000sf	P	P	P	P	P		P(X)	C		P	(X) AMC 19.44.120.B
5,000-25,000sf	P	P	P	P							

Table 19.41.050											
Permitted Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
25,001-50,000sf	P	P	C								
>50,000sf	C	C	C								
Special retail sales uses:											
Heavy retail		C					P			P	AMC 19.44.120.E
Marijuana, retail							P				AMC 19.44.120.F
Vehicle Sales/Rental, except as listed below		P					P				AMC 19.44.130.A-B
Marine sales/rental		P		P	P		P	P	P		AMC 19.44.130.C
INDUSTRIAL											
Heavy Industrial, except as listed below					C			P	P	P	AMC 19.45.010.A
Light Industrial, except as listed below		C			C	P	P	P	P	P	AMC 19.45.020.A
Marijuana, processing							P				AMC 19.45.020.B
Light Manufacturing, except as listed below		C	C		C	P	P	P	P	P	AMC 19.45.030.A
Artisan manufacturing	P	P	P	P	P	P	P	P	P	P	AMC 19.45.030.B
Research & Development	P(x)	P(x)	P(x)	P	C	P	P	P	P	P	AMC 19.45.040.A (x) AMC 19.45.040.B
Self-Service Storage		P(x)		P			P				AMC 19.45.050.A (x) AMC 19.45.050.B
Warehouse & Distribution					C	P	P	P	P	P	AMC 19.45.060.A
Waste Related Services											AMC 19.45.070.A
Recycling facility							P		P	P	AMC 19.45.070.B
Water-oriented industrial uses			C	P	P	P		P	P	P	AMC 19.45.080.A
except as listed below											
Dry stack boat storage				P	P				P	P	AMC 19.45.080.B
Boat lift			P	P	P	P		P	P	P	AMC 19.45.080.C
Wholesale Trade							P				AMC 19.45.090.A
PUBLIC, INSTITUTIONAL & OPEN USES											
Agriculture, except as listed below											AMC 19.46.010.A
Aquaculture						C	P				AMC 19.46.010.C
Marijuana, production							P				AMC 19.46.010.D
Nurseries		C					P				AMC 19.46.010.E

Table 19.41.050 Permitted Principal uses permitted in mixed-use and industrial zones.											
Principal Use	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	Reference
Restricted agriculture	P	P	P	P	P	P	P	P	P	P	AMC 19.46.010.G
Civic, Based on gross floor area (GFA):											AMC 19.46.020.A-B
<10,000sf GFA	P	P	P	P							
10,000-20,000sf GFA	P	P	P	P							
>20,000sf GFA	P	P	P	P							
Special civic uses:											
Cemetery/columbarium											AMC 19.46.020.C
College, community college, or university											AMC 19.46.020.D
Community center	P	P	P	P							AMC 19.46.020.E
Private recreational, social and/or cultural clubs	P	P	P	P	P		P				AMC 19.46.020.F
Schools, public or private (K-12)	C	C	C								AMC 19.46.020.H
Parks, Plazas, Open Spaces, and Natural Areas	P	P	P	P	P	P	P	P	P	P	AMC 19.46.030.A-B
Utilities											AMC 19.46.040.A
Utilities, local	P	P	P	P	P	P	P	P	P	P	AMC 19.46.040.B
Utilities, regional	C	C	C	C	C	C	C	C	C	C	AMC 19.46.040.C
Wireless Telecommunications Towers & Antennas	See AMC Chapter 17.63										

19.41.060 - Zone-specific use conditions. (NEW)

- A. 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.
- B. Any use in the I and HM zones must not inflict upon neighboring zones smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones.
- C. Landmark buildings. A conditional use permit is required for landmark buildings to contain a use not otherwise allowed within the underlying zone.

19.41.070 - Public use zone uses. (17.26.020-040)

A. Permitted uses.

1. Public parks, open space, and natural areas per AMC 19.46.030.
2. Single-family residences are permitted with the following conditions:
 - a. Single-family dwellings provided such use complies with the form and intensity standards of the R2A zone.
 - b. Single-family dwellings will be permitted only on property contained in the public use zone that has been continuously in private ownership since November 18, 1991.

B. Accessory uses. 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.

1. Civic uses as set forth in AMC 19.46.020.
2. Uses common to activities of public nonprofit organizations such as meeting halls and sports fields.
3. Local and regional utilities as set forth in AMC 19.46.040. Note: Electric or gas generation plants are not a permitted use.
4. Single-family residences which are related to a principal use, such as a church rectory or a park manager's residence.
5. Parking as a principal use per AMC 19.44.060.

19.41.080 - Aeronautical zone 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 must be limited to those uses which are not objectionable by reason of hazards, odor, dust, smoke, cinders, fumes, noise, vibration, glare, refuse matter, or water carried waste.
2. "Aeronautical use," which is defined and must mean those uses such as (i) aircraft hangars, (ii) aircraft tie-downs, (iii) aircraft parking areas, taxi areas, and maneuver areas, (iv) aircraft storage, (v) light manufacturing, as defined in the Anacortes zoning code, provided such individual facilities do not exceed 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 must 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. This term must not include any living or sleeping quarters except as allowed per (C)(2) below. All aeronautical uses must be a permitted use within the aeronautical area (as the term is defined in the development agreement) without further mitigation or approval, except as may be specified in the development agreement.
3. Removal of any obstruction for compliance with FAR Part 77 requirements

4. Aircraft operations on the ground and in the air, including takeoff, landing, flight patterns, air traffic corridors, volume of air traffic, altitudes of air traffic, flight schedules, types, sizes and purposes of aircraft and related issues. Such uses must not be subject to any city mitigation requirements, notwithstanding any other provisions of this Code.
5. Other than the port's perimeter fence and operational safety fence, to be located as shown on Exhibit "A" of the development agreement, and the removal of FAR Part 77 obstructions, as shown on Exhibit "C" of the development agreement, there must be no permitted uses allowed within the Anacopper Future Process Area, except through the conditional use process until after completion of the planning process for that area. The construction of the fences and the FAR Part 77 obstruction removals in the Anacopper Future Process Area, must be subject to the landscaping and wetland mitigation contained in the development agreement, or plans approved by the city.

B. Accessory uses. Any use customarily incidental to the permitted principal use. No residential use is permitted, except for caretaker quarters through the conditional use process.

C. Conditional uses.

1. Buildings and structures between 35-50 feet in height; caretaker units.
2. Overnight facilities for use by pilots.
3. Restaurants.
4. Light manufacturing exceeding 12,500 square feet of gross floor area per use.
5. Any building or structure excluded from being located within the Rockwell Reserve and Panhandle Reserve Areas, provided that the city may deny such permit if the criteria for a conditional use permit are not met.
6. Within the Anacopper Future Process Area, as defined in the development agreement, any use that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the Anacopper Future Process Area, subject to the imposition of reasonable mitigation and compliance with wetland regulations.
7. Within the North Aviation Area, as defined in the development agreement, any use (other than ongoing airport operations) that is listed as a permitted use within the aeronautical area as defined in the development agreement must be a conditionally permitted use within the North Aviation Area.

19.41.090 - Overlay district uses. (NEW)

A. Medical Overlay.

1. Supplemental permitted uses include:
 - a. Medical uses per AMC 19.44.030.
 - b. Group living uses per AMC 19.43.020.

B. Live/work Overlay. Supplemental permitted uses include live-work dwellings as defined in AMC 19.43.010.G. The following additional uses may occur within such live-work dwellings:

1. General service use category [19.44.020(A)].
2. Office use category [19.44.040(A)].
2. Personal service use category [19.44.080(A)].

3. Retail sales category [19.44.120(A)].

4. Light manufacturing use category [19.45.030(A)].

C. Mixed-Use Business Overlay. Supplemental permitted uses include:

1. Artisan manufacturing per AMC 19.45.030.B.
2. Day care II facilities per AMC 19.44.010.B.
3. Restaurant/bar establishments per AMC 19.44.110.A with less than 1,000 square feet of enclosed dining area.
4. General service establishments per AMC 19.44.020, except:
 - a. Heavy service uses per AMC 19.44.010.B.
 - b. Establishments with less than 2,500 square feet of net leasable area.
5. Nurseries per AMC 19.46.010.E.
6. Office uses per AMC 19.44.040.
7. Personal service establishments per AMC 19.44.080 with less than 2,500 square feet of net leasable area.
8. Retail with less than 5,000 square feet of net leasable area.

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.
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 zones. The zone 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.~~
3. If a cell is blank, then there are no standards for the particular measure or it is not applicable to the zone.
4. AMC 19.42.040-160 (Bonus incentives, generally though Setback modifications) provides clarification and exceptions to the form and intensity standards tables below.

19.42.020 - Form and intensity standards for residential zones. (NEW)

The following table describes the form and intensity standards in residential zones. Supplemental form and intensity standards apply to the Old Town zone per AMC 19.42.170.

NOTE TO REVIEWERS: This chart format is new (from existing code), but changes to the code are provided in track changes format with underlined text (new) and ~~strikeout~~ (deleted) noted as such.

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
LOT SIZE & DEVELOPMENT INTENSITY									
Lot size for single-family dwelling, minimum (AMC 19.42.090)	15,000	7,500	7,500 <u>6,000</u>	6,000 <u>4,500</u>	6,000 <u>3,000</u>	3,000	3,000	6,000	See AMC 19.43.010.C for standards for lots <5,000sf. * See AMC 19.42.050 for reduced lot size options in the R1 zone.
Lot size for duplex, minimum (AMC 19.42.090)		9,000	9,000	7,500 ⁷	<u>5,000</u>	4,200	4,200	7,500 ⁷	See AMC 19.43.010(E) for duplex standards.

Table 19.42.020

Form and intensity standards for residential zones.

Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
Additional lot size needed for additional dwelling unit beyond duplex, minimum (AMC 19.42.090)				2,500 ⁷	<u>2,000</u>	<u>1,200</u>	1,200		See AMC 19.43.010(F) and (G) for applicable housing type standards
Minimum lot width <u>circle</u> :									
Lot with alley access (feet)	<u>100</u>	<u>60</u>	<u>50</u>	<u>45</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>45</u>	See AMC 19.42.100 for lot width exceptions
Lot without alley access (feet)	<u>100</u>	<u>60</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>30</u>	<u>30</u>	<u>50</u>	
Density maximum (dwelling units/gross acre)	2	4	<u>46</u>	<u>9</u> See lot size min. above		<u>28</u> None	18	9	See AMC 19.42.1100 for calculating density
Density maximum with bonus (dwelling units/gross acre)	<u>4</u>								See AMC 19.42.050 for R1 bonus incentives
Floor area ratio, maximum	<u>0.40</u>	<u>0.45</u>	<u>0.45</u>	<u>0.80</u>	<u>0.80</u>	<u>1.20</u>	<u>1.0</u>	<u>0.50</u>	See AMC 19.42.120 for calculating floor area ratio

NOTE TO REVIEWERS – While we’ve kept the floor area ratio numbers the same since the first draft – we’ve adjusted how they are calculated to offer more flexibility in response to multiple comments received. (1) The code no longer double counts extra tall ceiling heights (taller than 17’) and garages and other enclosed parking are now exempt (up to 500sf or 2-car garage/dwelling unit) whether they are attached or detached.

Lot coverage, maximum percentage	<u>35%</u>	<u>35</u> <u>40%</u>	<u>35%</u>	<u>50%</u>			<u>50%</u>	<u>50%</u>	
Landscaped area, minimum percentage	<u>50%</u>	<u>45%</u>	<u>40%</u>	<u>35%</u>	<u>30%</u>	<u>25%</u>	<u>30%</u>	<u>40%</u>	See AMC 19.65.030 for landscaped area provisions

NOTE TO REVIEWERS – we previously suggested adding minimum impervious area standards, but per internal discussions, we’re suggesting minimum landscaped area standards as a better alternative that more directly addresses neighborhood character, while applicable stormwater standards will be addressing impervious area while offering more flexibility in implementation. Landscaped areas generally include defined planting beds and lawn areas.

HEIGHT – PRINCIPAL STRUCTURES

Height, maximum (feet)	<u>35</u> <u>30</u>	<u>35</u> <u>30</u>	<u>35</u> <u>30</u>	<u>35</u> <u>30</u>	<u>35</u> <u>30</u>	40	<u>35</u> <u>30</u>	25	See AMC 19.42.130 for building height exceptions and modifications See 19.42.060 for building height bonuses in the R4 zone. See AMC 19.42.170 for height exceptions in the OT zone.
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NOTE TO REVIEWERS – we’ve updated the calculations to measure height to the mid-point of pitched roofs rather than the top of buildings – as a way to not discourage pitched roof structures. As a result, we had initially dropped the maximum height in most residential zones by 10 feet (35’ to 25’). But after the first draft, we adjusted the height back from 25’ to 30’ in the lower residential zones - and this appears consistent with several public comments received (concerned that 25’ was too low. However, there were also concerns in how height will be measured for buildings with multiple roof pitches. This will be further examined (along with entire height approach)

Table 19.42.020									
Form and intensity standards for residential zones.									
Measure	R1	R2	R2A	R3	R3A	R4	R4A	OT	Conditions/Reference
SETBACKS (feet)									
<i>NOTE: The setbacks below apply to principal and accessory structures, except where accessory structure setbacks are modified by 19.47.020.B.</i>									
Front street setback, minimum	20	20	20	20	20	10	10	10	AMC 19.42.140.B
Street setback - garage, minimum	25	25	25	25	25	20	20	20	AMC 19.42.140.B
Side street setback, minimum	20	10	10	10	10	10	10	10	AMC 19.42.140.B
Front setback—arterial, minimum	30	30	30	25	25	20	20	20	
Interior side setback, minimum	10	5 ²	5 ²	5 ²	5	5 ⁸	5 ⁸	5 ⁸	AMC 19.42.140.C
Interior side setback - second floor, minimum	10	7.5	7.5	7.5	7.5	7.5	7.5	7.5	AMC 19.42.140.D
NOTE TO REVIEWERS – this update approach with 7.5’ second story side setback is intended as an alternative to the first draft’s 45 degree daylight plane concept. Both are intended as livability features that preserve light and air between residential buildings, particularly as more intensive infill development occurs in the neighborhoods. Given that the current side setbacks are 5’ minimum and 15’ combined, this updated approach actually adds to the possible building envelope. Builders who don’t want to add the 2.5’ setback can simply set the entire structure back 7.5’ to comply.									
Side street setback—arterial, minimum	25	20	20	20		20	20	20	
Rear setback, minimum	20	20	20	20	20	10 ⁹	10 ⁹	10 ⁹	AMC 19.42.140.E
Accessory building setbacks									
Interior side setback, minimum	3-5 (see AMC 19.47.020.B for details & exceptions)								
Rear setback, minimum	0-20 (see AMC 19.47.020.B for details & exceptions)								

Development conditions:

1. The minimum lot size for subdivisions within the R-1 district is 5,000 square feet. 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.
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 zones. (NEW)

The following table describes the form and intensity standards in mixed-use and industrial zones.

Table 19.42.030											
Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/ Reference
LOT SIZE & DEVELOPMENT INTENSITY											
Lot coverage; maximum		50%		50%	50% ¹	60%		60% ^{1,2}	50% ¹		
Density minimum (dwelling units/gross acre)	15	15	15 ¹								See AMC 19.42.110 × East of Annapopper Mine Road only
Maximum building size without a conditional use permit (gross floor area)				200,000			300, 000		200, 000		
Landscaped area, minimum percentage	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	See AMC 19.65.030 for landscaped area provisions
NOTE TO REVIEWERS – We’ve purposely kept these numbers low to offer more flexibility in site and building design. Most sites that feature surface parking areas will meet the standards just by complying with basic parking lot buffer standards. AMC 19.64.030 also provides exemptions for storefront buildings.											
Floor-area ratio, base maximum					0.5	=					
Floor-area ratio; maximum with bonus					1.0 ¹						
HEIGHT (feet) – PRINCIPAL STRUCTURES											
Height, base maximum	50	40	45	35	30	35	50	50	30	50	See AMC 19.42.130 for building height exceptions and modifications
Height, conditional maximum with bonus	65	55	65	50	50	50			50		See AMC 19.42.060- .080
SETBACKS (feet)											
NOTE: The setbacks below apply to principal structures, unless otherwise noted.											
Street setback, minimum	0	0	0	20	20	10	10	10	15	15	AMC 19.42.140.B Also see AMC Chapter 19.61 Block Frontage Standards
NOTE: Most non-residential and multifamily development must conform to block frontage standards of Chapter 19.61, which affect the street setbacks.											

Table 19.42.030											
Form and intensity standards for mixed-use and industrial zones.											
Measure	CBD	C	MMU	CM	CM2	LM	LM1	MS	I	HM	Conditions/ Reference
Interior side setback, minimum	0	0	0	0	0	10	10	10	10	10	AMC 19.42.140.C , Also see AMC 19.62.020 Relationship to adjacent properties
Rear setback, minimum	0	0	0	0	0	10	10	10	10	10	AMC 19.42.140.E , Also see AMC 19.62.020 Relationship to adjacent properties
Accessory building setbacks (where they differ from setbacks above)											
Interior side setback, minimum	0	0	0	0	0	3-5 (see AMC 19.47.020.B + 19.44.020 for details & exceptions)					
Rear setback, minimum	0	0	0	0	0	0-10 (see AMC 19.47.020.B + 19.44.020 for details & exceptions)					

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 20ten feet if both of following conditions are meteach:~~
 - ~~a. The height may be increased by ten feet if tThe 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.~~

~~b. , and 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.~~

~~10. Thirty-five feet for residential, except that nNonresidential 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.~~

19.42.040 - Bonus incentives, generally.(NEW)

A. Purpose.

To offer flexibility to allowable density or height in strategic zones in exchange for the integration of permanent open space or affordable housing units.

B. Applicability.

1. The bonus incentive provisions of this chapter apply to the following situations:
 - a. Density bonuses in the R I zone (see AMC 19.42.050).
 - b. Height bonuses in several mixed-use zones as set forth in table 19.41.030 (see AMC 19.42.060).
 - c. Height bonuses in several industrial zones (see AMC 19.42.070-080).
2. The provisions of this chapter are optional.

19.42.050 - Bonus incentives, R I zone. (NEW)

A. Purpose. To offer flexibility in the density of developments within the R I zone that reserve permanent open space and/or agricultural land as a part of the subdivision.

B. Applicability. The density bonus opportunities apply to all R I subdivisions.

C. Standards.

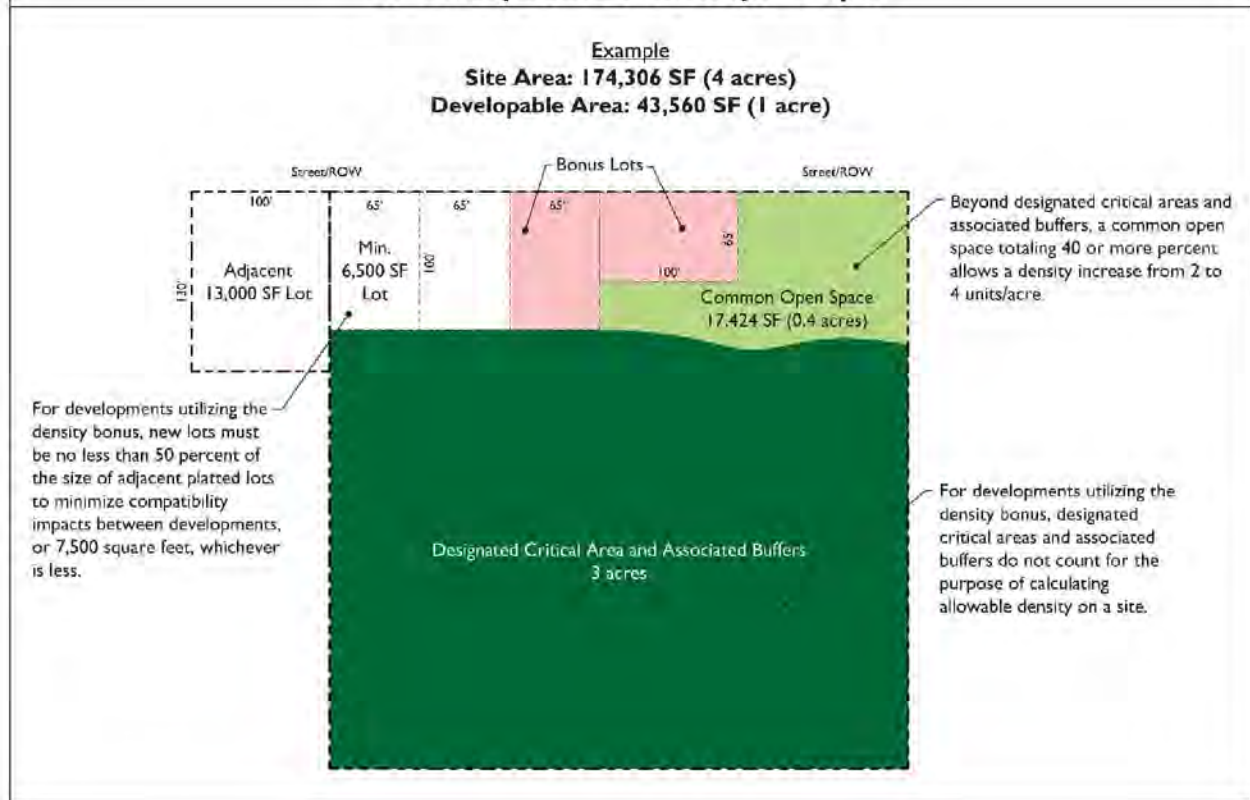
1. Lots within R I subdivisions applying for bonuses are subject to standards in Table 19.41.020, except:
 - a. New lots must be at least 5,000 square feet and no less than 50 percent of the size of adjacent platted lots to minimize compatibility impacts between developments.
 - b. Designated critical areas and associated buffers do not count for the purpose of calculating allowable density on a site. For example, if a development site is four acres, but three of those acres are designated critical areas and associated buffers, then the usable site area for density purposes is only one acre. The applicant for a subdivision on this site may still apply for a density bonus (to achieve an increase in the possible number of lots from two to four), provided applicable bonus and common open space criteria below are met.
2. Density bonus for common open space:
 - a. Common open space: 25-39.9 percent = Density increase from 2 to 3 units/acre.
 - b. Common open space: 40 or more percent = Density increase from 2 to 4 units/acre.
3. Common open space requirements. For the purpose of obtaining a density bonus, common open space area must be site areas above and beyond any designated critical areas and associated buffers. For example, if a development site is four acres, but three of those acres are designated critical areas and associated buffers, then the common open space applicable to the density bonus must be carved out of the remaining one usable acre. The designated critical areas and associated buffers may still be part of a designated common area, but only the non-critical areas/associated buffers may be used as common area for the purpose of achieving a density bonus. See Figure 19.42.050.C.3.

- b. To qualify as a common open space, the proposed area must be designated “permanent open space” on the face of the plat and numbered as a tract with the following language inserted on the face of the final plat mylar:

This tract is held in reserve as permanent open space (or other identified area) and must not be used as a residential building lot or encroached upon in any manner not approved in the plat application approval.

- c. Characteristics. Common open space, must be unencumbered by existing conservation or utility easements (these areas will be subtracted from the total common open space), must be in good physical condition (i.e., stable, in conformance with best management practices), and must fall into one or more of the following categories:
 - i. Designated critical areas and associated buffers (though such areas won’t be included in calculations to determine on-site density).
 - ii. Areas with native vegetation.
 - ii. Recreational areas, including trails, sports courts, and/or wildlife viewing areas, but excluding uses that are deemed incompatible with the area.
 - iv. Actively managed pasture, farm, or timbered land. Accessory agricultural structures are allowed within the common open space. If the agricultural use requires irrigation and/or water rights sufficient to support the use, they must be retained within the land.
- d. Maintenance. Adequate provisions for the maintenance of identified common open space must be provided prior to final subdivision approval.
- e. Accessibility. All common open space except for actively managed pasture, farm, or timbered land must be accessible for the intended use without trespassing on private property.

Figure 19.42.050.C.3
RI density bonus case study example.



19.42.060 - Bonus incentives in the R4, C, CBD and MMU zones. (NEW)

A. Purpose. To allow flexibility in building height in key multifamily and mixed-use zones in exchange for the integration of affordable dwelling units into the development.

B. Applicability.

1. Height bonuses are available to development in the R4, C, CBD, and MMU zones as set forth in Chapter 19.41 provided it complies with the following affordable housing standards set forth in this section.
2. Applicable floor area described below over base height limit refers to any floor to ceiling space of applicable dwelling units or shared recreational or amenity space that exceeds the base height limit set forth in Tables 19.41.020-030. See Figure 19.42.060 for an example.

C. Bonus amount.

1. For every three dwelling units occupying floor area above the base height limit, at least one affordable dwelling unit must be integrated into the development. Dwelling units larger than 1,400 square feet (leasable/living area, excluding common hallways) qualify as two standard dwelling units.
2. For every 2,000 square feet of shared recreational or amenity space that is integrated into floor area that occupies space above the base height limit, at least one affordable dwelling must be integrated into the development.

Figure 19.42.060

Height bonus example – how affordable housing requirements are measured.



The example building in the CBD zone contains two floors (5+6) that exceed the base height limit. The table below illustrates what's included on each floor and the number of required affordable units that are required to be integrated.

Floor	Floor statistics	Number of required affordable units (to be integrated on any floor in the building)
6	2 dwelling units (average 2,250sf) + 3,000sf shared recreation/amenity space	= 2 affordable units min.
5	8 dwelling units (average 938sf)	= 2 affordable units min.
4	8 dwelling units (average 938sf)	None required.
3	10 dwelling units (average 750sf)	
2	10 dwelling units (average 750sf)	
1	2,000sf retail and parking	
Total		= 4 affordable units min.

D. Income limit and affordability.

1. Dwelling units that qualify as affordable housing must be affordable to households whose annual income does not exceed 50 percent of median income (see subsection (D)(3) below) for rental units or 80 percent of median income for owner-occupied housing, adjusted for household size, and no more than 30 percent of monthly household income is paid for monthly housing expenses (see subsection 2 below).
2. Housing expenses for ownership include mortgage and mortgage insurance, property taxes, property insurance, and homeowner dues. Housing expenses for rental housing include rent and appropriate utility allowances.
3. The median income for the Mount Vernon-Anacortes Metropolitan Statistical Area (MSA) is determined by the Secretary of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. If programs under said Section 8(f)(3) are terminated, median income is determined under the method used by the Secretary prior to such termination. In the event that HUD no longer publishes median income figures for the

Mount Vernon-Anacortes MSA, the city may use any other method for determining the Skagit County median income, adjusted for household size.

- E. Duration.** Rental and ownership units must serve only income-eligible households for a minimum period of 50 years from the date of the certificate of occupancy.
- F. Tenure.** The tenure of the affordable housing units (ownership or rental) must be the same as the tenure for the rest of the housing units in the development.
- G. Affordability agreement.**
 - 1. Prior to building permit issuance, an affordable housing agreement in a form approved by the director and City Attorney must be recorded with the Skagit County Auditor's office as a covenant running with the land and binding on the applicant, property owner, assigns, heirs and successors.
 - 2. The agreement must address the level and duration of affordability, tenant qualifications, reporting, monitoring, and any other topics related to the provision of the affordable housing units.
 - 3. The City may, at its sole discretion, establish a monitoring fee for the affordable units to cover the costs to the City to review and process documents to maintain compliance with income and affordable restrictions of the agreement.
- H. Location.** The affordable unit(s) must be located within the development and above grade (no basement units).
- I. Size (bedroom).** The affordable housing units must consist of a range of number of bedrooms that is comparable to units in the overall development.
- J. Size (square footage).** The size of the affordable housing units, if smaller than the other units with the same number of bedrooms in the development, must be approved by the director. If there is a proposal that the affordable units be smaller than the market rate units, in no case may the affordable housing units be less than 500 square feet for a studio unit, 600 square feet for a one bedroom unit, 800 square feet for a two bedroom unit, or 1,000 square feet for a three bedroom unit.
- K. Design.** The exterior design of the affordable housing units must be compatible and comparable with the rest of the dwelling units in the building/development and must comply with design standards specified in Chapter 19.63. The interior finish and quality of construction of the affordable housing units must at a minimum be comparable to entry level rental or ownership housing in the city.
- L. Timing/Phasing.** The affordable housing units must be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

19.42.070 - Bonus incentives, CM zone.

A. Purpose. To allow flexibility in building height via:

1. Integration of affordable dwelling units into the development.
 2. Providing a review process to ensure that the additional building height would not have adverse impacts on the general vicinity.
- B.** Developments seeking additional building height that integrate residential units must comply with height bonus provisions of AMC 19.42.060 Height bonus provisions in the R4, C, CBD, and MMU zones.
- C.** Developments seeking additional building height that do not integrate residential units are subject to a conditional use permit per AMC Chapter 19.36 Conditional Uses. Special application requirements, criteria, and conditions:
1. Applicants shall conduct a three-dimensional visual analysis to examine views of the development from surrounding streets, adjacent properties, and up to three other sites selected by the director to help ensure that the proposed building(s) do not adversely impact the general vicinity.
 2. The applicant must demonstrate how the building has been sited and designed to minimize visual impacts on sites specified in subsection (C)(1) above.
 3. Conditions may be imposed to ensure compatibility with the conditional use criteria, including those set forth in AMC 19.36.050 and the following:
 - a. Changes in building depth, width.
 - b. Additional building massing techniques (beyond minimum requirements set forth in AMC 19.63.040), such as upper level building setbacks and/or additional building modulation or articulation treatments.

19.42.080 - Bonus incentives in the CM2, LM, and I zones.

A. Purpose. To allow flexibility in building height through a review process to ensure that the additional building height would not have adverse impacts on the general vicinity.

- B.** Developments seeking additional building height are subject to a conditional use permit (Chapter 19.36). Special application requirements, criteria, and conditions:
1. Applicants shall conduct a three dimensional visual analysis to examine views of the development from surrounding streets, adjacent properties, and up to three other sites selected by the director to help ensure that the proposed building(s) do not adversely impact the general vicinity.
 2. The applicant shall demonstrate how the building has been sited and designed to minimize visual impacts on sites within the general vicinity.
 3. Conditions may be imposed to ensure compatibility with the conditional use criteria, including those set forth in AMC 19.36.050 and the following:
 - a. Changes in building depth, width, and orientation.
 - b. Additional building massing techniques (beyond minimum requirements set forth in AMC 19.63.040), such as upper level building setbacks and/or additional building modulation or articulation treatments.

19.42.090 - Minimum lot area calculations. (NEW)

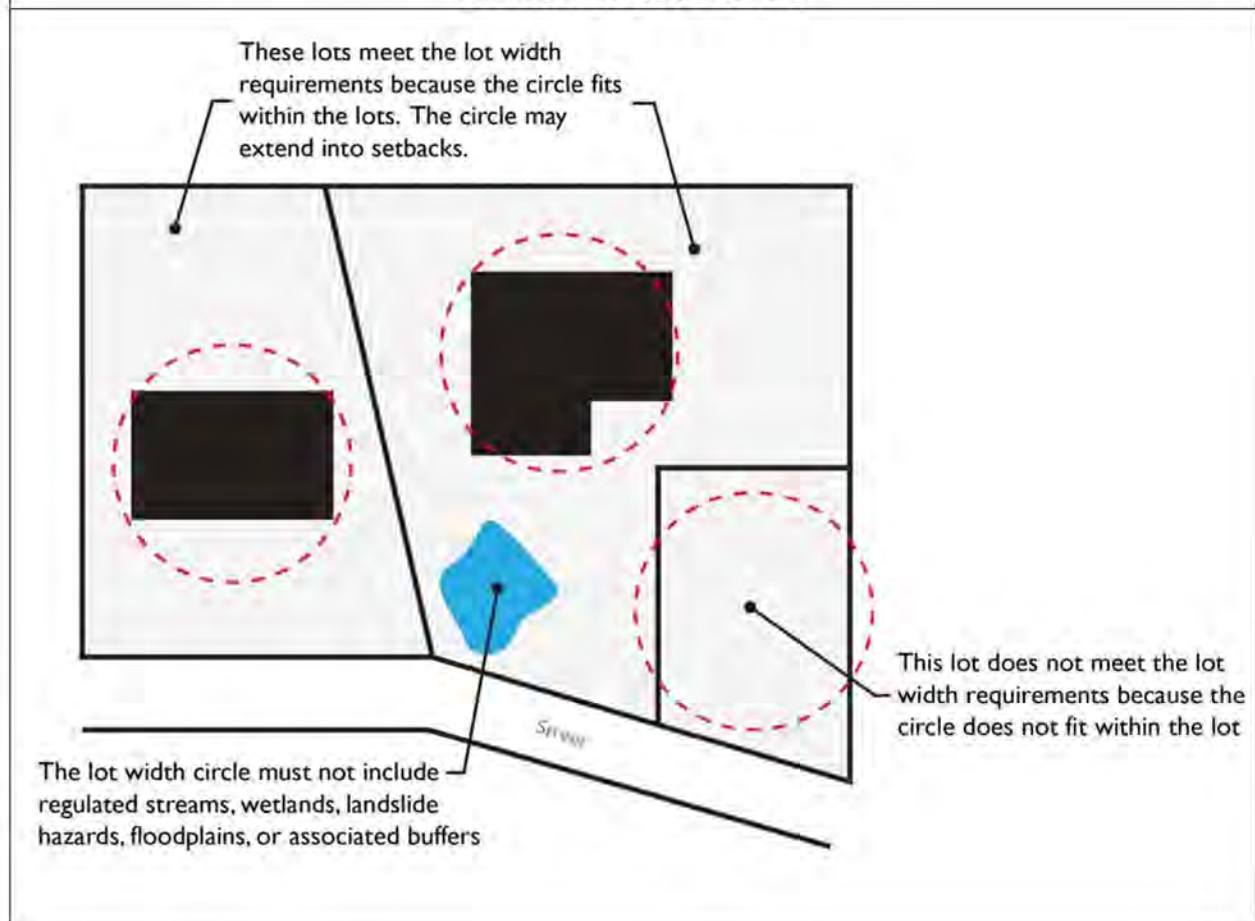
Minimum lot area calculations are based on net lot area, rather than gross lot area. The following areas are excluded from the minimum lot area calculations:

- A. Street right-of-way, or other areas reserved or dedicated for public use (such as parks, open space, and stormwater retention facilities).
- B. Submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Type 1, 2, 3 and 4 streams and buffers.

19.42.100 - Minimum lot width circle calculation and exceptions. (NEW)

- A. Purpose. The purpose of the minimum lot width circle requirement is to:
 - 1. Ensure that each lot is wide enough to maintain a consistent and compatible land use pattern in residential neighborhoods; and
 - 2. Ensure that a minimum buildable area is included in each lot created.
- B. Requirement. Table 19.42.020 identifies the minimum lot width circle diameter that must fit within each newly created lot in residential zones. This circle establishes that at least some portion of a lot must be at least as wide as the minimum lot width. The lot width circle shall not include submerged lands, landslide hazard areas and buffers, regulated wetlands and buffers, and Category 1, 2, 3 and 4 streams and buffers.
- C. The following lots are exempt from minimum lot width circle standards: Cottage and townhouse developments, where individual units are subdivided into separate lots.

Figure 19.42.100
Minimum lot width circle.



19.42.110 - 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 right-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 right-of-way around the perimeter of the site and any new street right-of-way internal to the site).

3. For the purpose of meeting maximum density requirements for subdivisions in applicable zones, final plats must specify the maximum number of dwelling units per lot.
- C. How to calculate density.** Minimum and maximum density for an individual site must be calculated by multiplying the total acreage based on sub-sections (A) and/or (B) above by the applicable number of dwelling units. When calculation results in a fraction, the fraction must be rounded to the nearest whole number as follows:
1. Fractions of 0.50 and above must be rounded up.
 2. Fractions below 0.50 must be rounded down.
- D. Prohibited reduction.** Any portion of a lot that was used to calculate minimum compliance with the standards and regulations of this title must not be subsequently subdivided or segregated from such lot.

19.42.120 - Floor area ratio calculations. (NEW)

The maximum floor area ratio calculations set forth in AMC 19.42.020 above, include the total "floor area" (as defined in AMC 19.12.020.F) 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~~excluded from floor area ratio calculations:

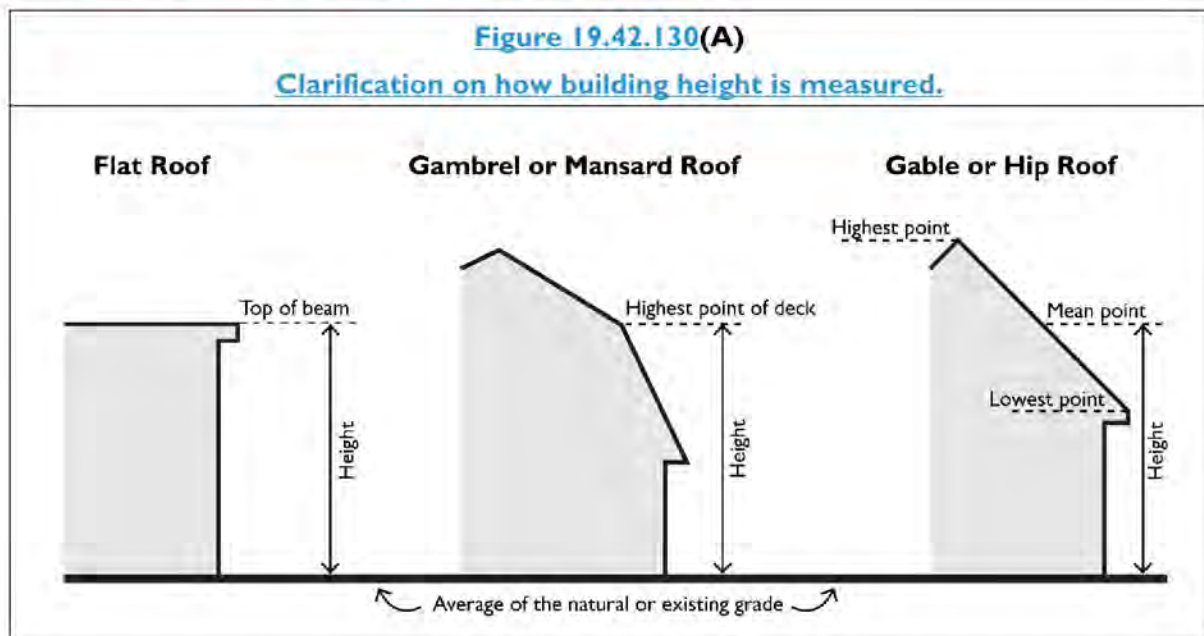
- ~~A. Subterranean basements, including underground parking areas.~~
- A. ~~Daylight~~basements, as defined in AMC 19.12.020.B.
- B. Detached accessory dwelling units.
- C. ~~Detached~~Garages and other enclosed parking areas (up to 500 square feet per dwelling unit may be excluded)-accessed from an alley.
- D. Accessory storage structures and sheds no larger than 144 square feet and 12 feet in height and in compliance with AMC 19.47.020.

19.42.130 - Building height calculations, exceptions, and modifications.

- A. Calculations.** "Height, building". Building height means Building height is the vertical distance between the average grade level [as defined in subsection (B) below] 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.

- B. Average grade level.** 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 must 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" must be the grades as they exist at the time of recording of the final plat.

~~Height requirements for structures in shoreline jurisdictions are provided in the Shoreline Master Program. Provided, in the case of structures to be built over water, average grade level must 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 must 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.~~



- C. Exceptions.** The following structures may be erected above the height limits set forth in Tables 19.42.020 and 19.42.030 above:
1. Roof structures housing or screening elevators, stairways, tanks, rooftop wind generators, ventilating fans or similar equipment required for building operation and maintenance may exceed the height limit by up to ten feet in non-residential and mixed-use zones, provided the area with the added height is limited to what is reasonable necessary to screen or enclose the use. Such structures constructed for non-residential or multifamily uses are subject to screening standards in AMC 19.62.070.E.
 2. Fire or parapet walls may exceed the height limit by up to five feet in the R4 zone and ten feet in non-residential and mixed-use zones.
 3. Except as may otherwise be prohibited by the FAA Regulations, the height limitations of Tables 19.42.020 and 19.42.030 above do not apply to church spires, belfries, cupolas and domes not

intended for residential purposes, or to monuments, water towers, observation towers, power transmission towers, silos, grain elevators, chimneys, smokestacks, derricks, conveyors, flag poles, radio, masts, aerials and similar structures.

4. In the HM zone, unoccupied structures may exceed 50 feet in height provided the minimum setbacks for the zone are increased by one foot for each foot of building height in excess of 50 feet.

D. Modifications.

- ~~1. In the I and CM2 zone, the base maximum height limit may be increased by 20 feet if both of the following conditions are met:~~

- ~~a. The long dimension 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.~~
- ~~b. 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.~~

1. In the LM zone abutting the Guemes Channel, nonresidential structures over 35 feet in height may only be approved through the conditional use process. A conditional use permit for heights between 35 and 50 feet must only be granted for uses which are permitted uses in the zone, and where the specialized nature of the use is such that the operations, processes, and equipment cannot be accommodated in a building 35 feet or less in height. The applicant must show specifically why the additional height is needed. The conditional use permit must limit the height and area consistent with RCW 90.58.320 and to that which is reasonably necessary to accommodate the specific operations, processes, and equipment. All portions of the facility which do not have a specialized function requiring additional height must comply with the 35 foot height limit.
2. In the LMI zone, the maximum height is 35 feet for residential structures.
3. In the MS zone, temporary equipment used in the primary permitted use and not constituting a building or permanent enclosure, such as cranes or scaffolding, may exceed the maximum height. The director may authorize construction of fabric enclosures or temporary structures to contain particulates or shelter a vessel under construction which exceed 50 feet in height, provided that the permit is for a specified length of time for a specific project, and they are taken down at the conclusion of the specific work for which they were erected.

4. In the MMU zone, buildings are subject to special height, width, and orientation standards:

- a. All buildings are subject to building massing and articulation standards in AMC 19.63.040.
- b. Buildings up to four stories tall or no more than 50 feet tall are limited to 200 feet in width when oriented in the north-south direction.
- c. Buildings taller than four stories or more than 50 feet tall are limited to 150 feet in width when oriented in the north-south direction.

Departures to standards (b) and (c) above will be considered per AMC 19.20.250 provided site and building design features are included to reduce the perceived scale of such buildings, add visual interest, and enhance east-west pedestrian access and marine views.

5. In the MED-O zone, the maximum height limit for the area described in Figure 19.42.130(D) is 60 feet.

Figure 19.42.130(D)

Special height limit in the MED-O zone.



19.42.140 - Setback measurements. (NEW)

The provisions herein applies to required minimum setbacks as set forth in the form and intensity standards tables in this chapter.

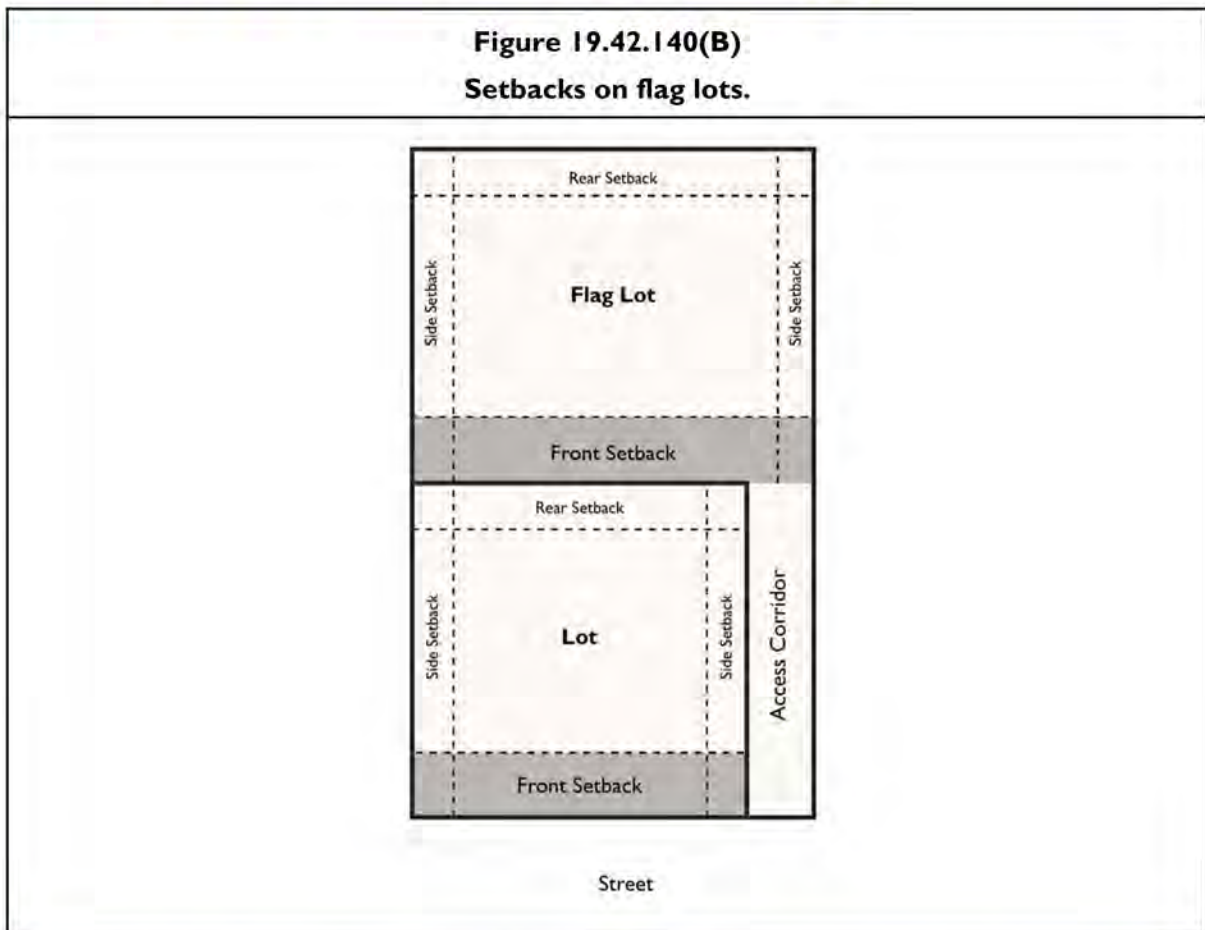
A. Measurement. All setbacks must be measured at right angles, or as near to right angles as possible, to the nearest property line in a plane horizontal to the ground, or in the case of access corridors for single-family residential development, from the nearest edge of the easement to the foundation line of the structure. Setback directions must be determined as provided in subsections B-E below.

B. Street setbacks.

1. The street setback is measured from the street right-of-way to a line parallel to and measured perpendicularly from the street right-of-way at the depth prescribed for each zone.
2. For corner lots in residential zones, the street setback is measured from the street right-of-way that is the property's street address and primary access. The opposite other lot frontage is referred to as the side street setback.

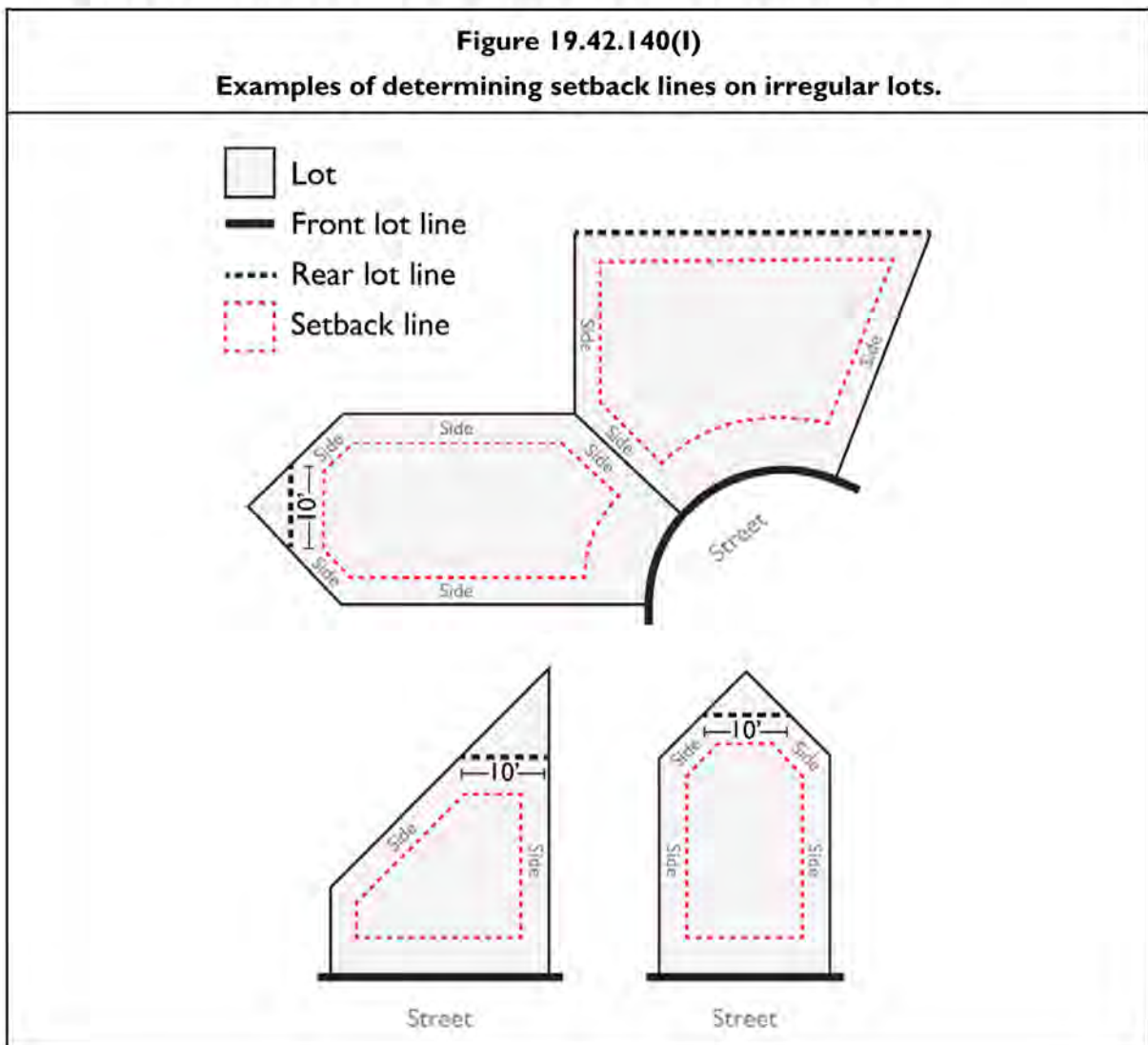
3. Street setbacks for garages apply to the front doors of garages.

- 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:

- A. Fireplace structures, bay or garden windows, or similar structures may project 30 inches into a street or rear setback, provided such projections are:
 - 1. Limited to two per building elevation.
 - 2. Not wider than ten feet.
 - 3. Do not extend the floor area or foundation into the setback.
- B. Eaves, cornices, awnings, and window shades may not project more than:
 - 1. Three feet into a front or rear setback.
 - 2. Two feet into the side setback.
- C. Covered porches and entries may project up to six feet into the street setback.
- D. Uncovered porches and decks may project up to six feet into the street or rear setbacks.
- E. The following features are permitted within the required street setback:
 - 1. Mailboxes, newspaper boxes, and free neighborhood book exchange boxes.
 - 2. Fire hydrants and associated appendages.
 - 3. Bus shelters.
 - 4. Monument signs complying with the AMC Chapter 19.67.
- 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 feet in height.
 - 5. Electrical equipment cabinets and similar utility boxes and vaults.
 - 6. Stormwater water management facilities, unless a minimum setback is otherwise specified in this title or in the adopted stormwater management manual.
 - 7. Fences per AMC Chapter 19.66.
 - 8. Uncovered porches and decks not exceeding 18 inches average height above the finished grade.
 - 9. Rockeries and retaining walls in conformance with the standards in AMC 19.66.080.
- G. No projections are allowed into a regional utility corridor, access easement, or utility easement.

19.42.160 - Setback modifications.

- A. A lot adjoining a planned street identified in the comprehensive plan, transportation plan, and/or capital improvement program must provide a street setback along the planned street meeting the same standards as though the street were already constructed.
- B. Along any mixed-use or industrial property line adjoining a residential zone with no intervening street or alley, the minimum setback must be the same as the applicable minimum setback for the adjacent zone.
- C. The setbacks for Skyline #6 PUD must be one-half 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.

19.42.170 - Old Town supplemental form and intensity standards.

The provisions herein apply in addition to the form and intensity standards in Table 19.42.020.

- A. The principal building may cover up to 35 percent of the lot. Where there are multiple buildings on one lot, they are limited to 50 percent lot coverage.
- B. Exceptions to the height limit set forth in Table 19.42.020: Maximum building height may be increased to a maximum of 30 feet if two conditions are met:
 - 1. The upper floor may not contain a floor area greater than eighty percent of the floor below.
 - 2. No exterior wall higher than 25 feet may be closer to an adjacent property line than 15 feet.
- C. If a structure covers more than 3,000 square feet of land, or if two or more structures on a lot cover more than 4,000 square feet of land, the following additional requirements apply:
 - A. The minimum side yard setback is ten feet.
 - B. For each 200 square feet of land coverage beyond the above limits, the minimum side yard setback must be increased by one foot.
- D. ~~No new curb cuts shall be permitted on a numbered street serviced by an alley; existing curb cuts may be maintained.~~ Detached garages must be set back a minimum of 50 feet from the street property line on a numbered street.
- E. Any roof above 14 feet must have a minimum roof pitch of 4:12, except for roofs on porches, dormers, bay windows, and similar appurtenances.
- F. The maximum continuous wall length must be 40 feet. Buildings may be longer but must incorporate setbacks, recesses, porches, balconies, bay windows or offsets of at least 18 inches in depth and at least eight feet in length and height so that no increment of wall exceeds 40 feet.

Chapter 19.43 - RESIDENTIAL USES (NEW)

19.43.010 - Household living.

A. Household living use category.

Residential occupancy of a dwelling unit by a household. Household living includes the following uses.

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

B. Single-family.

1. Definition. A detached dwelling that is entirely surrounded by open space on the same lot, and which is designed for and occupied exclusively by one family and the household employees of the family, if any.
2. Standards.
 - a. In the CBD zone single-family uses are conditionally permitted, if in an existing building that was a single-family residence at some time in its past (no new single-family residences shall be constructed in this zone).
 - b. In the LMI zone single family uses are permitted only for existing platted lots. In no event will this allow a residential subdivision.
 - c. Two single-family dwellings can be built on the same lot provided the applicable one dwelling unit/minimum lot area for single-family dwellings is met. For example, if the minimum lot area for single-family dwellings is 7,500 square feet, two single-family dwellings could be built on a 15,000 square-foot lot. Applicants must demonstrate how the lot could be subdivided in the future consistent with the density and dimensional standards of this title.

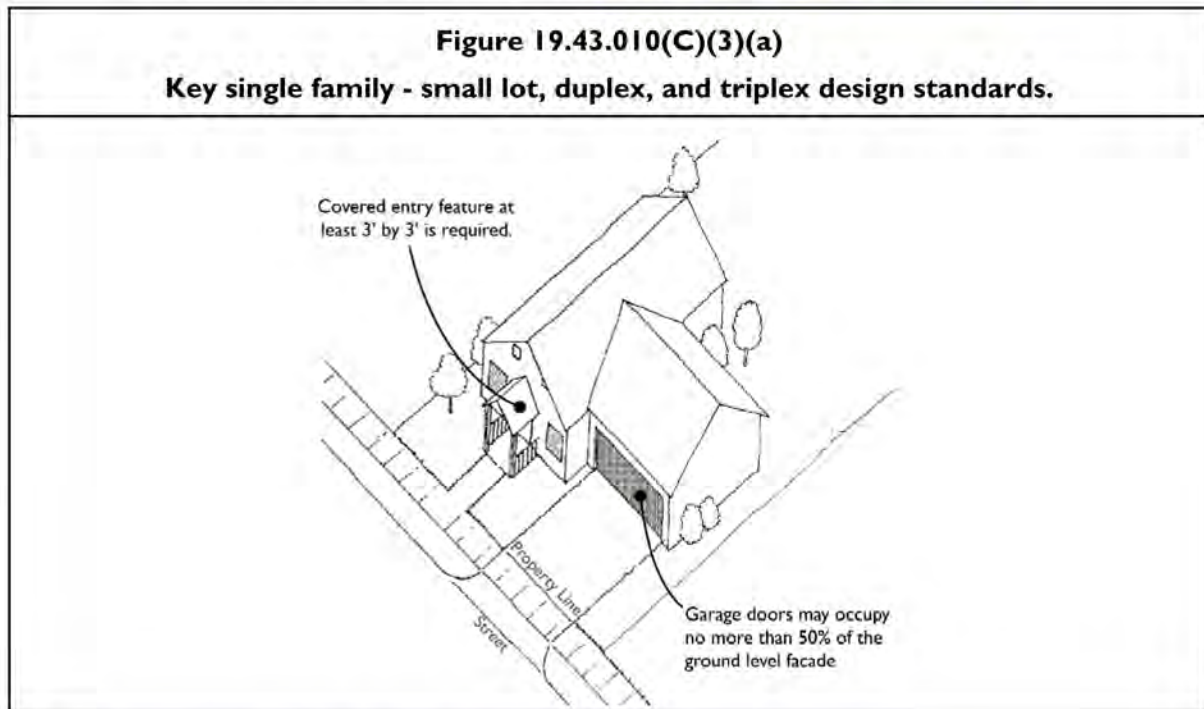
C. Single-family, small lot.

1. Definition. A detached single-family dwelling that is on a lot that has less than 5,000 square feet in net lot area.
2. Purpose.
 - a. To enhance the character of the street and neighborhood.
 - b. To maintain "eyes on the street" for safety to pedestrians and to create a more welcoming and interesting streetscape.
 - c. To de-emphasize garages and driveways as major visual elements along the street.
 - d. To provide usable open space for residents.

3. Standards.

a. Entry standards.

- i. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings. The driveway may be used for pedestrian access.
- ii. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three feet by three feet (a covered porch or recessed entry).



b. Driveway access and garage standards.

- i. See AMC 19.53.030(B)(3) Alleys for driveway location standards.
- ii. Where the garage vehicle door(s) face the street they may occupy no more than 50 percent of the ground-level façade facing the street. Garage doors may exceed this limit up to a maximum of 65 percent of the ground level façade facing the street provided at least two of the following design details are utilized. ~~For front-loaded lots where the garage vehicle door faces the street and the garage is placed at least five feet behind the facade of the dwelling containing the main entry, at least one of the following design details must be utilized:~~
 - (a) A decorative trellis over at least the entire width of the garage door(s).
 - (b) A window or windows are placed above the garage on a second story or attic wall.
 - (c) A balcony that extends out over the garage and includes columns.
 - (d) Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two car garages.
 - (e) Windows on the garage door.

- (f) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.

Figure I9.43.010(C)(3)(b)
Garage design detail examples.



A decorative trellis over the garage door.

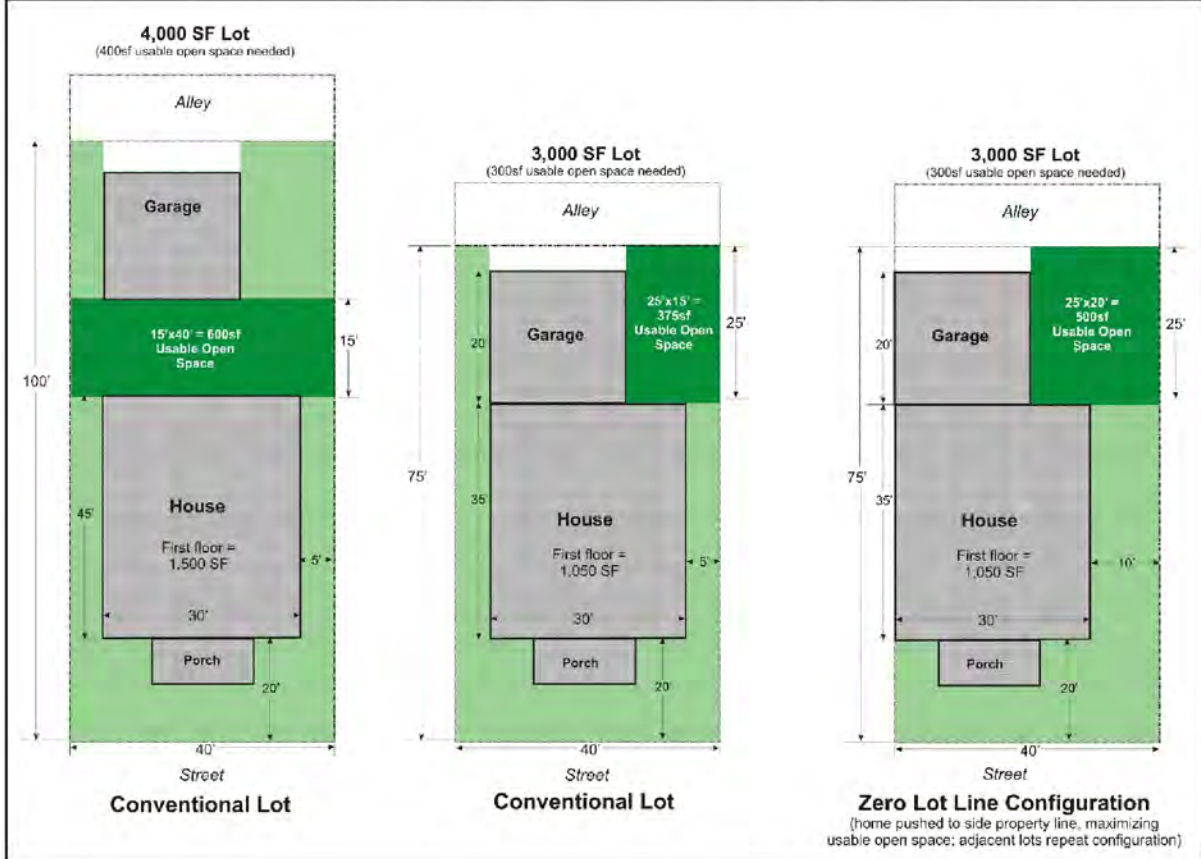


A balcony over the garage, single doors used instead of a wider double door, and windows above the garage on a second story.

- c. Standards for minimum useable open space for small alley-loaded lots. All new alley-loaded small lot dwelling units must provide a contiguous open space to the side or rear of the dwelling with a minimum dimension of 15 feet on all sides. The open space(s) must be equivalent to 10 percent (minimum) of the lot area. For example, a 4,000 square foot lot would require a contiguous open space of at least 400 square feet, or 20 feet by 20 feet in area. Drive aisles must not count in the calculations for usable open space. Additions must not create or increase any non-conformity with this standard.

Figure 19.43.010(C)(3)(c)

Examples of how to provide the minimum amount of usable open space.



D. Cottage housing

1. Definition. A small single-family dwelling that is clustered with other similar units sharing a common open space.
2. Purpose.
 - a. Provide opportunities for creative, diverse and high-quality infill development that is compatible with existing neighborhoods.
 - b. Promote housing affordability and greater choice by encouraging smaller and more diverse home sizes in accordance with the Comprehensive Plan.
 - c. Support compatibility with existing neighborhoods by promoting high-quality design.
 - d. Support more efficient use of urban residential land.
 - e. Enhance the character of the neighborhood.
 - f. Provide usable open space for residents.

Figure 19.43.010(D)
Cottage housing development examples.



2. **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.

3. Standards.

- a. Lot size. Cottages are exempt from minimum lot area and lot width standards provided they comply with density and design standards herein.
- b. Density. Due to the smaller relative size of cottage units, each cottage may be counted as one-half a dwelling unit for the purpose of calculating density. For example, a cluster of six cottages would be equivalent to three dwelling units.
- c. Minimum and maximum number of cottages. 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.

d. **Setbacks and separation.**

- i. The minimum setbacks set forth in Table 19.42.020 apply to development frontage and external side and rear setbacks of the entire cottage development.
- ii. Internal to the cottage development individual cottages must be separated by at least ten feet (excluding permitted setback projections as set forth in AMC 19.42.150).

e. Building height.

- i. Cottages have a maximum building height of 25 feet. All parts of the roof above 18 feet must be pitched with a minimum roof slope of 6:12.
- ii. Accessory structures in cottage housing developments are subject to the standards in AMC 19.47.020.

f. **Cottage size.** Cottages must contain no more than 1,200 square feet gross floor area in total, with a ground floor footprint no larger than 800 gross square feet. Cottages are exempt from the floor area ratio standards set forth in Table 19.42.020.

g. Entries.

- i. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.
- ii. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three feet by three feet (a covered porch or recessed entry).

- h. Façade transparency. Transparent windows and/or doors are required on at least eight percent of the facades (all vertical surfaces of street facing elevation). For corner lots, this standard is only applied to the elevation containing the dwelling entry.
- i. Common open space.
 - i. Minimum size. Common open space must be at least 400 square feet per cottage.
 - ii. Minimum dimensions. Common open space must have no dimension less than 15 feet.
 - iii. Elements. Common open space may include a lawn, courtyard, plaza, garden, or other shared central open space and may not include parking areas.
 - iv. Access. Cottages must be within 100 feet walking distance of the common open space.
 - v. 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.
 - vi. A shared community building (subject to the accessory structure standards in AMC 19.47.020) may be integrated into the larger common open space area. However, such a community building may not be included in the minimum common open space area calculations.
- j. Private open space.
 - i. 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 ten feet. The private open space must have access from the cottage via a door, porch, or pathway.
 - ii. 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 seven feet on any side. Cottages sited between a street and the common open space are also subject to the entry requirements in subsection (D)(3)(g) above.
- k. Parking and driveways.
 - i. Off-street parking standards are set forth in AMC 19.64.040 and driveway and access requirements are set forth in AMC Chapters 19.52 and 19.53.
 - ii. 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 cottages.~~
 - iii. Parking and ~~access lanes~~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 ten feet of Type C landscaping (see AMC 19.64.050) must be provided between the sidewalk and the parking area.~~ For parking lots along adjacent residential uses, at least five feet of Type A, B, or C Landscaping (see AMC 19.64.050) must be provided.
 - iv. Parking must be located in clusters of not more than five adjoining uncovered spaces (except where adjacent to an alley).
 - v. Garages ~~with a footprint of up to 300 square feet~~ 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.

vi. No more than one driveway per cottage cluster may be permitted, except where clusters front onto more than one street.

l. Landscaping. The minimum landscaped area requirements per Table 19.42.020 apply to the whole cottage development rather than for individual cottage dwellings.

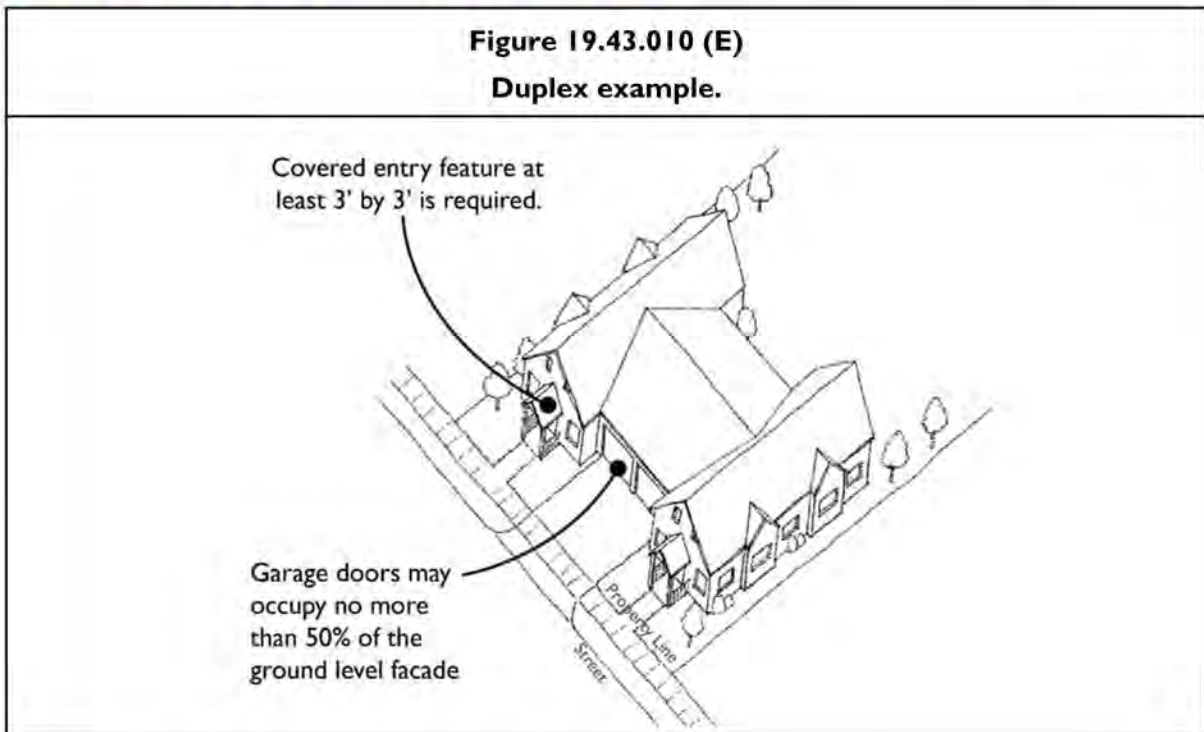
m. Accessory dwelling units are not permitted in cottage housing developments.

E. Duplex.

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

2. Standards. Duplexes are subject to 19.43.010(C), standards for single-family small lot.

~~3. Duplexes may not be converted to condominiums.~~



F. Triplex

1. Definition. "Dwelling, triplex" refers to a building that is entirely surrounded by open space on the same lot and contains three dwelling units.

2. Standards. Triplexes are subject to 19.43.010(C), standards for single-family small lot.

~~3. Triplexes may not be converted to condominiums.~~

G. Fourplex.

1. Definition. "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.

2. Standards. Fourplexes are subject to AMC Chapter 19.62 Site Planning and AMC Chapter 19.63 Building Design.

~~3. Fourplexes may not be converted to condominiums.~~

H. Townhouses.

1. Definition. A dwelling unit in a row of at least three such units in which each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.
2. Purpose.
 - a. To enhance the character of the street.
 - b. To maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
 - c. To de-emphasize garages and driveways as major visual elements along the street.
 - d. To provide usable open space for residents.
 - e. To reduce the apparent bulk and scale of large townhouse buildings.
 - f. To promote architectural variety that adds visual interest to the neighborhood.
3. In the R3 and R3A zones a maximum of four townhouse units may be attached as a single structure. ~~Townhouses may be condominiumized, provided density and design of the site and buildings meet the standards in this title.~~
4. In the MMU zone townhouses are allowed on up to one-third of the site area (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title.
5. ~~Block frontages. Townhouses are subject to the landscaped block frontage standards as set forth in AMC 19.61.070 Landscaped block frontage standards. This includes standards for entrances, façade transparency, weather protection, parking, landscaping, and sidewalk widths. Supplemental standards specific to townhouses.~~
5. Setbacks. See AMC Chapter 19.42 Form and Intensity Standards for minimum building and garage setbacks for the applicable zone.
6. Entries.
 - a. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings.
 - b. All new dwellings must provide a covered pedestrian entry with minimum weather protection of three feet by three feet (a covered porch or recessed entry).
 - c. For townhouses where the primary pedestrian access to the dwelling is from an alley or private internal vehicular access, buildings must emphasize individual pedestrian entrances over private garages by using both of the following measures:
 - i. Enhance entries with a trellis, small porch, or other architectural features that provides cover for a person entering the unit and a transitional space between outside and inside the dwelling.
 - ii. Provide a planted area in front of each pedestrian entry of at least 20 square feet in area, with no dimension less than four feet.

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

Figure 19.43.010(H)(6)

Acceptable and unacceptable examples of garage/entry configurations.

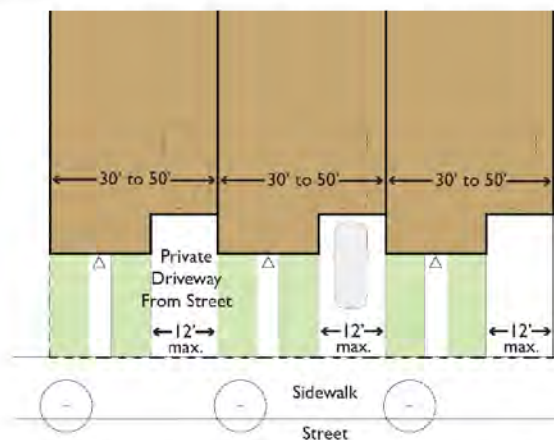


The left example features a landscaped area and a trellis to highlight the entry. In the middle image, the balconies and landscaped areas deemphasize the garage. In the right image, the lack of landscaping near the entries would not be allowed (where this is the primary pedestrian entry to the unit).

7. Façade transparency. Transparent windows and/or doors are required on at least eight percent of the facades (all vertical surfaces of street facing elevation). For corner lots, this standard is only applied to the elevation containing the dwelling entry.
8. Private garages facing the street - maximum garage widths:
 - i. Twelve feet where townhouse dwellings are at least 30 feet wide.
 - ii. 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 19.43.010(H)(8).

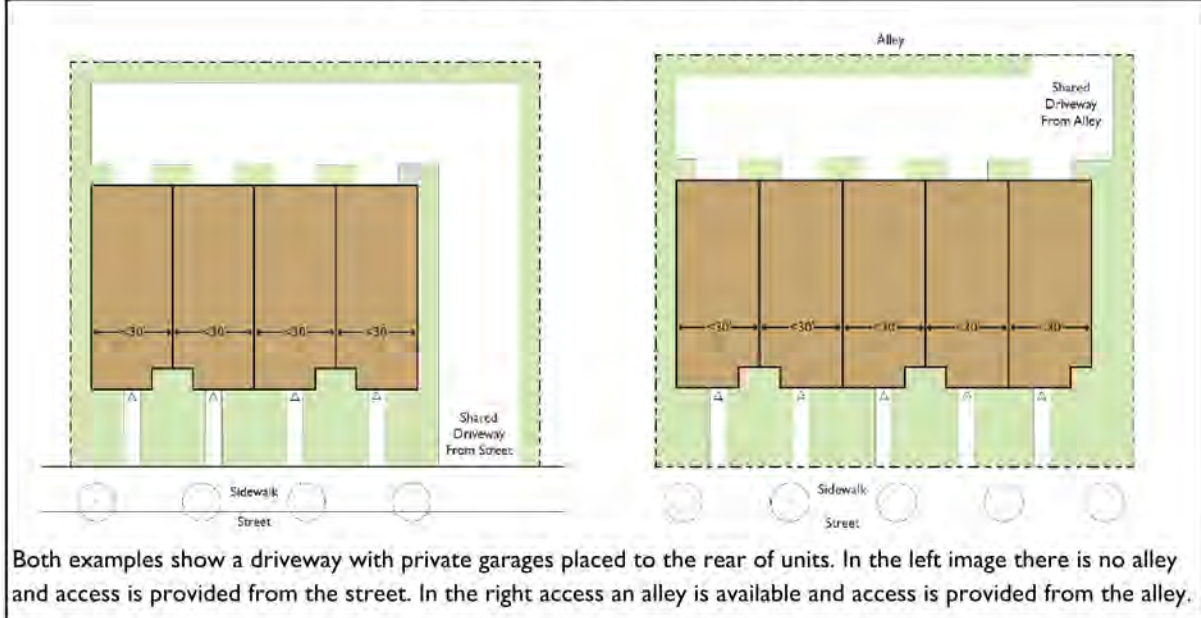
Figure 19.43.010(H)(8)

Townhouse development examples.



In the above example, front-loaded townhouses with 12' driveways are allowed where units are at least 30' in width.

Figure 19.43.010(H)(8)
Townhouse development examples.



Both examples show a driveway with private garages placed to the rear of units. In the left image there is no alley and access is provided from the street. In the right access an alley is available and access is provided from the alley.

9. Access and parking:

- a. Off-street parking standards for townhouses are set forth in AMC 19.64.040 Number of parking spaces required as a type of multifamily residential use (based on the number of bedrooms).
- b. See AMC Chapter 19.53 for driveway standards.
- c. Internal driveway standards:
 - i. Must meet minimum widths and other standards such as turning radii of any city adopted International Fire Code.
 - ii. 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 vehicle areas, which often function as usable open space for residents.
 - iii. Upper level building projections over vehicle areas are limited to three feet, and must comply with provisions in (a) above.

10. Usable open space. Townhouse dwellings must provide open space at least equal to ten percent of the habitable floor area. The required open space may be provided by one or more of the following:

- a. Private ground level open space that is directly adjacent and accessible to dwelling units. Such space must have minimum dimensions of at least 12 feet on all sides and be configured to accommodate human activity such as outdoor eating, gardening, toddler play, etc. Street setbacks may be used to meet this standard, provided they are defined with a fence (meeting standards of section AMC Chapter 19.66 Fences, Walls, and Hedges).
- b. Balconies, roof decks or porches.

Figure 19.43.010(H)(10)

Examples of usable open space adjacent to townhouse units.



II. Building design.

- a. Townhouse articulation. Townhouse buildings must comply with residential building articulation standards as set forth in AMC 17.63.040.C except that the articulation intervals must be no wider than the width of units in the building. Thus - if individual units are 15 feet wide, the building must include at least three articulation features for all facades facing a street, common or other shared open space, and common parking areas at intervals no greater than 15 feet.
- b. Repetition with variety. See Figures 19.43.010(H)(11)(a) and (b). Townhouse developments must employ one or more of the following “repetition with variety” articulation guidelines:
 - i. Reversing the elevation of two out of four dwellings [see Figure 19.43.010(H)(11)(a)].
 - ii. Providing different building elevations for external (units on the end or corner of a building) townhouse units (versus internal units) by changing the roofline, articulation, windows, and/or building modulation patterns.
 - iii. Adding a different dwelling design or different scale of the same design, such as adding a one-story version of the basic dwelling design where two-stories are typical (or a two-story design where three stories are typical).
 - iv. Other design treatments that add variety or provide special visual interest, such as different cladding materials, window sizes and groupings, roof slopes, porch designs, balconies, etc. While the variable use of color on buildings can be effective in reducing the perceived scale of the building and adding visual interest, color changes alone are not sufficient to meet the purpose of the standards.

Figure 19.43.010(H)(II)(a)

Acceptable townhouse configuration employing the repetition with variety concept.



Figure 19.43.010(H)(II)(b)

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



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

I. Multifamily.

1. Definition. A building that contains four or more dwelling units. The term also includes any dwelling units that are within a mixed-use building.
2. Standards. Multifamily uses are subject to design provisions set forth in Division 6, including block frontage standards, site planning, building design, and landscaping.
3. MMU zone standards: Multifamily dwellings are allowed:
 1. On upper floors throughout the site.
 2. Within single purpose buildings covering up to one-third of the site area (parcel or contiguous parcels held under common ownership) provided they meet access, site and building design standards in this title.
4. CM zone standards: Multifamily dwellings are conditionally permitted provided that it can be demonstrated that the use will not weaken the zone's tourist or marine-oriented purpose, nor diminish the marine values inherent in the zone such as physical and visual access to waterways and shoreline. Multifamily units that are part of a mixed-use development incorporating commercial marine uses are preferred.
5. MS zone standards: Multifamily dwellings must be part of a mixed-use project and residential units must be no larger than 800 square feet each.

J. Multi-family, age restricted.

1. Definition. 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.

K. Live-work.

1. Definition. 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.
2. Standards.
 - a. Permitted non-residential uses may be those that are permitted in the applicable zone or overlay zone as set forth in AMC Chapter 19.41.
 - b. See standards for the applicable attached dwelling type the live-work use resides in.
 - c. The non-residential use may occupy up to 50 percent of the gross floor area of the live-work dwelling.

19.43.020 - Group living.

A. Group living use category.

Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training. Group living includes the following uses.

1. Adult family home.
2. ~~Senior citizen assisted housing.~~ Assisted living facility.

3. Nursing homes.

4. Rooming houses.

B. Adult family home.

1. Definition. A residential home in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. RCW 70.128.140 provides that adult family homes are treated the same as single-family homes under applicable regulations.

C. ~~Senior citizen assisted housing.~~ Assisted living facility.

1. Definition. A state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home licensed under Chapter 18.20 RCW. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes, as defined in Chapter 70.128 RCW.

D. Nursing home.

1. Definition. An establishment providing care for convalescents or invalids. Such establishments must be duly licensed by the state as a "nursing home" in accordance with current state statutes.

E. Rooming house.

1. Definition. A dwelling, with a central kitchen and with more than one but fewer than nine boarders, with no more than nine sleeping rooms.

Chapter 19.44 - COMMERCIAL USES (NEW)

19.44.010 - Day care.

A. Day care use category.

A facility providing care, protection and supervision of children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day. Day care includes the following uses:

1. Day care I facilities.
2. Day care II facilities.

B. Definition. An establishment for group care of nonresident adults or children. Specifically:

1. Day care includes child day care services, adult day care centers, and all of the following:
 - a. Adult day care, such as adult day health centers or social day care as defined by the Washington State Department of Social and Health Services.
 - b. Nursery schools for children under minimum age for education in public schools.
 - c. Privately conducted kindergartens or pre-kindergartens when not a part of a public or parochial school.
 - d. Programs covering after-school care for school children.
2. Day care establishments are sub-classified as follows:
 - a. Day care I - a maximum of 12 adults or children in any 24-hour period, and as provided for in RCW 35a.63.215.
 - b. Day care II - over 12 adults or children in any 24-hour period.

19.44.020 – General service.

A. General service use category.

Includes a category of uses whose primary activity is the provision of service, rental, and/or repair to boats, vehicles, appliances, tools, electronic equipment, machinery, and other similar products for personal, commercial, or civic use. Specific uses in this category include, but are not limited to:

1. Postal and courier services.
2. Automobile fueling.
3. Small boat sales, rental and repair (< 40-foot length, < eight feet, six inches in width, < 14 feet height).
4. Appliance repair.
5. Equipment rentals.
6. Electronic or equipment service.
7. Vehicle repair.
8. Commercial vehicle repair.
9. Municipal service facility.

10. Public safety facility.

11. Car wash.

12. Heavy service.

B. Standards for general service uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone except when such facilities are completely enclosed within a building.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Heavy service.

1. Definition. General service uses that have any exterior service activities or feature exterior storage areas that total greater than 15,000 gross square feet or occupy an area larger than the size of the use's principal building.

D. Municipal service facility.

1. Definition. An occupied facility supporting the external and internal operations provided by municipal government, including but not limited to maintenance of water, sewer, stormwater, roads, parks, vehicles, and facilities.

E. Public safety facility.

1. Definition. A facility for the provision of fire and rescue, medical, police, and emergency response services by a governmental entity.

19.44.030 - Medical.

A. Medical use category.

A facility providing medical or surgical care to patients. Some facilities may offer overnight care. This category includes, but is not limited to:

1. Blood plasma donation center.
2. Medical or dental laboratory.
3. Hospital, urgent care, or emergency medical office.
4. Medical office for dentist, chiropractor, osteopath, physician, or other medical practitioner.
5. Medical clinic.
6. Medical day care.

B. R3 zone standards.

Expansion of a neighborhood medical or dental office may only occur if such office was in existence and in operation as of December 31, 1986.

C. Hospital.

1. Definition. A building designed and used for medical and surgical diagnosis, treatment, and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, and clinics are not included.

D. Medical office.

~~1. Definition. An office or clinic used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, and no overnight patients are kept on the premises.~~

19.44.040 - Office.

A. Office use category.

Activities conducted in an office setting and generally focusing on business, professional or financial services. Office includes, but is not limited to:

1. Business services including, but not limited to, advertising, business management consulting, data processing or collection agency.
2. Professional services including, but not limited to, lawyer, accountant, bookkeeper, engineer, architect, sales office or travel agency.
3. Financial services including but not limited to, lender, investment or brokerage house, bank, call center, bail bonds, insurance adjuster, real estate or insurance agent or mortgage agent.
4. Charitable institution (not providing housing or shelter).
5. Counseling in an office setting.
6. City, county, state, federal government office.
7. Radio, TV or recording studio, utility office.
8. Trade, vocational, business school.

B. CM2 zone standards.

In the CM2 zone office uses must be limited to no more than 50 percent of the ground level.

19.44.050 - Overnight lodging.

A. Overnight lodging category.

Accommodations arranged for short term stays (less than one month). Overnight lodging includes, but is not limited to:

1. Bed and breakfast.
2. Hotel/motel.
3. Youth hostel.

B. Bed and breakfast.

1. Definition. A single-family residential unit which provides transient lodging, for compensation, by renting up to six sleeping room accommodations. ~~A home must have been in single-family use for two years before it qualifies for conversion into a bed-and-breakfast.~~
2. Purpose. This section is intended to ensure parking, impact on surrounding neighbors, health and safety, and other considerations limit any adverse impacts of bed and breakfasts on the surrounding neighborhood.
3. Applicability. This section applies to all bed and breakfasts.
4. Requirements.

- a. The owner must be the operator of the facility and must reside on the premises.
 - b. The owner's quarters and guest rooms must all be in the main building.
 - c. If located in a residential zone, the facility must be operated in such a manner as not to give the outward appearance of a business, in the ordinary meaning of the term, ~~and may not infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.~~
 - d. 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.~~

C. Hotel/motel.

1. Definition. 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 accessory uses such as shared dining facilities, recreation facilities, and meeting facilities.

19.44.060 - Parking

A. Parking use category.

Facilities that provide parking as a principal use.

B. Principal use parking standards in residential zones.

1. In the R1, R2, R2A, R3, R3A, R4A, and OT zones parking as a principal use is restricted to public parking supporting a public facility.
2. In the R4 zone parking as a principal use is restricted to lots abutting the C zone and supporting a mixed-use development in the C zone.

19.44.070 - Passenger terminal.

A. Passenger terminal use category.

Facilities for the takeoff and landing of planes and helicopters, and facilities for trains, buses, taxis or limo services. Passenger terminal includes, but is not limited to:

1. Airport.
2. Airfield, landing strip.
3. Bus passenger terminal, multi-modal facility.
4. Heliport.
5. Railroad station.
6. Taxi dispatch center, limousine service.

B. Aeronautical use.

1. Definition. See AMC 19.41.080.

19.44.080 - Personal service.

A. Personal service use category.

Facilities involved in providing personal services to the general public. Personal service includes the following uses.

1. Animal care.
2. Beauty/hair salon.
3. Catering establishment.
4. Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria.
5. Copy center.
6. Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium.
7. Optometrist.
8. Palmist, psychic, medium, fortune telling.
9. Post office.
10. Tailor, milliner, upholsterer.
11. Tattoo parlor, body piercing.
12. Wedding chapel.

B. Animal care - indoor.

1. Definition. Any building or land used, designed, or arranged for the care of animals without outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel, and doggy day care.
2. Use standards. No outdoor activity associated with the care of animals is allowed. Also see AMC 6.06.090 Commercial kennels, catteries, pet shops and animal shelters—General conditions for applicable standards.

C. Animal care - outdoor.

1. Definition. Any building or land used, designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, kennel and doggy day care.
2. Use standards:
 - a. Any structure which houses animals which is not fully enclosed and all animal runs must be located at least 100 feet from any lot line and 300 linear feet from any pre-existing principal residential structure located on another lot.
 - b. All pens and kennels used for housing animals (excluding horses, ponies, and cows) must be surrounded by a black, dark green, or dark brown vinyl coated chain link fence not less than six feet in height, and enclosed on top, or be located in an enclosed structure.

D. Beauty salons.

1. Definition. Any establishment where cosmetology services are provided, including hair care, nail care, and skin care.

E. Mortuary.

1. Definition. An establishment providing services such as preparing the human dead for burial and arranging and managing funerals, and may include limited caretaker facilities. This classification excludes cemeteries, crematoriums, and columbariums.

19.44.090 - Recreation, indoor.

A. Recreation, indoor use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting. The permissions for indoor recreation uses in Table 19.41.050 are based on size (net leasable area), with a conditional use thresholds of 10,000 square feet in some zones. The indoor recreation category includes, but is not limited to:

1. Adult concessions.
2. Amusement center, game arcade, children's amusement center.
3. Arena.
4. Billiard hall, pool hall.
5. Bingo parlor.
6. Bowling alley.
7. Convention center or conference center.
8. Dance, martial arts, music studio or classroom.
9. Health club.
10. Shooting range.
10. Sports academy.
11. Miniature golf facility.
12. Movie theater or other indoor theater.
13. Skating rink.
14. Swimming pool.

B. Adult concessions. (17.10.200 with consistency edits)

1. 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.
2. Zone-specific requirements.
 - a. In the C zone, adult retail is only permitted south of 22nd street.
 - b. In the LMI zone, adult concessions are only permitted between Christiansen Road and Reservation Road.
 - c. In the HM zone, adult entertainment are only permitted north of South March Point Road and east of Reservation Road.
3. No adult concession may be located within the specified distance of the following uses:
 - a. 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.

- b. One hundred feet of any religious institution.
 - c. One hundred feet of any park or any public facility or P zone.
 - d. Three hundred feet of another adult concession.
 - e. For adult entertainment, 100 feet of any residential zone.
 - f. For adult retail, thirty feet of any residential zone.
4. The distance provided herein must be measured by following a straight line, without regard to intervening buildings, from the nearest point on the property line or the zone boundary to the specified concession.
 5. No person owning, operating or managing an adult concession or their employee or agent may invite, allow, or permit any person under the age of eighteen years to enter or remain on the premises of any concession.
 6. On the exterior of any concession there must be no window, marquee, or other display of any manner describing, identifying, depicting or portraying "specified anatomical areas", or "specified sexual activities" (see AMC 5.35.030 Definitions).
 7. Violation of the use provisions of this section is declared to be a public nuisance per se, which must be abated by a civil action only and not by criminal prosecution.
 8. Concession establishments may be identified with signs on the exterior of the establishment in accordance with AMC Chapter 19.67 Signs. All signs must comply with subsection (B)(6) hereof. No advertising, text, pictures or depictions may be permitted anywhere in the windows, on the site, sidewalk or street (A-board signs), store-front, marquee, or anywhere else other than on the approved signage. Terms such as "sale," etc., and other such advertising, as associated with mainstream advertising, may be accepted, subject to the interpretation of the planning director or her/his designee.
 9. There must be no more than one concession business operating in the same building, structure or portion thereof.
 10. 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.
 11. Parking requirements. For adult concession facilities constructed after the effective date of this ordinance all parking must be visible from the public right-of-way. For adult entertainment facilities located in buildings constructed prior to the effective date of this ordinance, all parking should be visible from the public right-of-way. In cases of adult concession facilities located in buildings constructed prior to the effective date of this ordinance where this is not feasible, access to the parking must be in as direct a route as possible from the public right-of-way and the parking area must remain free and clear of visual obstructions at all times. Access to the exterior rear of the building must be denied to any persons other than employees and public officials during the performance of their respective duties and tasks by means of a fence, wall or other device approved by the city building inspector. (17.46.110)
 12. Lighting requirements. All on-site parking areas and premises entries of adult concession facilities must be illuminated from dusk until one hour past closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot-candle of light on the parking surface and/or pathways. In addition, all on-site lighting, including signs, must comply with the shading and directional requirements of subsection (B)(12)(a) below. An

on-premises exterior lighting plan must be presented to the city building inspector for approval prior to the operation of any adult concession. (17.46.110)

a. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as not to be visible from any residentially zoned property.

13. Where lighted signs and illuminated areas are permitted, such illuminating devices must be shaded and directed so as not to be visible from any residentially zoned property. (17.46.110)

C. Shooting range, indoor.

1. Definition. An indoor facility designed and improved to encompass shooting stations or firing lines, target areas, and/or other related components.

19.44.100 - Recreation, outdoor.

A. Outdoor recreation use category.

Commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation category includes, but is not limited to:

1. Drive-in theater.
2. Camp, campground, travel trailer park, recreational vehicle park.
3. Extreme sports facility such as paintball, BMX or skateboarding.
4. Golf course.
5. Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.
6. Outdoor theater.
7. Outdoor sports or entertainment facility.
8. Riding stable.
9. Shooting range.
10. Racetrack.
11. Sports academy for active recreational or competitive sports.
12. Stadium, arena.

B. Outdoor recreation use standards.

A facility designed to accommodate 200 or more patrons at one time may only be allowed through securing a conditional use permit.

C. Campground.

1. Definition. An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

D. Golf course.

1. Definition. A facility providing a private or public golf recreation area designed for executive or regulation play along with accessory golf support facilities but excluding miniature golf.

E. Marinas and boat moorage.

1. Definition. A use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment. Marinas may include accessory retail uses that directly support water-dependent activities per the Shoreline Master Program.

F. Recreational vehicle park (RV park).

1. Definition. Land containing two or more campsites which are located, established, or maintained for occupancy by people in recreation vehicles or travel trailers which are used for recreation or vacation purposes.
2. Minimum standards. Recreational vehicle parks must meet the minimum standards of the Washington Department of Social and Health Services and the county health department.
3. Streets and recreational vehicle spaces.
 - a. 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:
 - i. Open spaces and landscaping;
 - ii. Drainage ways;
 - iii. Streets, alleys, sidewalks and other public ways;
 - iv. Water supplies;
 - v. Sanitary wastes;
 - vi. Parks and playgrounds;
 - vii. Other utilities.

All recreational vehicle spaces must be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads must be adapted to topography. Surfaces of roads must be smooth, hard, dense and well drained.

Exposed or disturbed ground surfaces in all parts of every recreational vehicle space must be covered with gravel or other material, or protected with a vegetative cover, to minimize erosion.

~~b. Intersections:~~

- ~~i. 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 interference with traffic movement.~~
- ~~ii. No more than two streets may intersect at one point.~~
- ~~iii. 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.~~
- ~~iv. 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.~~

- ~~v. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds of the individual roadways.~~
 - ~~e. 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.~~
 - ~~d. 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.~~
 - ~~i. A tree preservation plan must be provided when required by Chapter 16.50.~~
 - ~~e. Streets and roads must be arranged to discourage through traffic.~~
 - ~~f. Horizontal alignment of streets must ensure adequate sight distances. When street lines deflect more than five degrees, connection must be made by horizontal curves.~~
 - ~~g. 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.~~
4. Internal design.
- a. Recreational vehicle spaces must be arranged to facilitate placement and removal of vehicles from individual spaces.
 - b. Accessory facilities must be designed and located for safe and convenient use by occupants of the park, but so as to inhibit their use by non-occupants.
 - c. Recreational vehicle spaces must be separated from each other and from other structures to allow at least ten feet separation between parked vehicles and structures.
 - d. The density must not exceed twenty recreational vehicle spaces per acre of gross site area.
 - e. All recreational vehicle spaces should be located at least twenty-five feet from a public street or highway right-of-way and must be set back ten feet from interior roadways.
 - f. The director may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary lines separating the park from such uses.
 - g. At least one-twelfth of the area of the recreational vehicle park must be developed for a park, open space, or playground area for use of the RV park occupants. The area must be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and common facilities such as a laundry. ~~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.~~
5. Water supply. The city engineer must require that any water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes. The water supply system must meet standards published by the Insurance Services Office: Guide for Determination of Required Fire-Flow.

6. Sewage disposal. All sewage disposal systems must meet the minimum standards of the Washington State Department of Social and Health Services, the Washington State Department of Ecology, and the county health department. The means for sewage disposal must be subject to approval by the city engineer.
7. Solid waste. The recreational vehicle park developer must assure that provisions for collection and disposal of solid waste are available. The means for solid waste collection and disposal must be subject to approval by the city engineer.
8. Required facilities. All recreational vehicle parks having more than eight spaces must have approved facilities for laundry, showers, and restrooms for users of the park.
9. Retail sales. No retail sales uses ~~should be~~ allowed within the park unless a specific site for such use, ~~limited-intended~~ to ~~primarily serve~~ park users, is approved by the city council as part of the conditional use permit.
10. Ownership. In all cases ~~the entire area of an~~ RV parks must be maintained in single ownership, ~~and the property must not be subdivided or condominiumized.~~

G. Shooting range, outdoor.

1. Definition. An outdoor facility designed and improved to encompass shooting stations or firing lines, target areas, berms and baffles, and/or other related components.

19.44.110 - Restaurant/bar.

A. Restaurant/bar use category.

A facility that prepares and sells food and drink for on- or off-premise consumption. The restaurant/bar category includes, but is not limited to:

1. Bar, nightclub, tavern, lounge.
2. Eating establishment.
3. Food truck.

B. Standards for restaurants with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone except when such facilities are completely enclosed within a building.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Food truck.

1. Definition. A large wheeled vehicle from which food is sold that typically contains cooking facilities where the food is prepared
2. Standards.
 - a. During business operations food trucks must be located on private property (not in the right-of-way).
 - b. Food trucks may not install any seating permanently attached to the ground.
 - c. Food trucks must provide adequately sized and located waste collection during business operations.

~~**B. Restaurant sidewalk uses.**~~

1. ~~Restaurant sidewalk use permit.~~

- a. ~~Restaurant sidewalk use permits are conditional uses which shall be processed by the Director administrator, with appeal of decision to the city council.~~
- b. ~~The Director administrator is authorized and may issue restaurant sidewalk use permits in the central business and commercial districts upon application provided that:~~
 - i. ~~The use fulfills the conditions regulating such uses as set forth below; and~~
 - ii. ~~The Director administrator finds the request will not cause detrimental effects to the surrounding neighborhood.~~
- c. ~~Conditions Regulating Restaurant Sidewalk Use Permits:~~
 - i. ~~There shall be five feet of pedestrian passageway across the entire sidewalk use area.~~
 - ii. ~~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.~~
 - iii. ~~A sidewalk use business shall not use utilities except by conventional, permanent connections.~~
 - iv. ~~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.~~
 - v. ~~Clean-Up Requirements. Each sidewalk business must provide a sufficient litter receptacle for customer use, and must keep the area within a fifty-foot radius of any sidewalk business 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.~~
 - vi. ~~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.~~

1. ~~Procedure for sidewalk use permits.~~

- a. ~~Applications for restaurant sidewalk use permits may only be made by the adjacent property owner/lessor and shall be made to the Director administrator.~~
- b. ~~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.~~
- c. ~~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.~~
- d. ~~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.~~

~~e. 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.~~

~~f. The application fee shall be one-quarter of that set for home occupation permits.~~

~~3. Liability—sidewalk permits.~~

~~a. 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.~~

~~b. 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.~~

~~c. 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 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.~~

19.44.120 - Retail sales.

A. Retail use category.

Facilities involved in the sale, lease, or rental of new or used products. The permissions for retail sales uses in Table 19.41.050 are based on size (net leasable area), with thresholds of 5,000, 20,000, and 50,000 square feet. Retail sales includes, but is not limited to:

1. Facilities involving the sale, lease, or rental of new or used products including but not limited to appliances, art supplies, baked goods, bicycles, books, building supplies, cameras, carpet and floor coverings, crafts, clothing, computers, convenience goods, dry goods, electronic equipment, fabric, flowers, furniture, garden supplies, gifts or novelties, groceries, hardware, home improvement, household products, jewelry, medical supplies, music, musical instruments, office supplies, package shipping, pets, pet supplies, pharmaceuticals, photo finishing, picture frames, plants, printed materials, produce, seafood, souvenirs, sporting goods, stationery, tobacco, used or secondhand goods, vehicle parts and accessories, videos and related products.

2. Art gallery.

3. Check cashing, payday loan.

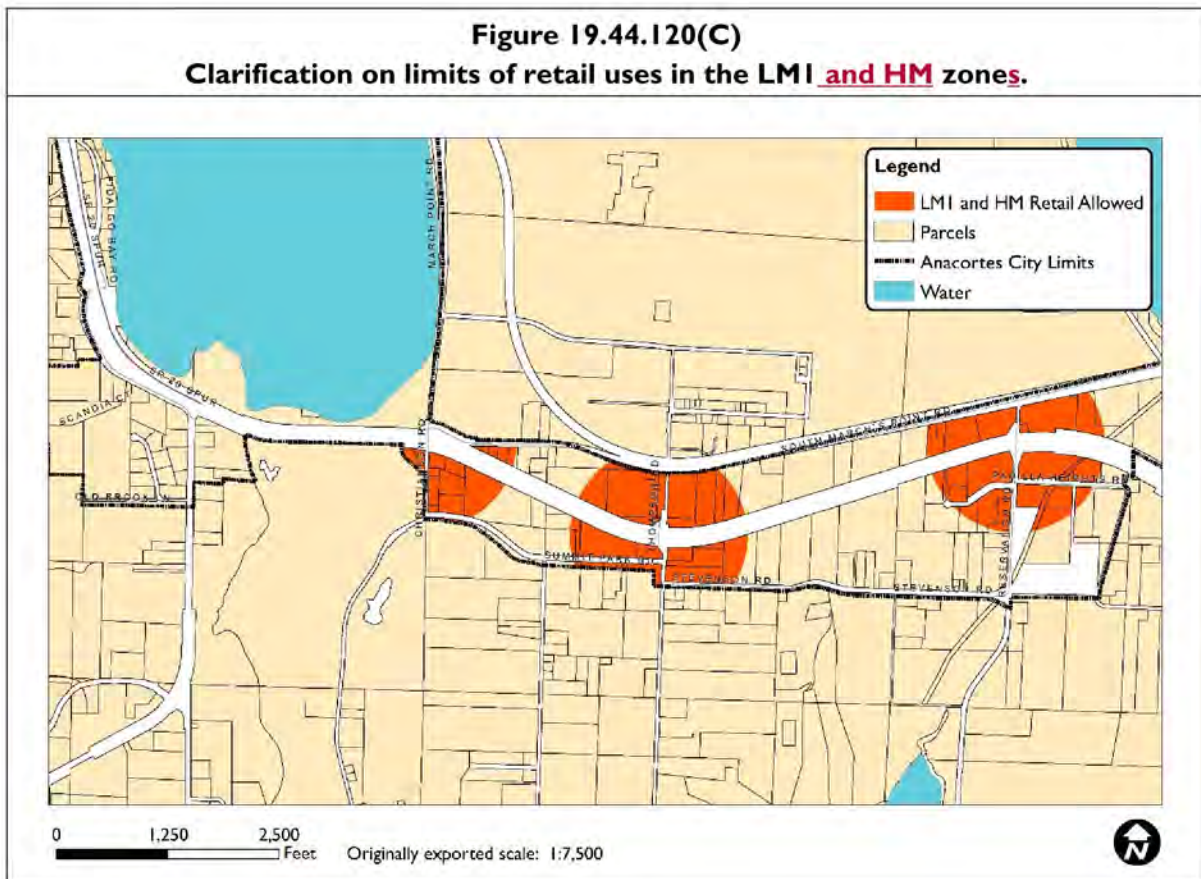
4. Pawnshop.

B. Standards for retail uses with drive-through facilities.

1. Drive-through facilities are prohibited in the CBD zone except when such facilities are completely enclosed within a building.
2. Drive-through facilities are subject to the site design standards in AMC 19.62.060.D.

C. Standards for retail sales uses in the LMI and HM zones.

1. In the LMI and HM zones the primary building entries of retail uses must be located within the lots or portions of lots illustrated in Figure 19.44.120(C). These areas are generally within 1,000 feet of the Highway 20 intersections with March Point Road, Thompson Road, and Reservation Road as measured in a straight line from the right-of-way centerlines and exclude lots with waterfronts.



D. Neighborhood grocery store.

1. Definition. A small retail establishment which primarily sells food, but also may sell other convenience and household goods and may include an area for dining such as a deli or coffee shop.
2. Standards.
 - a. Not to exceed 1,200 square feet of retail sales floor area and 3,200 square feet of gross floor area.
 - b. No such grocery uses must be allowed within one-quarter mile of an existing grocery store.

E. Heavy retail.

- I. Definition. Retail uses that have large exterior sales and/or storage areas, automobile fuel stations, truck stops, and warehousing in buildings no larger than 50,000 gross square feet in area. Large exterior sales and/or storage areas are those greater than 15,000 gross square feet or occupy an area larger than the size of the use's principal building. Example retail uses include agricultural supplies, plant and landscape design materials, building materials, manufactured homes, and heating fuels.

F. Marijuana retailers. (17.64.070 and 19.44.06)

- I. Definition. "Marijuana retailer" means a person licensed by the state liquor and cannabis board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

19.44.130 - Vehicle sales/rental.

A. Vehicle sales/rental use category.

This category includes, but is not limited to direct sales, rental or leasing of passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.

B. Vehicle sales/rental, enclosed.

- I. Definition. Vehicle sales/rental use that is conducted entirely indoors.

C. Marine sales/rental.

- I. Definition. An establishment where boats 16 feet or more in length are rented or sold. The sale or rental of smaller boats shall be a retail sales use.

Chapter 19.45 - INDUSTRIAL USES (NEW)

19.45.010 - Heavy industrial.

A. Heavy industrial use category:

Any facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, use of fire or explosives, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Such uses include, but are not limited to:

1. Petroleum and oil refineries and storage.
2. Chemical manufacturing.
3. Wood products manufacturing.
4. Food and beverage manufacturing.
5. Primary metal manufacturing.
6. Fabricated metal products and machinery.
7. Machinery manufacturing.
8. Transportation equipment manufacturing.

19.45.020 - Light industrial.

A. Light industrial use category.

Manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. The light industrial category includes, but is not limited to, the following uses.

1. Bottling.
2. Brewery (produce 15,000 or more U.S. beer barrels annually).
3. Bus or rail transit vehicle maintenance or storage facility.
4. Contractors storage including janitorial and building maintenance service, exterminator, or other maintenance yard or facility, building, heating, plumbing, landscaping or electrical contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site.
5. Food and beverage products except animal slaughter, stockyards.
6. Laundry, dry-cleaning, and carpet cleaning plants.
7. Leather and leather products except tanning and finishing.
8. Sheet metal, welding, machine, tool repair shop or studio.
9. Stone, clay, glass, and concrete products.
10. Woodworking, including cabinet makers and furniture manufacturing.

B. Marijuana processors. (17.64.070 and 19.44.060)

1. Definition. "Marijuana processor" means a person licensed by the state liquor and cannabis board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

19.45.030 - Light manufacturing.

A. Light manufacturing use category.

A facility conducting light manufacturing operations within a fully-enclosed building. The light manufacturing category includes, but is not limited to, the following uses:

1. Clothing, textile apparel manufacturing.
2. Facilities engaged in the assembly, design, repair or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to clocks, integrated microcircuits; jewelry, medical, musical instruments, photographic or optical instruments; and timing instruments.
3. Printing, publishing, and lithography.
4. Production of artwork and toys, graphic design sign-making, movie production facility, photo-finishing laboratory.
5. Repair of scientific or professional instruments and electric motors.

B. Artisan manufacturing.

1. Definition. Production of goods by the use of hand tools or small-scale, light mechanical equipment occurring within a fully-enclosed building where such production requires no outdoor operations or storage, and where the production, operations, and storage of materials related to production occupy no more than 3,500 square feet of net 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.

19.45.040 - Research and development.

A. Research and development use category.

A facility focused primarily on the research and development of new products. The research and development category includes, but is not limited to, the following uses.

1. Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private.
2. Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product.
3. Pilot plants used to test manufacturing processes planned for use in production elsewhere.

B. Research and development use standards.

Such uses in the C, CBD, and MMU zones must occur within a fully-enclosed building.

19.45.050 - Self-service storage.

A. Self-service storage category.

Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property. The self-service storage category includes, but is not limited to, the following uses.

1. Warehouse, self-service.
2. Fully enclosed indoor multi-story storage.
3. Mini-warehouse.

B. Self-service storage standards.

Uses in the C zone are limited to fully enclosed indoor facilities.

19.45.060 - Warehouse and distribution.

A. Warehouse and distribution category.

Facilities involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. The warehouse and distribution category includes, but is not limited to, the following uses.

1. Bulk storage, including nonflammable liquids, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store.
2. Distribution facility, central postal facility.
3. Parcel services.
4. Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred.
5. Trailer storage, drop off lot.
6. Truck or motor freight terminal, service facility.

19.45.070 - Waste-related service.

A. Waste-related service category.

Characterized by uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material. The waste-related service category includes, but is not limited to, the following uses.

1. Uses that receive solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.
2. Animal waste processing.
3. Landfill.
4. Manufacture and production of goods from composting organic material.
5. Outdoor storage of recyclable material.
6. Scrap materials (indoor storage).

7. Solid or liquid waste transfer station, waste incineration.

B. Recycling facility.

1. Definition. A building and/or site in which recoverable materials such as paper, plastic, glass, and metal are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in for shipment to market.

19.45.080 – Water-oriented industrial.

A. Water-oriented industrial use category.

Industrial type uses that are either water-dependent, water-related, or water-enjoyment use, or any combination thereof. The water-oriented industrial use category includes, but is not limited to:

1. Ship and boat building and repair.
2. Seafood processing.
3. Dry stack boat storage.
4. Maritime administration.
5. Piers, boat launch facilities, and wharfs.
6. Water-based shipping terminals.

B. Dry stack boat storage.

1. Definition. A facility for storing boats out of water. This is principally a land operation, where boats are dry stored or "stacked" until such time as they are transferred to the water for use. Structures must comply with form and intensity standards in AMC Chapter 19.42 for the applicable zoning district.

C. Boat lift.

1. Definition. A mechanical device that can hoist vessels out of the water for storage and place vessels into the water. These devices are usually located along a pier.

19.45.090 - Wholesale trade.

A. Wholesale trade category.

Facilities involved in the sale, lease, or rent of products to industrial, institutional or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer. The wholesale trade category includes, but is not limited to, the following uses:

1. Mail-order house.
3. Sale or rental of machinery, equipment, heavy equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.
4. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

Chapter 19.46 - PUBLIC, INSTITUTIONAL & OPEN USES (NEW)

19.46.010 - Agriculture.

A. Uses in the agriculture category include:

The raising and harvesting of trees, vines, seeds, plants and crops, as well as the keeping, grazing or feeding of animals (including fish) for animal products, animal propagation, or value increase. The agriculture category includes, but is not limited to:

1. Animal raising including horses, hogs, cows, sheep, goats, swine, poultry, rabbits and other small animals, apiculture, aquaculture, dairying, personal or commercial animal breeding and development.
2. Crop production, soil preparation, agricultural services, large animal and veterinary services, farm labor and management services, research farm.
3. Floriculture, horticulture, pasturage, row and field crops, viticulture, tree or sod farm, silviculture, sale of agriculture products.
4. Fish hatcheries, fish farm.
5. Forestry, timber tracts, forest nursery, gathering of forest products.
6. Grain, fruit, field crop and vegetable cultivation and storage.
7. Livestock, horse, dairy, poultry and egg products.
8. Plant nursery.
9. Restricted agriculture.

B. R-I zone standards.

Pasture space for livestock must be provided at a minimum of 18,000 square feet per animal.

C. Aquaculture.

1. Definition. The breeding, hatching, or raising, and breeding of fish or other aquatic plants or animals for sale.

D. Marijuana producers. (17.64.070 and 19.44.060)

1. Definition. "Marijuana producer" means a person licensed by the state liquor and cannabis board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
2. Standards. No odor or smoke may be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonable infringe upon the use an enjoyment of neighboring use. The applicant must install an exhaust system that is designed and constructed to capture sources and contaminants to prevent spreading of contaminants or odors to other occupied pars of the building or surrounding are. The system must be designed by a licensed Washington State professional engineer.

E. Nursery.

1. Definition. Land, building, structure, or combination thereof, for the storage, cultivation, or transplanting of live trees, shrubs, or plants, offered for sale on or off the premises including products used for gardening or landscaping.

F. Restricted agriculture.

1. Definition. The raising and harvesting of tree crops (excluding forestry), vine crops and horticultural specialties not requiring intense cultivation. The keeping or grazing of animals for animal products, animal propagation or value increase is not included in this definition.

19.46.020 - Civic.

A. Uses in the civic category include:

Places of public assembly that provide ongoing public, educational and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following uses.

1. Cemetery.
2. College, community college, and university.
3. Community/recreation center.
4. Civic club.
5. Library.
6. Museum.
7. Religious institution.
8. School, public or private (K-12).

NOTE TO REVIEWERS: This category does not include:

- Government offices – which fall under Office use
- Public safety facilities – which fall under General service use
- Municipal service facilities - which fall under General service use

B. Civic use standards.

The permissions for civic uses in Tables 19.41.040 and 19.41.050 are based on size (gross floor area), with thresholds of 10,000 and 20,000 square feet provided they meet the following standards:

1. Site planning. Civic uses are subject to site planning standards in AMC Chapter 19.62.
2. Building design. Civic uses are subject to building design standards in AMC Chapter 19.63. Departures to the building massing standards and other applicable standards as set forth in the chapter will be considered per AMC 19.20.250, provided alternatives design treatments meet the intent of the standards. The director may exempt buildings not visible from the street.
3. Parking. The use must comply with civic parking regulations set forth in AMC 19.64.040 and other applicable parking regulations in AMC Chapter 19.64, except that in no event may parking be in excess of one space per three seats in a residential zone.
4. A traffic mitigation plan must be submitted for approval by the City. The plan must address traffic control, parking management (including the mitigation of overflow parking into adjoining residential areas), and traffic movement to the arterial street system. In addition to on-site parking requirements, parking in excess of the maximum may be permitted on existing off-site satellite parking lots, subject to City approval of a joint use agreement. Off-site parking in residential zones must be limited to lots shared with existing institutional uses, such as schools.

5. The storage of buses or vans over 10,000 pounds gross weight is permitted on-site only if following conditions are met:
 - a. The location of the parking areas for these vehicles is indicated on the site plan at the time of application.
 - b. Vehicles must be leased or owned by the owner or tenant of the site, must be in operable condition, and must have a current vehicle registration.
 - c. Vehicles must not intrude into public right-of-way or obstruct sight visibility from any driveway.
6. Landscaping. The use must comply with landscaping standards set forth in AMC Chapter 19.65.
7. Fences, walls, and hedges on-site must comply with AMC Chapter 19.66.
8. Signs associated with the use must comply with AMC Chapter 19.67.

C. Cemetery/columbarium.

1. Defined. A facility used for the permanent interment of humans or animals or their cremated remains. Includes mausoleum, columbarium, memorial, and pet cemetery.

D. College, community college, or university.

1. Defined. A private or public educational institution where students attend to earn associates, baccalaureate, masters or doctoral degrees. A college/university shall not be considered a trade or vocational school.
2. Use standards.
 - a. Any school that has greater than 100 students must have access onto a collector or arterial street.
 - b. Such uses are subject to civic use standards in subsection (B) above.

E. Community center.

1. Definition. A building or other enclosed structure open to the general public that is owned and operated by a public agency, or a nonprofit organization, and that is used predominantly for cultural, educational, recreational, or social purposes. Not included in the category of community center are those businesses and occupations defined by this title as a medical use, personal service, general service, office, religious institution, school, private club or fraternal organization.

F. Private recreational, social and/or cultural clubs.

1. Definition. A range of membership only clubs, including, but not limited to tennis clubs, yacht clubs, swimming clubs, social, and/or cultural clubs. This definition excludes health clubs.
2. Standards.
 - a. Such uses are subject to civic use standards in subsection (B) above.
 - b. In the CM-2 zone, only yacht clubs are allowed.

G. Religious institution.

1. Definition. 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.

H. School, public or private (K-12).

1. Definition. An institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code. This definition includes an elementary school, middle or junior high school, or high school. If said school is located on the grounds of a church or house of worship, it shall be considered a separate principal use if it has a student body in excess of 50 students. Students enrolled in a day care center at the church shall not be separately counted as school.
2. Use standards.
 - a. Any school that has greater than 100 students must have access onto a collector or arterial street.
 - b. Pedestrian connectivity to the surrounding residential areas is required, where feasible. This includes pathways connecting to surrounding streets.
 - c. Accessory daycares associated with any school must occupy no more than 50 percent of the school structure(s).
 - d. Schools are subject to civic use standards in subsection (B) above.

19.46.030 - Parks, open space, and natural areas.

A. Parks, open space, and natural areas category.

Uses focusing on natural areas consisting mostly of passive or active outdoor recreation areas and having few structures. The parks, open space and natural area category includes, but is not limited to, the following uses.

1. Botanical garden, nature preserve, community forest lands and recreational trails.
2. Game preserve, wildlife management area, refuge, ~~animal sanctuary~~.
3. Park, including recreation field.
4. Reservoir, control structure, water supply, water well.
5. Plazas.

B. Parks and plazas.

1. Definitions.
 - a. Park. Land owned by the city or other public entity and open to public use for purposes of pleasure, relaxation, exercise and amusement.
 - b. Plaza. A publicly accessible open space usually surrounded by buildings and/or streets where people can gather. Plazas typically include walking surfaces, seating areas and some landscaped elements.

19.46.040 - Utilities.

A. Utilities, local category.

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

1. On-site stormwater retention or detention facility.
2. Neighborhood-serving cable, telephone, gas or electric facility.
3. Sustainable energy system.
4. Water and wastewater pump station or lift station.
5. Electrical substation.
6. Utility service.

B. Utilities, regional category.

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

1. Aeration facility, artesian well.
2. Electric or gas generation plant.
3. Telecommunication tower.
4. Water or sanitary sewer treatment plant.

19.46.050 - Wireless telecommunications towers and antennas. (17.63)

Reserved.

Chapter 19.47 - ACCESSORY USES & STRUCTURES (17.48)

19.47.010 - Generally.

- A. Accessory uses and structures are permitted in conjunction with allowed principal uses. Allowed accessory uses and structures include those listed in this chapter and additional accessory uses and structures that, as interpreted by the director, meet the following:
 - 1. Are clearly incidental to and customarily found in connection with an allowed principal building or use.
 - 2. Are subordinate to and serving an allowed principal building or use.
 - 3. Are subordinate in area, extent and purpose to the principal building or use served.
 - 4. Contribute to the comfort, convenience or needs of occupants, business or industry in the principal building or use served.
 - 5. Are located on the same lot as the principal building or use served.
- B. No accessory use or structure may be established on a lot prior to the establishment of a permitted principal use.

19.47.020 - Accessory structures. (17.48.010)

A. Defined. A subordinate structure or building, the use of which is incidental and related to that of the main building or use on the same lot.

B. Accessory structure standards.

- 1. Construction timing: Accessory ~~buildings-structures~~ must not be constructed prior to the commencement of construction of the ~~main-principalmay~~ building.
- 2. Form and intensity standards:
 - b. Height limit: Accessory ~~buildings-structures~~ must not exceed one story or 16 feet in height, ~~as measured in AMC 19.42.130, measured from the average grade under the building.~~ Accessory structures which include an accessory dwelling unit are subject to the height limits in AMC 19.47.030 Accessory dwelling unit (ADU). Tent structures in the I, MS, LM, LMI, CM, CMI, CM2, HM, and AZ zones may exceed 16 feet in height, but must comply with height restrictions of the zone.
 - c. Size limit: Accessory buildings in all residential zones, except RI must not exceed 1,000 square feet in size ~~per building~~ (except when the building includes an accessory dwelling unit).
 - d. Setback requirements for all accessory structures are established in Tables 19.42.020-030, except:
 - i. Interior side setbacks for accessory structures are three feet minimum where structures are no larger than 144 square feet and 12 feet in height and five feet for other accessory structures.
 - ii. Rear setbacks adjacent to a platted alleys:

(A) Zerothree feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of ten feet from the alley property line to allow adequate turning distance for vehicles.

(B) Detached accessory dwelling units (whether they are attached to a garage or free-standing) are subject to the setback standards in AMC 19.47.030.

e. Accessory structures associated with single family dwellings, duplexes, and triplexes must be located to ensure that the minimum usable open space standards of AMC 19.43.010.C.5 are met.

~~D. Uses and buildings customarily accessory to the established principal use must be allowed in all cases unless specifically prohibited or restricted. For the purposes of this section, accessory structures do not include accessory dwelling units (see AMC 19.47.030 Accessory dwelling unit (ADU)). Accessory buildings are subject to all applicable zoning code requirements for the zone in which they are located, including lot coverage limitations and setbacks.~~

3. Tent structures are considered accessory buildings, and may be located within side and rear yard setbacks, but not in a ~~street or side street setback~~ 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.

4. Outside storage of non-operating vehicles for longer than 180 days is prohibited in all residential areas.

~~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.~~

5. 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.

~~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.~~

~~I. 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 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 construction 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.~~

6. Accessory buildings over 120-144 square feet in residential zones may not be corrugated metal sided.

19.47.030 - Accessory dwelling unit (ADU). (19.44.020)

A. Purpose. The purpose of an accessory dwelling unit is to:

1. Add affordable units to existing housing and make housing units available to moderate-income people who might otherwise have difficulty finding homes within the city.
2. Promote the development of additional housing options in single-family residential neighborhoods that are appropriate for people at a variety of stages of their lives.
3. Provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal residence, rental income, companionship, or security.
4. Protect neighborhood stability, property values, and the character of the neighborhood.

~~B. Applicability. This section applies to accessory dwelling units.~~

~~C. Accessory dwelling units may be approved in the R-1, R-2, R-3, R-4, R-4A, and R-4 zones.~~

B. Standards and criteria.

1. When and where permitted: An ADU may be established only on a single-family lot and may be created by any one or combination of the following methods:
 - a. Alteration of interior space of ~~the an existing~~ residence.
 - b. Conversion of an attic, basement, attached or detached garage, or other portion of a residence.
 - c. Addition of a attached living area enclosed within the principal building, onto an existing residence or accessory structure.
 - d. Construction of a detached living area.
 - e. Associated with the New construction of a new single family dwelling (where permitted).
2. Number: Each single-family residential unit may have only one ADU, and these two units may not be condominiumized.
3. Occupancy: 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.

~~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."~~

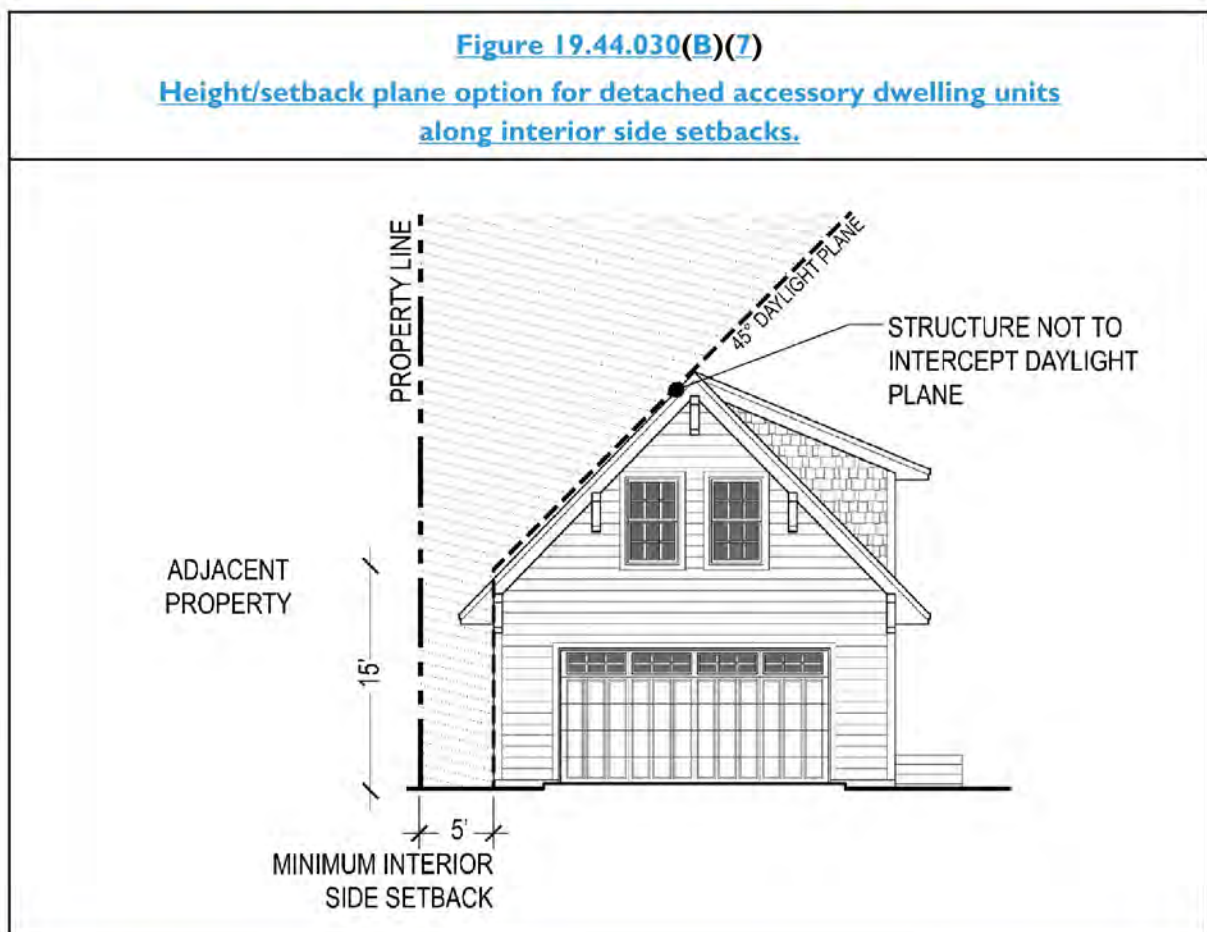
4. Maximum size: The habitable floor area of the ADU may not exceed 900 square feet.

5. Maximum height:

a. ADUs enclosed within the principal building are subject to the height limits for the applicable zone in Tables 19.42.020-030.

b. Height limits for detached ADUs are 20 feet [or less when necessary to comply with the height/setback plane set forth in subsection (B)(7) below].

6. Minimum setbacks and siting requirements: ADUs enclosed within the principal building are subject to the setback requirements for the applicable zone. Standards for detached ADUs (whether or not they are attached to a garage) are subject to the following setback requirements:
- a. Minimum interior side setback: Five feet.
 - b. Minimum rear setback (to alley property line): Zero feet, except where garage doors or a carport faces the alley, the structure must be set back a minimum of ten feet from the alley property line to allow adequate turning distance for vehicles.
 - c. Detached ADUs must be located to ensure that the minimum usable open space standards of AMC 19.43.010.C.5 are met.
7. Height/setback plane option: As an alternative to the interior side setback for the second floor, the following height/setback plane design option may be used. From a height of 15 feet at a five-foot minimum interior side setback, 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.



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 kitchen, and separate exterior access.

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 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 principal residence, except when such entrance is not visible from the street, as determined by the director.~~

19.47.150 - Home occupations. (19.44.055)

- A. Purpose. The purpose of a home occupation is to allow certain activities to be undertaken for gain or profit within a dwelling, or a building accessory to a dwelling, in any zone in which dwellings are present, while maintaining the residential character of the property and avoiding detrimental effects to the surrounding neighborhood.
- B. Applicability. This section applies to all home occupations except a home office or home telephone or internet sales, or similar use, with no customer or employee visits to the site.
- C. Requirements.
 1. The occupation must not create any noise, dust, glare, vibration, odor, hazardous waste, smoke, electrical interference, or other adverse impact to the surrounding residential area.
 2. The principal use of the premises must be residential and at no time may the home occupation exceed 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 an allowed sign [see AMC 19.67.070(A) Residential zones].
 4. No person other than members of the family residing on the premises may be engaged in such occupation.
 5. If the occupation requires that customers or clients visit the premises, adequate off-street parking must be a condition of the permit, and traffic generated by the business may not exceed that which might reasonably be generated by residential use of the premises.
 6. A home occupation permit may not be transferred to another person.
 7. All regular business license requirements must be met.
 8. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.
- D. Any expansion or change of the nature of the home occupation that does not qualify for a minor permit revision requires a new permit.

Chapter 19.48 - TEMPORARY USES (NEW)

19.48.010 - Applicability.

The temporary use standards herein are intended to allow for the short-term placement of activities, many of which would be not allowed on a permanent basis. The following regulations govern temporary uses.

19.48.020 - Temporary use permit required standards.

The following temporary uses are allowed subject to approval of a temporary use permit issued in accordance with Type I review procedures per AMC Chapter 19.20.

A. Temporary event/uses.

1. A temporary event lasting one day is permitted without complying with the conditions below, provided that no more than four temporary events in any one calendar year are permitted on that premise.
2. All temporary events lasting more than one day on any premise in any one calendar year must meet all of the following:
 - a. No premise may be the site of a temporary event exceeding a collective total of 20 days, or three individual weekends, or both within any one calendar year. In this context, a weekend constitutes three consecutive days.
 - b. Signs associated with a permitted temporary event must be a maximum size of 64 square feet in area allocated to no more than five signs.
 - c. All outdoor activities must be discontinued by 11 PM when located closer than 500 feet to a residential use.
 - d. No unauthorized encroachments on public rights-of-way are allowed.
 - e. The temporary event must comply with all applicable environmental regulations in AMC Division 7.
 - f. Separation requirement: Except for yard sales and Christmas tree sales, no temporary use may be located closer than 100 feet to a dwelling unit unless the owners of such properties provide written consent of the temporary use to the director.
 - g. Plans for security and safety must be provided for civic/cultural events.
 - h. The sponsor, owner, or manager of any temporary use must be responsible for ensuring that the site remains free of debris or waste upon the conclusion of each day's sale or use.
 - i. No more than one temporary use may be permitted per lot at any given time.
 - j. Unless otherwise specified, upon expiration of a temporary use, the site must return to its original state within seven days.
 - k. The following subsections list the types of permitted temporary uses and associated standards. Items not listed must be deemed to be not permitted unless the director determines that the proposed use or function is materially similar to one shown in the table.

B. Produce stand.

1. Definition. A temporary structure limited to the display and sales of seasonal produce or handicrafts or other seasonal products
2. Standards.
 - a. A produce stand use is limited to 120 days.
 - b. A produce stand must be located outside of the right-of-way and at least ten feet from the edge of the paved roadway or, if a paved sidewalk exists, at least five feet from the edge of the sidewalk.
 - c. A produce stand must not be located closer than ten feet to any side lot line and 20 feet to any side lot line which is in or abuts a residential zone, unless a greater setback is required for the zone in which it is located.
 - d. During the times of the year in which the produce stand is not in operation, the stand and any structure associated with it must not be visible from any public road, unless it meets the location and dimensional standards for an accessory structure.

C. Cargo containers. (17.48.010)

1. Definition. A standardized, reusable vessel that was originally, specifically or formerly designed for use in packing, shipping, movement or transportation of freight, articles, goods or commodities and/or capable of being mounted or moved on a railcar or on a chassis for movement by truck trailer or loaded on a ship.
2. Standards.
 - a. Cargo containers are prohibited in all residential zones, except that temporary containers for the purpose of moving may be permitted for a period not to exceed 30 days in any 12-month period and temporary cargo containers used at constructions sites not to exceed the completion of the construction project.
 - b. Cargo containers must not be placed on developed streets and alleys.

D. Recreational vehicles (RV).

1. Definition. A vehicle built on a chassis and propelled by its own engine, or a trailer or "fifth wheel" designed to be towed, and may have cooking, bathing, and toilet facilities to be used as a temporary dwelling for travel and recreational purposes. A pickup truck with a simple canopy or a passenger van must not be considered an RV.
2. Standards. (17.64.030 and 17.46.010.K)
 - a. Recreational vehicles up to 32 feet in length may be placed on a single-family residence construction site during actual construction of a single-family residence at that location for a maximum period of one year during construction. Such trailer may be used only as a residence for the owner/builder and must be self-contained or connected to city water and sewer and must meet all other applicable health and safety standards.
 - b. An RV may not be used as a temporary or permanent place of residence within the city limits of Anacortes, unless:
 - i. Parked within a RV park, manufactured home park, or a manufactured home subdivision.
 - ii. Specifically authorized by the city council. If the city council authorizes such a temporary use, the duration of the authorization shall be specified, and the temporary residence shall be removed promptly at the end of that time.

- iii. A guest(s) of a permanent resident may occupy a recreational vehicle parked on private property for a period not exceeding three weeks in a one-year period for any individual guest, nor nine weeks in a one-year period for all such RV occupancy on a property; the guest RV may be parked in a street setback in a driveway, or in a side or rear setback, for the legal duration of the guest's stay. An unoccupied recreational vehicle may be parked on private property in a side or rear yard, but not in a street setback (whether or not it is in a driveway), except for the limited guest period defined herein. RV's parked on streets, alleys, or undeveloped street right-of-way must be subject to the city's general parking regulations and enforcement.

Chapter 19.49 - NONCONFORMING USES 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.

19.49.020 - General rule.

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

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

- A. Nonconforming Uses. No nonconforming use may be permitted to be enlarged, altered, or expanded, except that a nonconforming use may be extended throughout any part of the building which was designed for its use prior to the time of the adoption of this chapter. This extension is allowed; provided, that no structural alterations, except those required by law, are made therein, and that no expansion of the structure or parking requirements occurs.
- B. No nonconforming use may be allowed to be reestablished after abandonment. Thereafter, the use of the building, structure or site must be in conformity with the regulations for the zone in which it is located.
- C. A nonconforming use may not hereafter be changed to any other nonconforming use, regardless of the conforming or nonconforming status of the building in which it is housed.

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

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

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~~zone in which it is located. The mere presence of a structure, equipment, or material will not be deemed to constitute a continuance of a nonconforming use unless the structure, equipment, or material are actually being occupied or employed in maintaining such use.
- C. Procedure for Verifying Abandonment. When the department obtains information indicating that a nonconforming use, building or structure has or may have been abandoned, the department must send a letter by certified mail return receipt requested to the property owner requesting confirmation of either abandonment or non-abandonment. Documentation that the nonconforming use, structure, or building has been occupied, used, or maintained within the last year will be required. After notification, if the owner fails to respond to the request within sixty days, the building, structure, or use will be deemed abandoned. If the owner replies that the building, structure, or use is not abandoned, the ~~department~~director may initiate a Level 2 review to determine if the abandonment has occurred.

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Chapter 19.50 - INTRODUCTION

19.50.010 - Purpose. (NEW)

This division was authorized by the city council as a major implementation tool of Anacortes's comprehensive plan. Overall, this division intends to:

- A. Provide clear objectives for those embarking on the planning and design of development projects in Anacortes.
- B. Preserve and protect the public health, safety, and welfare of the citizens of Anacortes.
- C. Promote and accomplish the goals, policies, and objectives of the Anacortes comprehensive plan.
- D. Upgrade the character and visual appearance of Anacortes.
- E. Promote increased pedestrian and bicycling use throughout the city.

19.50.020 - Applicability. (NEW)

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 19.24.120).

19.50.030 - Relationship to other street design plans and standards. (NEW)

The provisions herein supplement the road standards set forth in AMC Chapter 16.32 and the most recent version of the Anacortes Engineering Design Standards. Where there is a conflict between the provisions of this division and other codes, the _____ provisions herein apply.

Chapter 19.51 – PUBLIC STREET IMPROVEMENTS REQUIRED (NEW)

19.51.010 Purpose

19.51.020 Applicability

19.51.030 Minimum street improvement requirements

19.51.040 Extent of required improvements

19.51.050 Dedication of right-of-way

19.51.060 Modifications, deferments, waivers, and construction in lieu

19.51.070 Timing of improvements and bonding

19.51.010 - Purpose.

- A. Establish the City's authority to require applicants for certain development permits to construct or make provisions for reasonable public street improvements.
- B. Establish criteria to be used to determine the nature, extent, and location of required street improvements.
- C. Promote safe and efficient access to property.

19.51.020 – Applicability.

Construction or provision of public right-of-way improvements consistent with the requirements in this chapter and AMC Chapter 19.52 Public Street Design is required as condition of approval of the following development activities:

- A. Subdivisions, short subdivisions, and binding site plans.
- B. Alteration of, or addition to, a single family residence when the estimated value of the proposed structural improvements exceeds 50 percent of the Skagit County Assessor's value of the existing structure(s) on the subject property within a 12-month period.
- C. Alteration of, or addition to, a commercial, industrial, or multi-family **development** when the estimated value of the proposed improvements exceeds 25 percent of the Skagit County Assessor's value of the existing structure(s) on the subject property, within a 12-month period. **Exception: Tenant improvements to existing buildings (no new increase in building floor area) are exempt from the public right-of-way improvements set forth in this chapter.**

NOTE TO REVIEWERS – we've discussed internally whether some larger scale remodels to larger scale buildings might be subject to applicable streetscape improvements – but for now, we're sticking with yellow highlighted language above.

- D. Creation of any additional dwelling units, except for accessory dwelling units, or new non-residential or mixed-use development.**
- E. A change of use to a more intensive use of property that will result in increased impact to the transportation system, based on the Trip Generation Manual published by the Institute of Transportation Engineers (ITE) for the land use, or other source approved by the City.
- F. A new access point to a public street will be created.

19.51.030 – Minimum street improvement requirements.

Typical required improvements for right-of-way (ROW). The public works director or designee must determine required improvements based on the standards and criteria in this chapter, and the Anacortes Engineering Design Standards. Required improvements must be located within the public ROW and/or the block frontage. Typical required public improvements include the following:

- A. Paved roadway.
- B. Street lighting.
- C. Sidewalks or other pedestrian facilities.
- D. Curb and gutter.
- E. Utilities including storm drainage, wastewater, domestic water and fire systems.
- F. Street landscaping and appurtenances.
- G. Traffic control and other safety devices including, but not limited to, provisions for channelization, pavement markings, signage, pedestrian safety, and traffic calming where such improvements are only necessary or practical to provide on the same side of the street as the subject property.
- H. Dedication of public right-of-way.
- I. Power and telecommunications conduit for new and existing utilities.

19.51.040 - Extent of required improvements.

Extent of required improvements. This section identifies where improvements must be installed along the property frontage and when they must be extended past the property to ensure a smooth transition to adjacent improvements.

~~A. Property frontage. Property frontage includes the extent of the property as projected to the right-of-way. Street frontage is the boundary or boundaries of a property which abuts a public 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 street frontage.
- 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 lot frontage.
- C. 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 lot frontage improvements to the existing improved street.
- D. 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.
- E. Existing alleys. The following improvements are required when right-of-way for an alley exists adjacent to a site.
 - I. For commercial, industrial, office, or multifamily projects, the applicant must improve the alley abutting the subject property and extend the improvements to an existing improved public street.

~~2. For 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.~~

2. For all types of development permits, the public works director must determine the extent and nature of improvements required in alleys on a case by case basis. Typical improvements include, but are not limited to, any of the following depending on the type of development proposed:
 - a. Replacement of the alley driveway apron and curb.
 - b. Installation of storm drainage and other utilities.
 - c. Paving and repair of existing paving.
 - d. Installation of crushed rock in gravel alleys.
- F. Transition to existing improvements. If improvements required by this chapter will connect with improvements in the same ROW that do not conform to this chapter, the following applies:
 1. If the improvements will connect with existing improvements of a greater dimension, the improvement must be built at the greater dimension unless the public works director determines that the dimensions of the existing improvement will be decreased in the future.
 2. If the improvement will connect with existing improvements of a lesser dimension, the following applies, as determined by the public works director:
 - a. If the dimensions of the existing improvements will not be increased in the future, the new improvement must be permanently flared or tapered to match the existing improvements.
 - b. If the dimensions of the existing improvements will be increased in the future, the required improvements must be installed in the full length of the right-of-way abutting the subject property with temporary flaring or tapering on the existing improvements.
- G. Replacement of damaged, substandard or nonconforming existing improvements. For properties that have existing improvements within the adjacent public right-of-way, the applicant must remove and replace any damaged, substandard, or nonconforming improvements in conjunction with development of the property. Replacement includes, but is not limited to, cracked curb, gutter, landscape strip, sidewalk, storm drainage infrastructure, barrier-free ramps at street intersections, nonconforming driveway accesses, and installation of street trees.
- H. Relocation of existing franchise utilities. Franchise utilities must be relocated as required, including relocation underground, to accommodate necessary improvements.

19.51.050 – Dedication of right-of-way.

- A. Existing ROW.** If an existing right-of-way abutting the subject property is not wide enough to contain the required improvements, the applicant must dedicate as right-of-way a strip of land adjacent to the existing right-of-way wide enough to encompass the required improvements.
- B. New ROW.** The public works director may require the applicant to make land available, by dedication, for new right-of-way and utility infrastructure if it is reasonably necessary as a result of the proposed development activity.

19.51.060 – Modifications, deferments, waivers, and construction-in-lieu.

- A. General.** The provisions of this section establish under what circumstances the requirements of this chapter may be modified, deferred, waived, or provided for with a sidewalk construction-in-lieu.

- B. Review process.**

- 1. A request for a modification, deferment, waiver, or sidewalk construction-in-lieu must be considered as part of the applicable review process for the underlying development permit application as outlined in AMC Table 19.20.030(1).
 - 2. A modification, deferment, waiver, or sidewalk construction-in-lieu request that is approved under subsection (B)(1) of this section is binding on the City for all subsequent development permits issued for the development within five years of granting of the request.
 - 3. If subsection (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.**

A modification to the nature or extent of any required improvement may be granted for any of the following reasons:

- 1. The improvement as required would not match the existing improvements.
 - 2. Unusual topographic or physical conditions preclude the construction of the improvements as required.
 - 3. Other unusual circumstances preclude the construction of the improvements as required.
 - 4. The applicant proposes special amenities such as wider planter strips, wider sidewalks, and/or curb gutter bump-ins to save significant trees or other natural features, or stormwater infrastructure that exceeds minimum standards.
 - 5. A modified standard for a particular street or neighborhood has been approved by City Council (see the 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 six-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, at a future date, improvements from the center line of the ROW to the property line.
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.
5. Construction or alteration of a single-family dwelling unit on an existing lot greater than one acre (net) in size where there are no frontage improvements meeting city standards within 200 feet of the lot, or identified through approved plats, and potential exists for future development of the lot.

E. Waiver.

A waiver to the requirement to install all or a portion of the required improvements may be granted for any of the following reasons:

1. The installation of the improvements will cause a safety hazard or an environmental impact that cannot be mitigated; or
2. The current level and extent of the improvements in the ROW adjacent to the subject property are not likely to be changed in the future.
3. The cost of street improvements required under 19.51.030(A)(3) would exceed 20 percent of the value of cumulative building alterations or additions in any five year period.
 - a. 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.
 - b. An in-lieu fee of up to 20 percent of the cost of street improvements must be paid to the City in lieu of constructing required improvements.

F. Sidewalk construction-in-lieu program.

1. This subsection establishes circumstances in which the applicant may propose an off-site sidewalk construction-in-lieu of installing on-site street improvements in the ROW abutting the subject property. ~~The City 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 off-site sidewalk construction-in-lieu of installing on-site sidewalks in any of the following circumstances:
 - a. The installation of the required improvement would require substantial on-site roadway modifications.
 - b. The public works director determines that installation of the required improvement would result in a safety hazard.
 - c. Other unusual circumstances preclude the construction of the improvements as required.

- d. The improvements would not be extended past the property in the future, due to adjacency of critical areas, Anacortes Community Forest Lands, ~~etc.~~or similar attribute or land designation.
 2. In each instance where the City approves a proposed sidewalk construction-in-lieu under the provisions of this section, the value of the sidewalk construction-in-lieu must be no less than the then-estimated cost of constructing the street improvements that would otherwise be required under this chapter, based on information compiled and kept current by the public works department on the cost of street improvement construction.
 3. After the value of the improvements has been determined, the public works director must determine the location of the off-site improvements. The improvements must be located within the neighborhood of the subject development and directed toward sidewalks or other similar public infrastructure improvements.
 4. In each instance where the City accepts a sidewalk construction-in-lieu of installing sidewalk, the subject property will not be subject to participation in future sidewalk improvement costs (along the property frontage) unless redevelopment occurs to a more intense land use than what was occurring on the property at the time of the sidewalk construction-in-lieu payment.
- G. Multiple adjacent rights-of-way.** When the subject property is adjacent to two or more rights-of-way, modifications, deferments, waivers, or sidewalk construction-in-lieu may be considered separately for each right-of-way. The highest level of improvement required must be constructed around the angle formed by the intersecting streets.

19.51.070 – Timing of improvements and bonding.

NOTE – PLACEHOLDER.

Chapter 19.52 - PUBLIC STREET DESIGN (NEW)

Sections:

- 19.52.010 - Purpose
- 19.52.020 - Applicability.
- 19.52.030 - City street classification system.
- 19.52.040 - Street geometric design and streetscape.
- 19.52.050 - Dead end streets and cul-de-sacs.
- 19.52.060 - Street intersections.
- 19.52.070 - Pavement design.
- 19.52.080 - Street names and signage.
- 19.52.090 - Street lights.
- 19.52.100 - Street monuments.

19.52.010 – Purpose.

- A. Provide economy of land use, construction, and maintenance.
- B. Promote integration of low impact development techniques to reduce impervious surfaces, stormwater runoff, and protect water quality.

19.52.020 – Applicability.

This chapter applies to the construction or provision of public right-of-way improvements per AMC Chapter 19.51.

19.52.030 – City street classification system.

A. Functional Classification. The Transportation Element of the Anacortes Comprehensive Plan designates public right-of-way and streets based on their functional classification and must be consulted to determine which standards in this chapter apply. The following roadway classification types are designated:

1. Principal arterials. Streets that have a primary function of carrying traffic to and from major traffic generators and provide major connections to the regional arterial system.
2. Minor arterials. Streets that provide movement of through traffic, must also provide considerably more access for local traffic that originates or is designed to commercial, retail, or activity centers along a corridor.
3. Collectors. Streets that assemble and concentrate residential traffic and direct it toward the higher order arterial system.
4. High volume Residential-local streets. Streets that primarily serve residential neighborhoods and some commercial uses and generally connect to collectors or minor arterials.
5. Low volume residential-local streets. Low volume streets that serve residential neighborhoods with no direct connections to collectors or arterials.

B. Unclassified and new streets. Classification of new streets or existing streets not already identified or classified on the Roadway Functional Classification map, for the purpose of determining

the appropriate design of a roadway or development, or for the purpose of determining the appropriateness of a location for a proposed use, must be done by the public works director.

- I. Factors to be considered in determining a street's classification include the following existing or proposed features:
 - a. Facility geometrics, including the number and width of traffic lanes, turning lanes, and parking lanes.
 - b. Access conditions, including any restrictions on access, the spacing of private accesses, and average lot frontages.
 - c. Traffic characteristics, including average daily traffic, percentage of trucks, average operating speed, percentage of turning movements, origin-destination characteristics of the traffic, and peak-hour characteristics of traffic.
 - d. Adjacent land uses.

19.52.040 – Street geometric design and streetscape. (16.32 + New)

- A. 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.
- B. Modified Standard.** In cases where a modified standard for a particular street or neighborhood has been approved by City Council per AMC 19.51.060(C)(5), that standard will govern the improvements required for the right-of-way.

C. Interpretation of Table 19.52.040.

- I. Row (A): **Roadway Classifications.**
 - a. Lane street types are permitted for residential development accessing up to 9 lots/units, **under the following circumstances:**
 - i. **Single family dwellings and duplex units are provided with a National Fire Protection Agency (NFPA) I-3D fire sprinkler system.**
 - ii. **Multi-family buildings are provided with a NFPA I-3R fire sprinkler system.**
 - iii. **Guest parking in addition to unit minimum requirements is provided, either on each lot, in a shared parking area, or on street within up to a maximum of 50 percent of the length of the water quality/landscape area.**
2. Row (B): Right-of-way. Right-of-way width depends on number of travel lanes, parking lanes, and other elements provided. The dimensions are in feet and are a minimum width.
3. Row (C): **Landscaped area/Water quality area (including landscaping strip and optional parking).**
 - a. **Inclusion of new parking lanes is optional. When included, parking lanes must be 8 feet wide and designed to provide water quality treatment consistent with Chapter 19.76 Stormwater and the adopted DOE Stormwater Management Manual.**
 - a. **Landscaping/water quality areas must be a minimum six feet wide on both sides of the street, when required, but increased to 14 feet in width when no parking lane is provided.**
 - b. Street trees must be included according to the installation standards and requirements in the Anacortes Engineering Design Standards.

4. Row (D): Pavement Width. Row (D) refers to the minimum width of the traveled way, and bike lanes, and parking lanes. Parking lanes are optional and may be required in special circumstances to accommodate guest parking, traffic calming, and/or applicable service deliveries and activities appropriate to the street context and/or typical to the size, type, and density of the proposed development. When included, parking lanes must be eight feet wide and designed to provide water quality treatment consistent with AMC Chapter 19.76 Stormwater and the adopted DOE Stormwater Management Manual.
5. Row (E): Grade. The maximum grade is as noted. The allowed grade may be increased when:
 - a. **LIST OF CRITERIA TO BE ADDED IN CONSULTATION WITH FIRE DEPARTMENT.**
6. Row (F): Sidewalks. Row (F) refers to minimum width in feet, of sidewalks.
7. Row (G): Bike Lanes. Row (G) indicates whether bike lanes are required. Bike lanes may be included as individual bike lanes reserved for bicyclists, combined with trails, or striped as part of the street system. Bike lanes must conform to the geometric design criteria in _____.

Bike lanes must connect to and align with the Anacortes Bikes/Walks Plan and bike lanes on abutting property. Dimensional standards for bike route signage must comply with the Manual on Uniform Control Devices (MUTCD).

Table 19.52.040

Street design standards.

NOTE – changes since first draft are highlighted; Graphics are updated

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

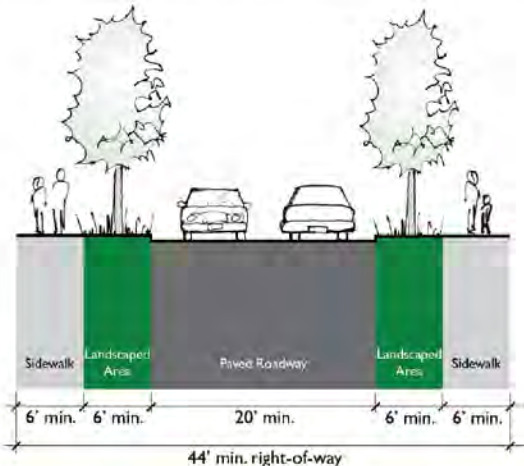
(A) Low volume <u>Residential</u>local		
(B) Right-of-way	56-64 44 ft. <u>minimum</u>	
(C) <u>Landscaped area</u> Water quality area (including landscaping and optional parking)	14 6 ft. <u>minimum</u> on each side	
(D) Pavement width	24 20 ft. <u>except where parking lane(s) are included</u>	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. <u>minimum</u>	
(G) Bike lanes	NA	
(A) Minor arterial, collectors, or high volume <u>residential</u>local		<u>Note: All residential subdivisions must accommodate provisions for guest parking and applicable service deliveries and activities typical to the size, type, and density of the proposed development. Guest parking may be accommodated by integrating on-street parking lanes and/or pockets, off-street parking areas, or other methods to the satisfaction of the public works director.</u>
(B) Right-of-way	72-80 54 ft. <u>minimum</u>	

Table 19.52.040

Street design standards.

NOTE – changes since first draft are **highlighted**; Graphics are updated

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

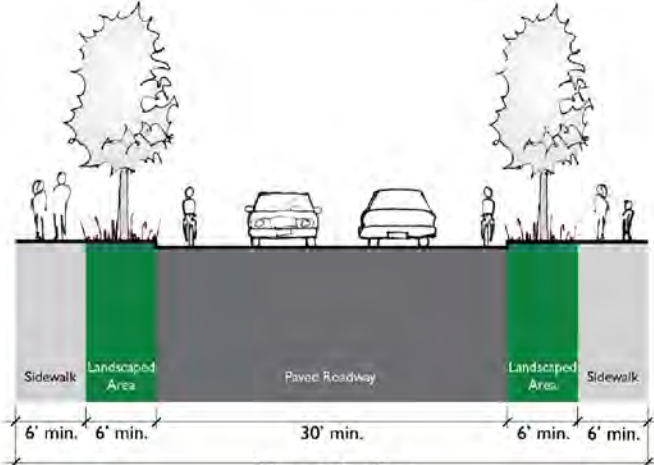
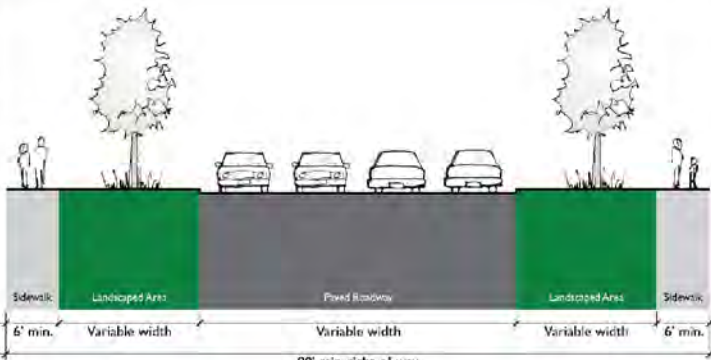
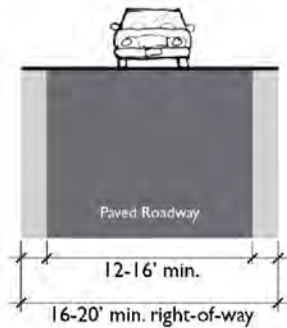
(C) Landscaped area Water-quality area (including landscaping and optional parking)	+4 6 ft. minimum on each side	 54' min. right-of-way Note: On-street parking lanes may be integrated or required along key street segments to support adjacent land uses (including service access and delivery) based on the existing and planned context of the area.
(D) Pavement width	30 ft. except where parking lane(s) are included	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. minimum	
(G) Bike lanes	Yes	
(A) Principal arterial		 80' min. right-of-way
(B) Right-of-way	-100 80 ft. minimum	
(C) Landscaped area Water-quality area (including landscaping and optional parking)	Varies per block	
(D) Pavement width	Varies	
(E) Grade	12% maximum	
(F) Sidewalks	6 ft. minimum	
(G) Bike lanes	Yes	
(A) Alley		
(B) Right-of-way	16-20 ft.	
(C) Landscaped area Water-quality area (including landscaping and optional parking)	No	
(D) Pavement width	12-16 ft.	

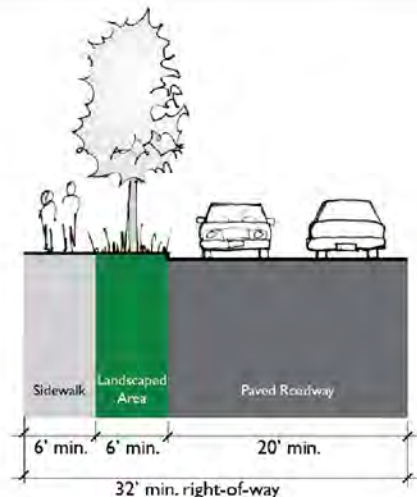
Table 19.52.040

Street design standards.

NOTE – changes since first draft are **highlighted**; Graphics are updated

Right-of-way descriptions, standards, and rules of interpretation are in Subsection (C) below.

(E) Grade	12%	
(F) Sidewalks	No	
(G) Bike lanes	No	

(A) Lane		
(B) Right-of-way	26-34 32 ft.	
(C) Landscaped area Water-quality area (including landscaping and optional parking)	8-ft 6 ft. minimum one side	
(D) Pavement width	20 ft.	
(E) Grade	12%	
(F) Sidewalks	6 ft. minimum (one side)	
(G) Bike lanes	No	

For rules of interpretation, see subsection (C) [above of this chapter](#).

Where a number is stated as a range, the street may include any dimension or number within the [range at the discretion of](#) the Public Works Director. The methodology for calculating the geometric design factors must conform to the Anacortes Engineering Design Standards and AASHTO Green Book: A Policy on Geometric Design of Highways and Streets (Washington, DC: American Association of State and Highway Transportation Officials, 2004), unless a different standard is prescribed in this section.

19.52.050 – Dead end streets and cul-de-sacs. (AMC 16.32.010 + New)

- A. Limited application. Dead end streets and cul-de-sacs are limited in application and may only be permitted where, due to demonstrable physical constraints, no future connection to a larger street pattern is physically possible. See AMC 19.54.020 Block design and connectivity standards for related standards.

- B. Minimum requirements. Streets longer than 150' require an approved turnaround, such as a hammerhead or cul-de-sac. The Fire Department will determine the type of turnaround required based on the number of units accessing the street and other site specific characteristics.

Dead-end provisions for shared driveways are set forth in AMC 19.53.040(B).

- C. Hammerhead Design. The hammerhead turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements.
- D. Cul-de-Sac Design. The cul-de-sac turnaround must comply with the Anacortes Engineering Design Standards and Fire Department requirements. Cul-de-sacs may have a landscaped center area to implement Low Impact Development techniques. The landscaping must be maintained by the homeowner's association or adjacent property owners.
- E. Waiver of turnaround. The requirement for a turnaround or cul-de-sac may be waived with approval of the Fire Department when the development proposal will not create an increased need for emergency operations or the impacts are otherwise mitigated.

19.52.060 - Street intersections. (AMC 16.20.060)

The following standards apply to street intersections:

- A. Streets must intersect at right angles, except when topography dictates otherwise, and in no case may the angle of intersections be less than 60 degrees.
- B. Two streets meeting at a third street from opposite sides must meet at the same point, or their centerlines must be offset at least 125 feet.
- C. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual roadways.
- D. Intersections of local streets with arterials and highways must be kept to a minimum.

19.52.070 - Pavement design. (AMC 16.20.060)

The design of pavement structures and subgrades must conform to the Anacortes Engineering Design Standards.

19.52.080 - Street names and signage. (AMC 16.20.060 + New)

- A. Generally. Names of new streets must not duplicate the names of existing streets unless the new street continues or aligns with an existing street. All new street names must be submitted to and approved by the U.S. Postal Service.
- B. Street name signs. Street name signs must be manufactured and installed in accordance with specifications of the Anacortes Engineering Design Standards.
- C. Warning and regulatory traffic signs. Within the Anacortes city limits, warning and regulatory traffic signs must be installed within and must abut the subdivision in accordance with the Manual on Uniform Control Devices (MUTCD).

19.52.090 - Street lights. (AMC 16.20.060)

Street lighting must be installed by the applicant conforming to the Anacortes Engineering Design Standards.

19.52.100 – Street monuments.

Existing monuments must remain undisturbed during construction. New monuments may be required per the Anacortes Engineering Design Standards.

Chapter 19.53 - PRIVATE DRIVEWAYS AND ACCESS (NEW)

Sections:

19.53.010 - Purpose

19.53.020 - Applicability

19.53.030 - Driveways and access easements

19.53.040 - Residential driveway types

19.53.010 - Purpose.

To enhance safe and efficient roadway operations while providing access to adjacent properties and businesses.

19.53.020 - Applicability.

All new or altered private driveways and private accesses onto a city street (including temporary or construction accesses) must comply with this chapter and the Anacortes Engineering Design Standards.

19.53.030 - Driveways and access easements.

A. General. Dimensions, slopes, and details for all driveways and access easements connecting to a city street must comply with this chapter and the Anacortes Engineering Design Standards.

B. Driveway location.

1. Collector & arterial streets. Driveways providing direct access onto a collector or arterial street are prohibited when an alternative access is available. When alternative access is not available, a driveway or access may be permitted onto a collector or arterial when approved by the public works director.
2. Frontage on multiple streets. Where a property has frontage on more than one street, driveways and accesses are limited to the lowest volume street, as determined by the public works director, except when the following conditions exist:
a. TO BE COMPLETED
3. Alleys. Where a property abuts an alley, driveways must access from the alley, except when the following conditions exist:
 - i. The property is in a residential zone and topography, lack of existing improvements, or other conditions makes alley access impracticable; or
 - 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.

C. Driveway spacing from a street intersection.

1. Driveways and access easements should be located at the greatest distance possible from an intersection of two streets and must meet the minimum spacing standards in the Anacortes Engineering Design Standards.

2. When compliance with minimum spacing standards in the Anacortes Engineering Design Standards would result in a property without a reasonable means of connection to the street system, a new driveway may be allowed within a smaller distance. The applicant may be required to provide a traffic impact analysis to support the request. Conditions of approval may be established, including, but not limited to:
 - a. Traffic volume and movements. Limits on the maximum vehicular usage of the connection or limits on turning movements.
 - b. Joint Use Connection. A legally enforceable joint use driveway easement when needed to maintain the operational efficiency and safety of the street.
 - c. Future alternate access. If and when future alternate means of access becomes available, the nonconforming connection must be removed.

D. Driveway separation.

Minimum 30-foot separation between driveways, except where no other option exists per the public works director.

E. Number of driveways.

A maximum of one driveway per lot is allowed, except when it is demonstrated that:

1. Additional driveways or accesses are needed due to the amount of traffic generated by the project.
2. There is enough space to safely accommodate the additional driveway or access.

F. Driveway width.

Driveway cuts are limited to the widths identified in Table 19.53.030.

Table 19.53.030 Driveway width.		
Use Type	Minimum Width	Maximum Width
Residential		
Lot width = 50' or greater	10 feet	20 feet
Lot width < 50"	10 feet	12 feet or 20 feet if shared with adjacent lot
Commercial and Industrial	20 feet	30 feet

19.53.040 - Residential shared driveways. (NEW)

A. Shared driveways may be allowed for access to four or fewer residential lots, provided:

1. At least one of the lots abuts a public right-of-way and the lot frontage of the lot is equal to or greater than the minimum lot width requirement of the zone.
2. A public street is not anticipated by the City of Anacortes to be necessary for existing or future traffic and/or pedestrian circulation through the short subdivision or to serve adjacent property.
3. The shared driveway would not adversely affect future circulation to neighboring properties.

4. The shared driveway is no more than 300 feet in length.
5. The shared driveway poses no safety risk and provides sufficient access for emergency vehicles and personnel.

B. Minimum standards.

1. Shared driveways must be located within an easement or tract.
2. Table 19.53.040(B) provides standards for the maximum length, minimum paved width and easement width, and applicable turnaround requirements.

Table 19.53.040(B) Residential shared driveway standards.				
Max. # units	Max. length	Min. Paved width	Min. Easement width	Turnaround?
Up to 3	150'	16'	20'	No
Up to 6	150'	20'	20'	No
Up to 6	150-300'	20'	20'	Yes – approved turnaround
7-9	"Lane standard" – public road with approved turnaround			
10+	Low volume residential public road			

3. If a shared driveway abuts properties that are not part of the subdivision, a five-foot wide landscape buffer must be provided between the shared driveway and neighboring properties.
4. Stormwater collection and treatment must be provided according to AMC Chapter 19.76.
5. The maximum grade must not exceed 12 percent.
6. The minimum base and surfacing must comply with the Anacortes Engineering Design Standards and be capable of supporting fire apparatus.
7. New lots served by shared driveways are subject to the design provisions of AMC 19.54.040(C).

C. Signage and addressing.

1. Traffic control devices including installation of "No Parking" signs as required by the city must be provided.
2. Lots served by the shared driveway must be addressed to the public street to which the shared driveway connects.

D. Easement or tract ownership and maintenance.

1. The easement or tract must be shown and recorded on the face of the plat to be preserved in perpetuity. If a tract is created, the owners of the subject lots must have an equal and undivided interest in ownership of the tract.

2. Appropriate legal instruments ensuring that the shared driveway can be continually maintained to minimum standards listed in this section by the owners of the lots served by the driveway must be provided prior to recording of the short plat.
- E. Obstructions.** A restriction prohibiting any temporary or permanent physical obstructions within the easement, including, but not limited to, the parking of non-emergency vehicles, must be shown on the face of the short plat.
- F. Timing of improvements.** The shared driveway must be installed prior to recording of the plat unless approved for deferral/bonding.

Chapter 19.54 - SUBDIVISION DESIGN AND BLOCK STRUCTURE

19.54.010 - 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.

19.54.020 - Block design and 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 must be the responsibility of any future developer of the abutting land.
- 2. Continuation of streets. Planned streets must connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections must be designed to meet or exceed the block standards in subsections (B) and (C) below, and to avoid or minimize through traffic on local streets.
- 3. Pedestrian pathways/accessways. Short internal pathways can improve pedestrian mobility within developments. Examples could include an accessway/pathway in the middle of a block or at the end of a cul-de-sac. Such pathways must be located within an easement or common open space tract allowing for public access and maintained by the homeowner's association unless the city or other public authority accepts and offer of dedication

B. Residential zones. New residential developments must provide an integrated and connected network of streets to help provide a sense of place and orientation and provide multiple travel route options for all users. A street network dominated by long, irregular loop roads and cul-de-sacs is not appropriate. The following standards apply to new development in the residential zones.

- 1. Blocks must be designed to provide pedestrian and vehicular connections at intervals no greater than 660 feet.

2. DEPARTURES to the standard in paragraph (1) will be considered by the reviewing authority per AMC 19.20.250 provided the alternative design meets the purposes of the standards (see AMC 19.54.010 above) and meets the following criteria:
 - a. A departure provides the opportunity for a public open space or other public amenity that goes well beyond minimum standards herein. For example, a larger block could allow for the development of a compact village of homes around a centralized open space; and
 - b. Departures meeting criteria 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 must 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.~~

19.54.030 - Open space/parks. (New)

Parks and open space integrated into subdivisions must meet the following design criteria:

- A. Must be convenient, usable and accessible.** All open spaces must be physically and visually accessible from the adjacent street or major internal pedestrian route. Open spaces must be in locations that the intended user(s) can easily access and use, rather than simply left-over or undevelopable space in locations where very little pedestrian traffic is anticipated. Locations integrated with transit stops, for instance, would be encouraged, as there is likely to be pedestrian traffic in the area.

Figure 19.54.030(A)
Examples of accessible parks.



These parks are located in accessible and centralized locations within the neighborhood. Both parks have accessibility from streets on multiple sides combined with good visibility from adjacent homes.

- B. Must be inviting.** Inviting open spaces feature amenities and activities that encourage pedestrians to use and explore the space. On a large scale, it could be a combination of active and passive

recreational uses. It could include a children's play area, special landscaping element, or even a comfortable place to sit and watch the world go by. In order for people to linger in an open space, it must be comfortable. For instance, a plaza space should receive ample sunlight, particularly at noon, and have design elements that lend the space a "human scale," including landscaping elements, benches and other seating areas, and pedestrian-scaled lighting. No use must be allowed within the open space that adversely affects the aesthetic appeal or usability of the open space.

Figure 19.54.030(B)
Examples of inviting park design.



Examples of inviting park design, with design features and amenities that attract usage from the surrounding community.

C. Must be safe. Safe open spaces incorporate Crime Prevention through Environmental Design (CPTED) principles:

1. Natural surveillance - which occurs when parks or plazas are open to view by the public and neighbors. For example, a plaza that features residential units with windows looking down on space means that the space has good "eyes" on the park or plaza;
2. Lighting that reflects the intended hours of operation and is appropriate for the proposed activities;
3. Landscaping and fencing. Avoid configurations that create dangerous hiding spaces or minimize views;
4. Entrances should be prominent, well lit, and highly visible from inside and outside of the space; and
5. Maintenance. Open spaces must utilize commercial grade materials that will last and require minimal maintenance costs. Walls, where necessary, must be designed and treated to deter graffiti. Use and maintain landscape materials that reduce maintenance cost and maintain visibility, where desired.

D. Provides for uses/activities that appropriately serve the anticipated residents and users of the development. For example, common open space that serves a variety of functions will attract greater usage. When designing open spaces, project applicants should consider a broad range of age groups, from small children, to teens, parents, and seniors.

E. Must be well maintained. Open space must be maintained by the land owner(s) unless the city or other public authority accepts and offer of dedication.

19.54.040 - Lot design. (New)

Lots within subdivisions must be designed to allow placement of homes to address functional design issues. Lots must be designed to contain a usable building area. If the building area would be difficult to develop, the lot must be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots.

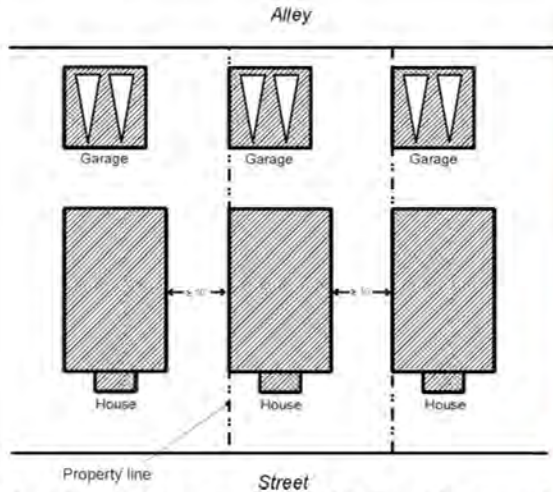
The placement and orientation of lots and homes should consider privacy, solar orientation, access, location and access to open space and other factors that can contribute to the overall livability of the home and its relationship to the surrounding environment. Flexibility must be encouraged in spatial 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 to one of the side property lines, providing the opportunity for more usable side setback space. Standards:

1. Dwelling units and accessory structures may be placed on one interior side property line. The opposite side setback must be at least 10 feet. Also see AMC 19.43.010(C) for small lot single family development standards, including minimum usable open space requirements.
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 structure are allowed except for windows that do not allow for visibility into the side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(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 setback areas and maximum building envelopes.

Figure 19.54.040(A)
Zero lot line design.

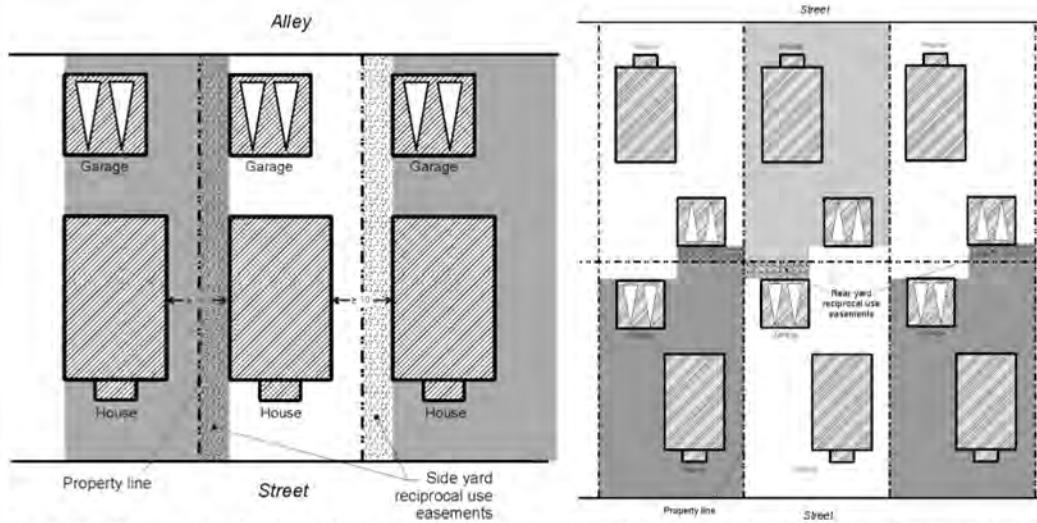


Zero lot line layout example (left). The right image shows the side setback and privacy wall for a zero lot line house.

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 setback to allow consolidated use of the side setback by the adjacent property [see Figure 19.54.040(B) for an example]. Also, configurations providing for reciprocal use easements in the rear setback are allowed to maximize usable open space. Standards/provisions:

1. Reciprocal easements must be noted on the plat. Easement areas may be used for minimum usable open space requirements set forth in AMC 19.43.010(C)(5).
2. Privacy wall. In order to maintain privacy, no windows, doors, air conditioning units, or any other types of openings in the walls of a structure along a reciprocal use easement are allowed except for windows that do not allow for visibility into the side setback of the adjacent lot. Examples include clerestory or obscured windows. See Figure 19.54.040(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.

Figure 19.54.040(B)
Reciprocal use lots examples.



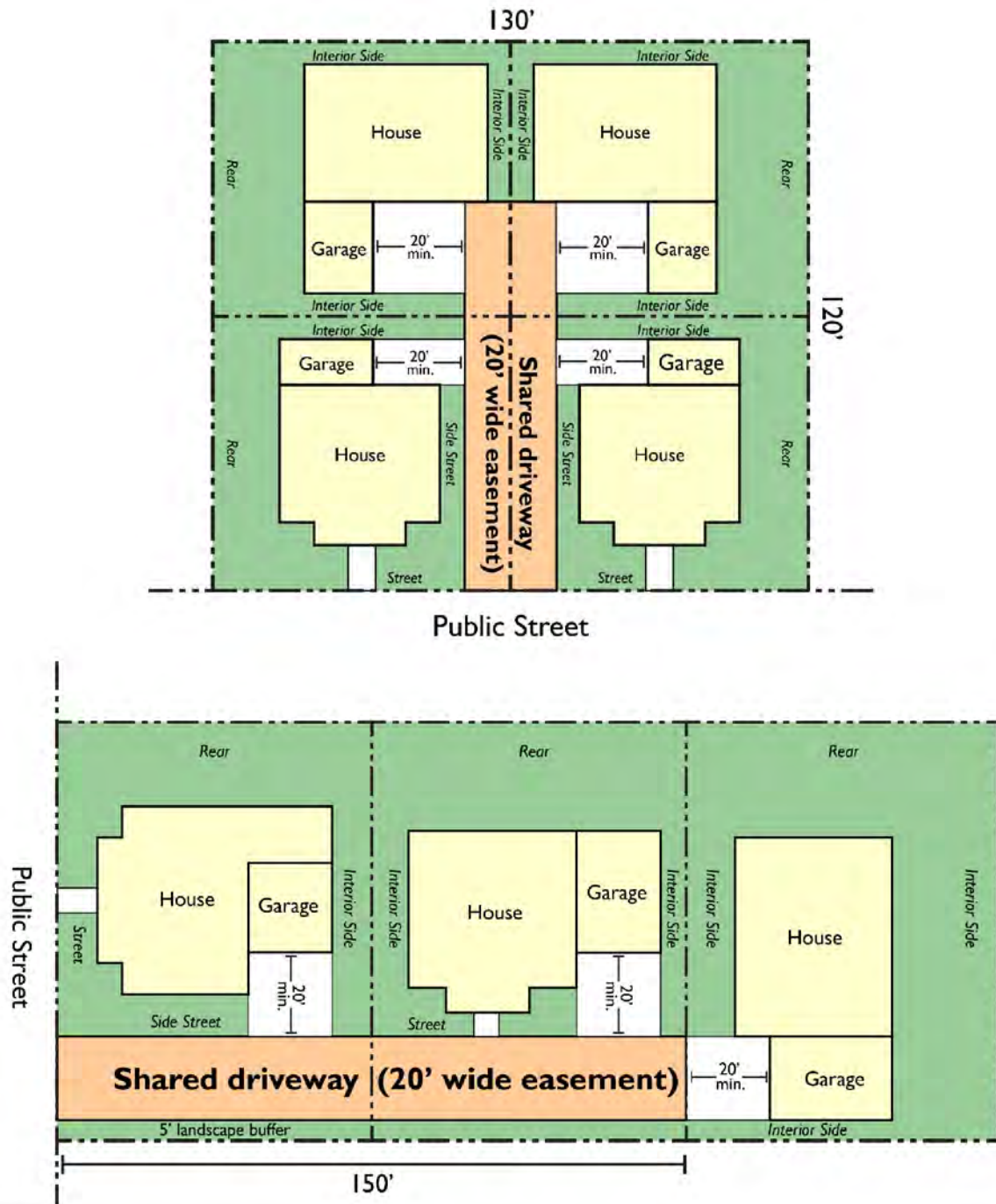
Example of a reciprocal side setback easement configuration (left image) and reciprocal rear setback easement configuration (right image)

C. Shared access lots. This includes a series of lots clustered around a shared driveway. Standards:

1. Maximum number of lots served by a shared access: Six [this includes lots fronting the street on either side of the shared access as shown in Figure 19.54.040(C)].
2. Maximum length and width of shared access: See AMC 19.53.040.
3. Setback standards and options for lots served by a shared driveways.
 - a. Lots fronting on a public street and containing a shared driveway on one side are considered corner lots for the purpose of determining setbacks [see AMC 19.42.140(B)(2) for details].
 - b. For interior lots featuring a shared driveway and easement extending through one side of the lot, the street setback is the side of the lot featuring the shared driveway. The street setback is measured from the property line running parallel to the shared driveway. Buildings may not be sited within the shared driveway easement.
 - c. Garages facing a shared driveway easement must be setback at least 20 feet from the easement line.
 - d. Lots sited at the terminus of a shared driveway easement are exempt from the street setback requirement. Such lots must meet interior side setbacks on three sides and a rear setback on one side.

See Figure 19.54.040(C) for examples of subdivisions served by shared driveways and clarification of street, interior, and rear setbacks.

Figure 19.54.040(C)
Examples of courtyard access lots.

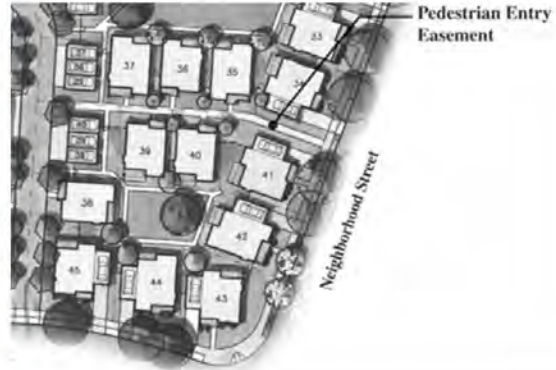




D. Pedestrian-only entry lots. This includes configurations where one or more lots are clustered around a pedestrian easement and/or common open space and do not front on a street [see Figure 19.54.040(D) for an example]. Most cottage housing developments (see AMC 19.43.010(D) -) are an example of this. Standards:

1. A pedestrian entry easement must be provided to all homes that do not front on a street, alley, or common open space.
2. Pedestrian entry easements must be 5-10 feet wide with a 5-foot minimum sidewalk constructed per the most recent version of the Anacortes Engineering Design Standards.
3. Fire sprinklers are required for homes more than 100 feet from a fire access road.
4. Buildings within pedestrian-only entry lots are limited to two stories in height.
5. Homes more than 150 feet from a street will require 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.

Figure 19.54.040(D)
Pedestrian-only entry lot configuration examples.



- E. Alley access lots.** This includes configurations where lots are provided with vehicular access by an alley designed per the most recent version of the Anacortes Engineering Design Standards. Pedestrian access to each alley access lot must be provided by either a public street or a pedestrian easement a minimum of ten feet wide with a five-foot minimum sidewalk constructed per the most recent version of the Anacortes Engineering Design Standards.

19.54.050 – Access, services, and utilities. (New)

- A.** Each lot in a residential subdivision shall have access directly to a public right-of-way, except for:

1. Interior lots served by a shared driveway that complies with the provisions of AMC 19.53.040.
2. Alternative lot designs as described in AMC 19.54.040.

Any lot created that is not adjacent to a public right-of-way but that has a right of ingress and egress to that right-of-way provided that such right has been established as a matter of record in a manner that runs with the land and is irrevocable.

- B.** All driveways must be constructed per AMC 19.53.030 and the Anacortes Engineering Design Standards.

- C.** Each lot in a residential subdivision must be provided with adequate provisions for water supplies, sanitary wastewater facilities, storm drainage and surface water facilities, electric, and natural gas facilities (if applicable), consistent with the requirements of Anacortes Engineering Design Standards. Lots within subdivisions must be designed to allow placement of homes to address functional design issues. Lots must be designed to contain a usable building area. If the building area would be difficult to develop, the lot must be redesigned or eliminated, unless special conditions can be imposed that will ensure the lot is developed consistent with the standards of this code and does not create nonconforming structures, uses or lots.

- D.** Approval of subdivisions may be conditioned upon dedications to the city of drainage ways, other public ways, water supplies, sanitary wastewater facilities, parks, playgrounds, and sites for schools per RCW 58.17.110 and subject to the provisions of RCW 82.02.020.

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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 historic resources and character of the Central Business District.
- E. Ensure that new multifamily, mixed-use, and commercial development is of high quality and appropriate to Anacortes's character and context.
- F. Promote increased pedestrian, bicycling, and transit use in commercial and multifamily areas.
- G. Enhance the livability of residential developments.
- H. Enhance the public's physical and visual access to the water.
- I. Increase awareness of design considerations among the citizens of Anacortes.
- J. Maintain and enhance property values within Anacortes.

19.60.020 - 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 (AMC Chapter 19.61), which address building frontages, entries, parking lot location, and street setback landscaping. For such developments seeking additions to buildings where off-street parking location currently does not comply with applicable parking location standards, building additions are allowed provided they do not increase any current nonconformity and generally bring the project closer into conformance with the standards. (See AMC Chapter 19.64.)
 - b. Comply with applicable site planning standards (AMC Chapter 19.62).
 - c. Comply with all building design provisions of AMC 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 the additional buildings are not required, but conformance with all other standards apply.

Figure 19.60.020.

Examples of improvement types and required compliance.

Existing Site



Pre-existing non-conformities:

- Parking in front of the building
- No pedestrian connection to the entry
- Doesn't meet streetscape and landscaping standards
- Facade doesn't meet standards

Level I Improvement Example

Expand existing building footprint 0-50%

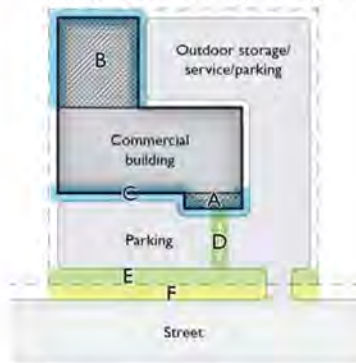


Required improvements:

- A. Entry addition meets facade and building design standards (AMC 19.63)
- B. Rear addition meets applicable building design standards (AMC 19.63)
- C. Landscaping improvements are encouraged but not required

Level II Improvement Example

Expand existing building footprint 50-100%

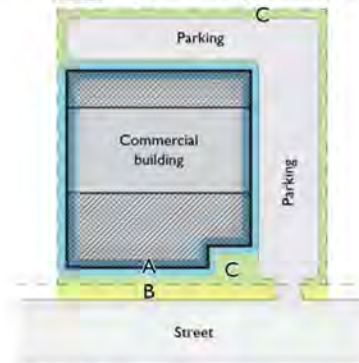


Required improvements:

- A. Entry addition meets facade and building design standards (AMC 19.63)
- B. Rear addition meets applicable building design standards (AMC 19.63)
- C. Facade upgraded to meet applicable facade and building design standards (AMC 19.63)
- D. Pedestrian access improvements (AMC 19.62.040)
- E. Parking lot landscaping improvements (AMC 19.66.060.D)
- F. Landscaping improvements are encouraged but not required

Level III Improvement Example

Expand existing building footprint >100%



Required improvements:

- A. Entire building meets facade and building design standards (AMC 19.63)
- B. Landscaping improvements are encouraged but not required
- C. Site meets site planning standards (AMC 19.62)

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 standards
- 19.61.100 - Gateway block frontage standards
- 19.61.110 - Other (streets with no designated block frontage)
- 19.61.120 - Trail block frontage standards
- 19.61.130 - Esplanade block frontage standards
- 19.61.140 - Central waterfront (CW) corridors and block frontage standards
- 19.61.150 - Where properties front onto multiple streets
- 19.61.160 - Where properties have multiple designations along one frontage
- 19.61.170 - High visibility street corners
- 19.61.180 - 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.

19.61.020 - Applicability. (NEW)

The provisions of this chapter apply to all nonresidential and multifamily development, except as noted below and in this chapter.

- A. Development in the HM zone when not abutting Highway 20 right-of-way.
- 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, 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.

19.61.030 - How to use this chapter. (NEW)

Site orientation standards for individual properties depend on the block frontage designated for that location. The following steps will help in using this chapter:

- A. Go to the maps in AMC 19.61.040 to find the property and the block frontage type designation.
 1. For multifamily **and non-residential** development in residential zones, the standards for Landscaped block frontages apply.
 2. For development that fronts onto multiple streets, see provisions in AMC 19.61.150.
- B. Go to the appropriate code section in this chapter for the site orientation standards for applicable block frontage type designation. Table 19.61.030 includes a summary of key block frontage types.

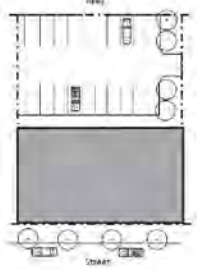
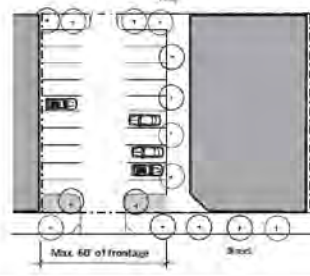
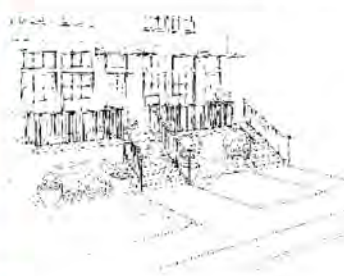
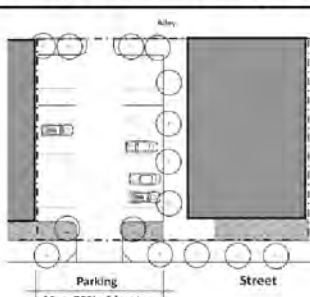
Table 19.61.030 Summary of key block frontage types.			
	Permitted Frontage	Parking Location	Details
Storefront			- No new parking adjacent to the street. - Special transparency, weather protection, and entry requirements. - Minimum commercial space height and depth. - No ground floor residential uses except lobbies for upper level units.
Mixed	↑ Storefront or Landscape Frontages allowed ↓		- Parking must be to the side or rear of buildings 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.

Table 19.61.030 Summary of key block frontage types.			
Landscape			• Parking must be to the side or rear of buildings. For multi-building developments, no more than 50% of frontage may be parking. • Landscaping to soften façades and buffer parking areas.
Undesignated	Storefront or Landscape Frontages allowed	No parking lot location restrictions	• Landscaping soften façades of non-storefronts and buffer parking areas. • Minimum façade transparency requirements per use and setback.

19.61.040 - Block frontage designation maps. (NEW)

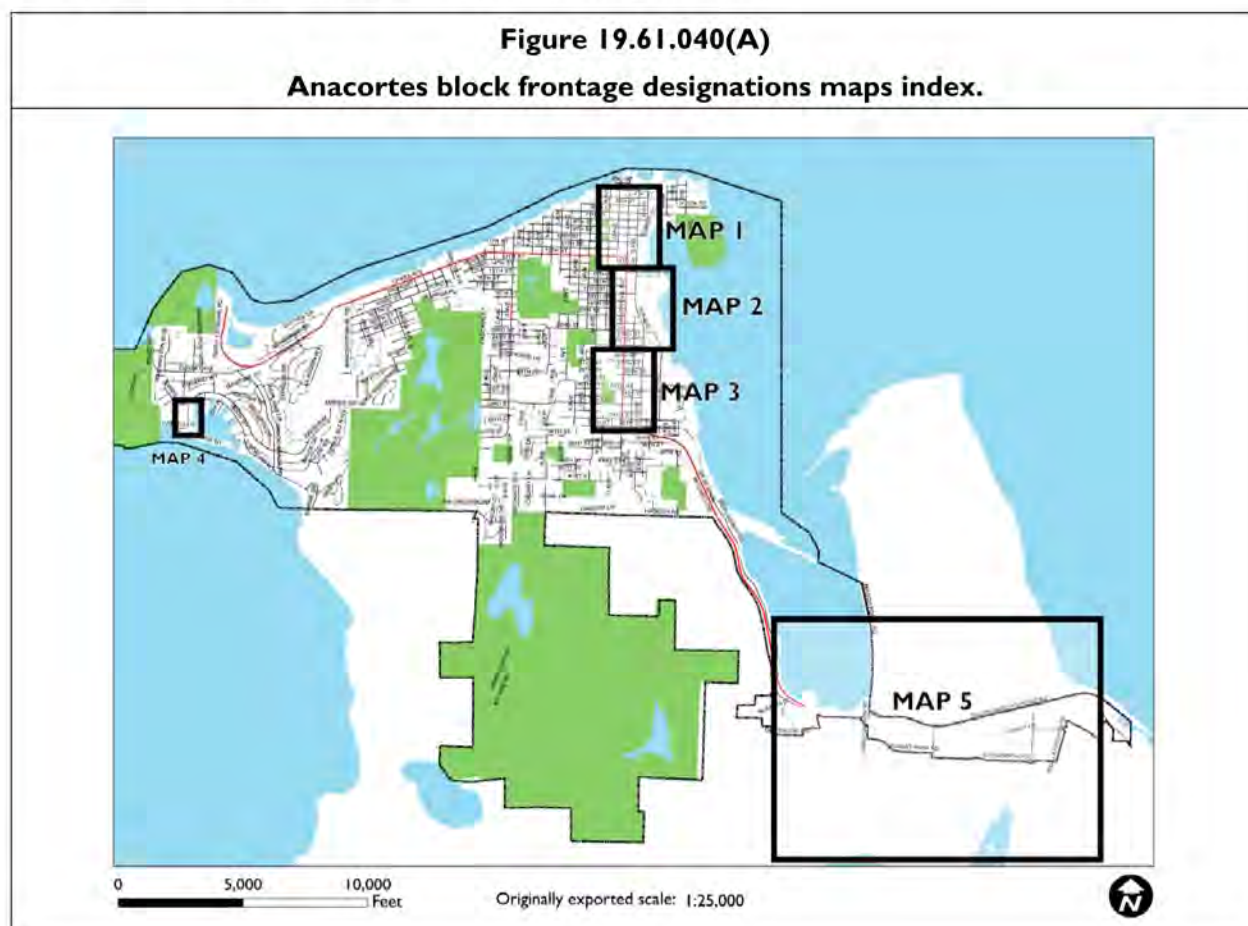


Figure 19.61.040(B)

Map 1: Anacortes block frontage designations map for the downtown area.

Note to reviewers: side streets off Commercial are now shown as Mixed

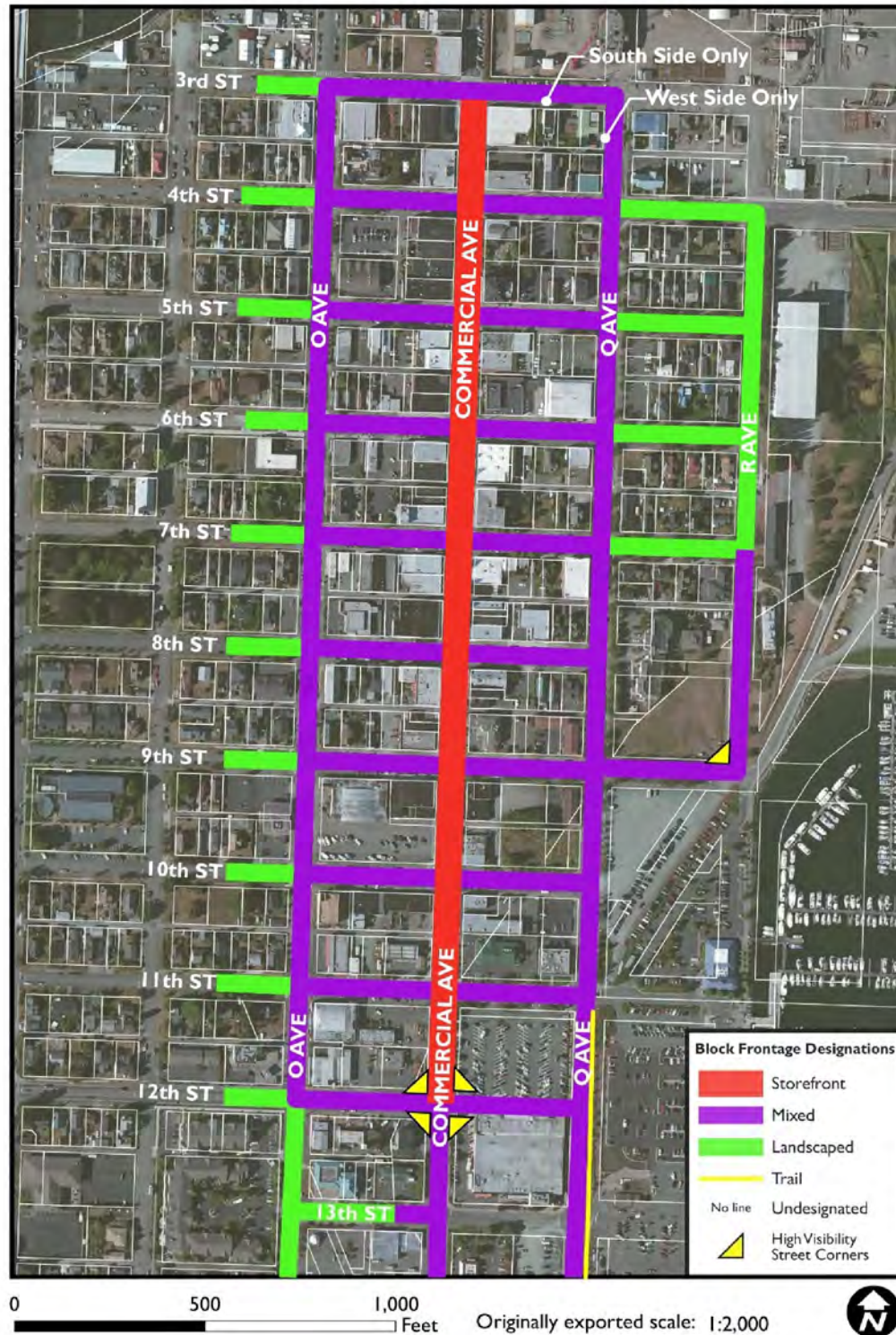
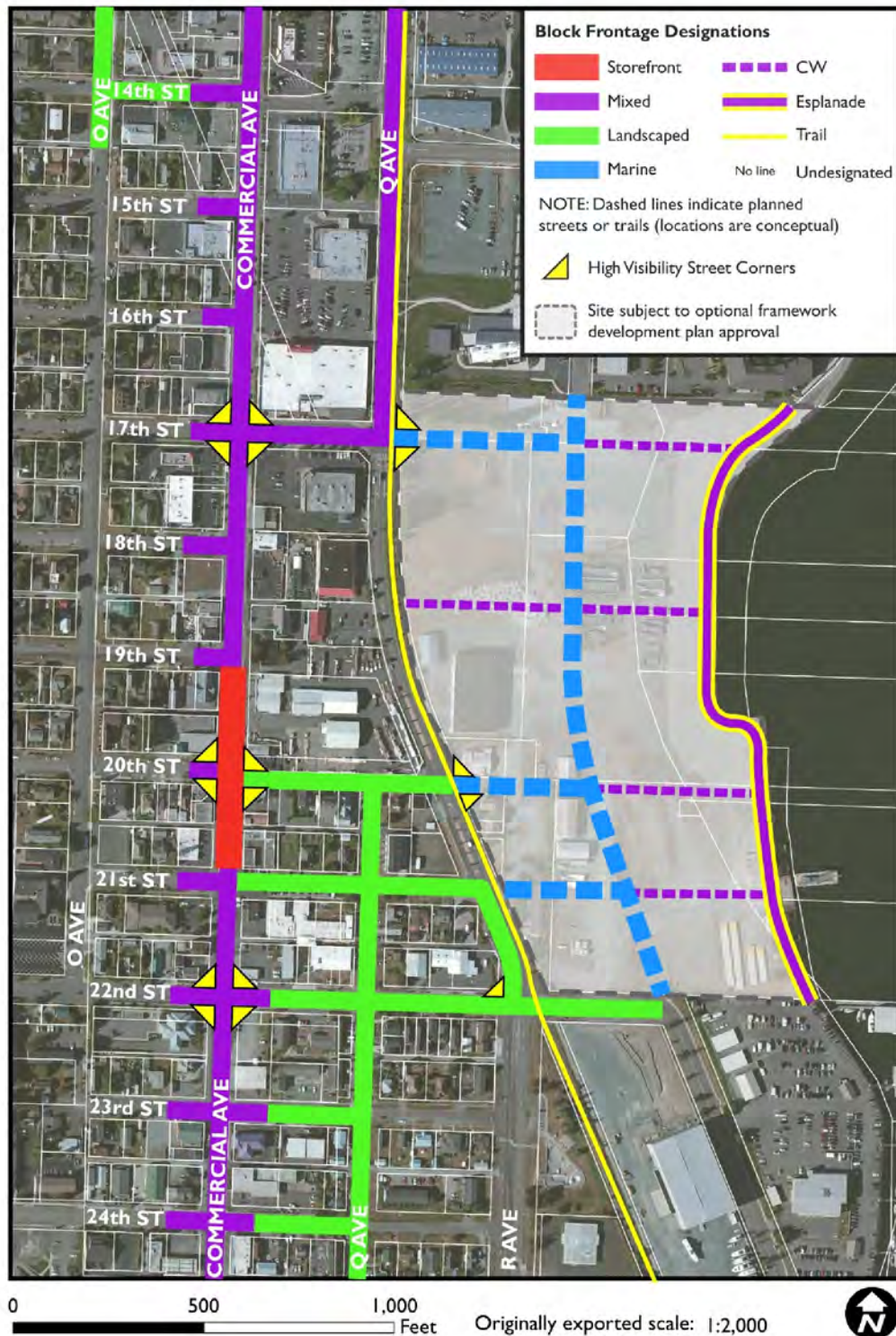


Figure 19.61.040(C)

Map 2: Block frontage designations map for central Commercial Avenue and Central Waterfront.

Note to reviewers: Central Waterfront has a new designation for east-west corridors,
see AMC 19.61.140



Map 3: Block frontage designations map for the south Commercial Avenue area.

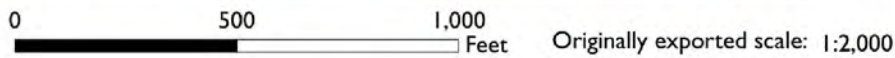


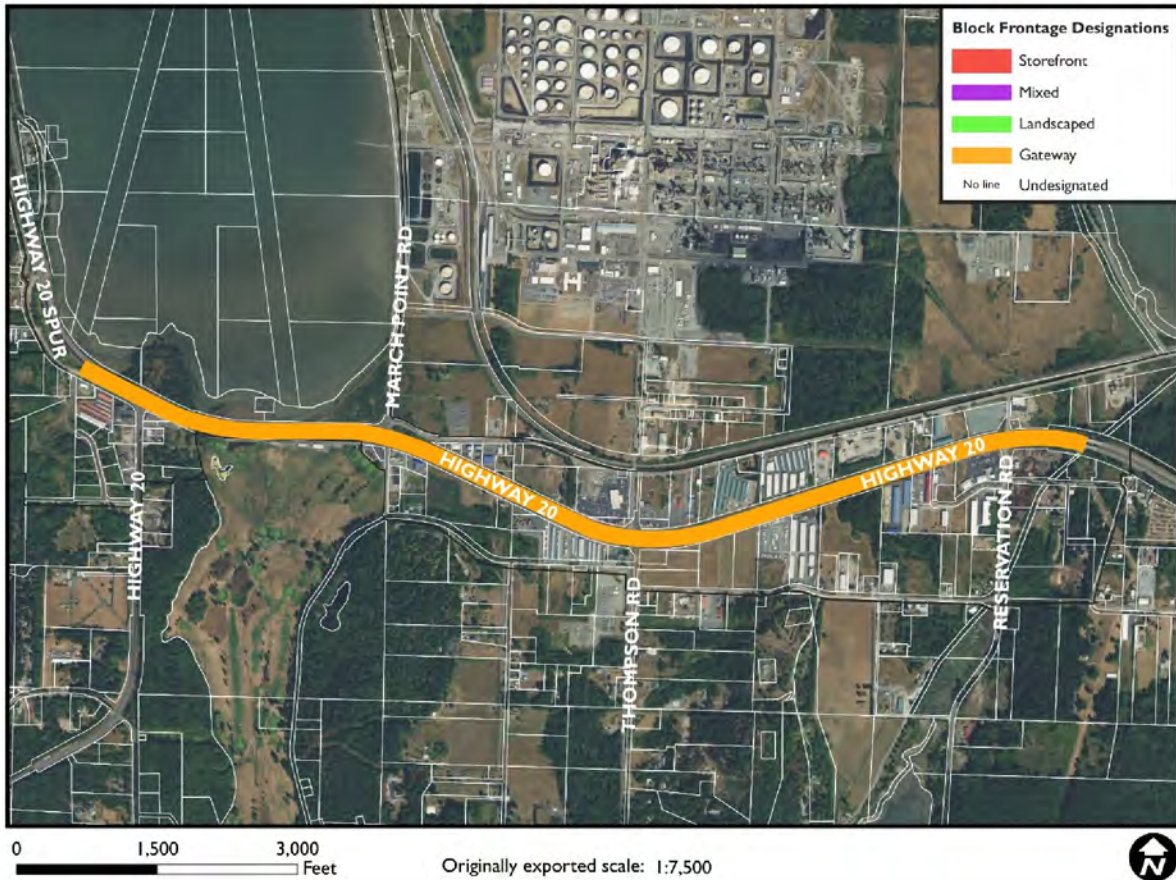
Figure 19.61.040(E)

Map 4: Block frontage designations map for the Skyline area.



Figure 19.61.040(F)

Map 5: Block frontage designations map for the March Point area.



19.61.050 - About the transparency standards. (NEW)

All block frontage designations contain distinct minimum façade transparency standards. The purposes of these standards are to maintain “eyes on the street” for safety and create welcoming pedestrian environment. Table 19.61.050 below includes details in how they are measured.

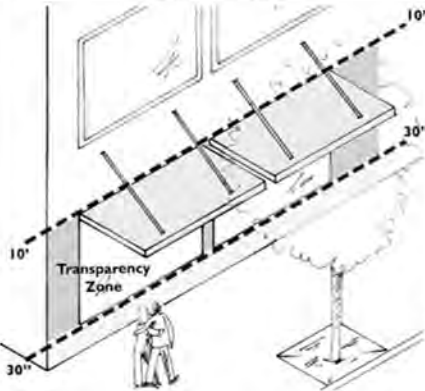
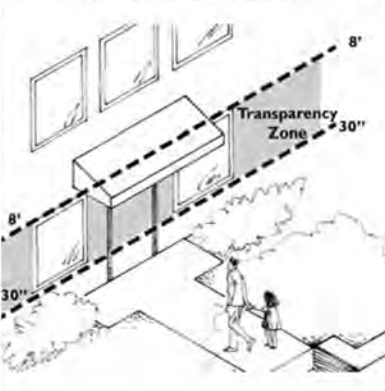
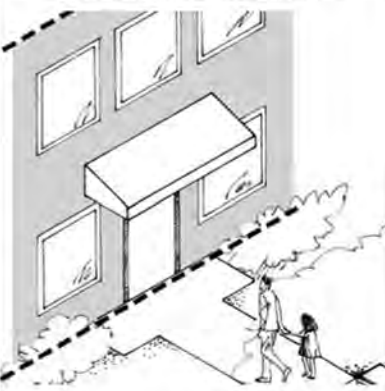
Table 19.61.050 Clarification of transparency standards		
Transparency zones		
Storefront  The transparency zone is on the ground floor between 30" and 10' above sidewalk grade	Ground floor non-residential and non-storefront  The transparency zone is between 30" and 8' above grade	Residential buildings and residential portions of mixed-use buildings  All vertical surfaces of the façade are used in the calculations
Other Transparency Provisions		
Windows must be transparent Ground level window area for storefronts and other non-residential uses that is covered, frosted, or perforated in any manner that obscures visibility into the building must not count as transparent window area. Exception: Window signs conforming with AMC 19.67.090(D) may be counted as transparent window area provided the areas generally around the sign are transparent.		

Table 19.61.050
Clarification of transparency standards

Display windows

Display windows may be used for up to 50% of non-residential transparency requirements provided they are at least 30" deep to allow changeable displays and the interior wall is non-structural so it can be removed if the windows are not used for display. Tack-on display cases as shown in the far right example do not qualify as transparent window area.



Integrated display windows



Tack-on display cases

Other Transparency Provisions

Structured parking facilities

Where structured parking facilities occupy a portion of the façade, any openings simulating windows may be used to help comply with transparency requirements.



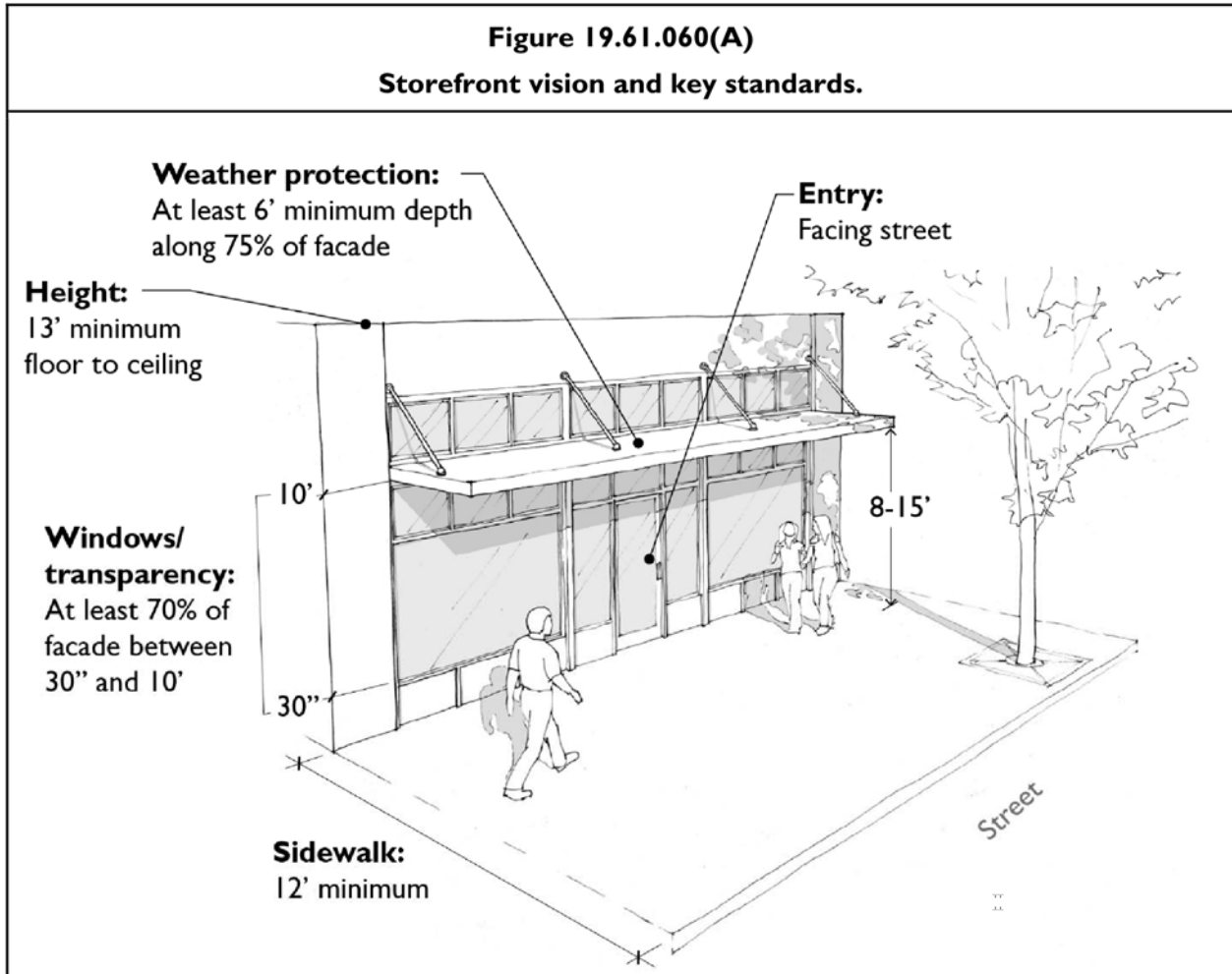
Parking garage with windows



Parking garage without windows

19.61.060 - Storefront block frontage standards. (NEW)

- A. Purpose.** Storefront block frontages are the most vibrant and active shopping and dining areas within Anacortes. Blocks designated as Storefront block frontages include continuous storefronts placed along the sidewalk edge with small scale shops and many business entries.



B. Standards. All development on sites with a Storefront block frontage designation must comply with the standards in Table 19.61.060(B) below:

Table 19.61.060(B) Storefront block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Ground level Land use	Non-residential uses specified in Table 19.41.050 are required except for lobbies associated with residential or hotel/motel uses on upper floors.	
Floor to ceiling height	13' minimum (applies to new buildings only)	
Retail space depth	20' minimum (applies to new buildings only) ➡	
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 (19.62.040.D).	 Corner building example
Building entrances	Primary building entrances must face the street. For corner buildings, primary entrances may face the street corner.	
Façade transparency (see AMC 19.61.050)	At least 70% of the storefront transparency zone) ➡	
Weather protection	Weather protection over the sidewalk is required along at least 75% of the storefront façade, and it must be a minimum of 6' deep and have 8' to 15' of vertical clearance. ➡ Weather protection must not interfere with street trees, street lights, street signs, or extend beyond the edge of the sidewalk.	

Table 19.61.060(B) Storefront block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.060(C) below.		
Element	Standards	Examples and Notes
Parking location and vehicle access	New surface parking adjacent to the street is prohibited. ➡ Vehicular access for surface or structured parking from a storefront street is prohibited. ➡	The diagram shows a storefront with an alley to its right. Below the storefront, a large rectangular area is shaded gray and labeled 'Parking in back'. The text 'Alley' is written above the storefront, and 'Parking in back' is written below the shaded area.
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.	The diagram shows a cross-section of a sidewalk. A tree is planted on the sidewalk. A dimension line indicates a minimum width of 12 feet from the curb edge to the storefront façade. The text '12' min' and 'Total sidewalk width' are written below the dimension line.

C. Departure criteria. Departures from the 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 proposed alternative design treatment of façade area between ground level windows provides visual interest to the pedestrian and mitigates impacts of any blank wall areas. No 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. Sidewalk width. Alternative designs may be considered where topographical challenges or approved city streetscape plans with different sidewalk standards exist. Alternative designs must be able to accommodate safe and comfortable pedestrian traffic anticipated for full block development.

19.61.070 - Landscaped block frontage standards. (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 AMC 19.61.070(C) below.

Element	Standards	Examples and Notes
Ground level		
Land use	See uses specified in 19.42.030.	
Building placement	10' minimum setbacks are required, or greater where specified for the applicable zone in AMC Chapter 19.41 Form and Intensity Standards.	
Building entrances	At least one building entry must be visible from the sidewalk.	

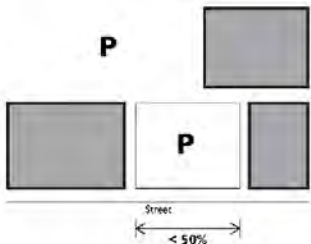
Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
Façade transparency (see AMC 19.61.050)	For buildings designed with ground level non-residential uses, at least 25% of the ground floor between 4'-8' above the sidewalk. ➡ Transparent window area must be provided along at least 15% of the facade of the building. ➡	
Weather protection	Weather protection at least three feet deep must be provided over all primary entries.	Landscaped frontage example meeting setback, entry, weather protection, and transparency standards.
Parking location and vehicle access	Parking must be located to the side or rear of buildings. For multi-building developments, no more than 50% of the lot frontage can be occupied by off-street parking and driveways. ➡ Vehicular access must comply with the provisions of AMC 19.53.030.	ACCEPTABLE 50% OR LESS PARKING IN FRONT  NO MORE THAN 50% PARKING IN FRONT 
Landscaping	All areas between the sidewalk and the building must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space (AMC 19.63.030(D)). Landscaped areas must contain Types B, C, or D Landscaping (as defined in AMC 19.65.060) and may incorporate rain	

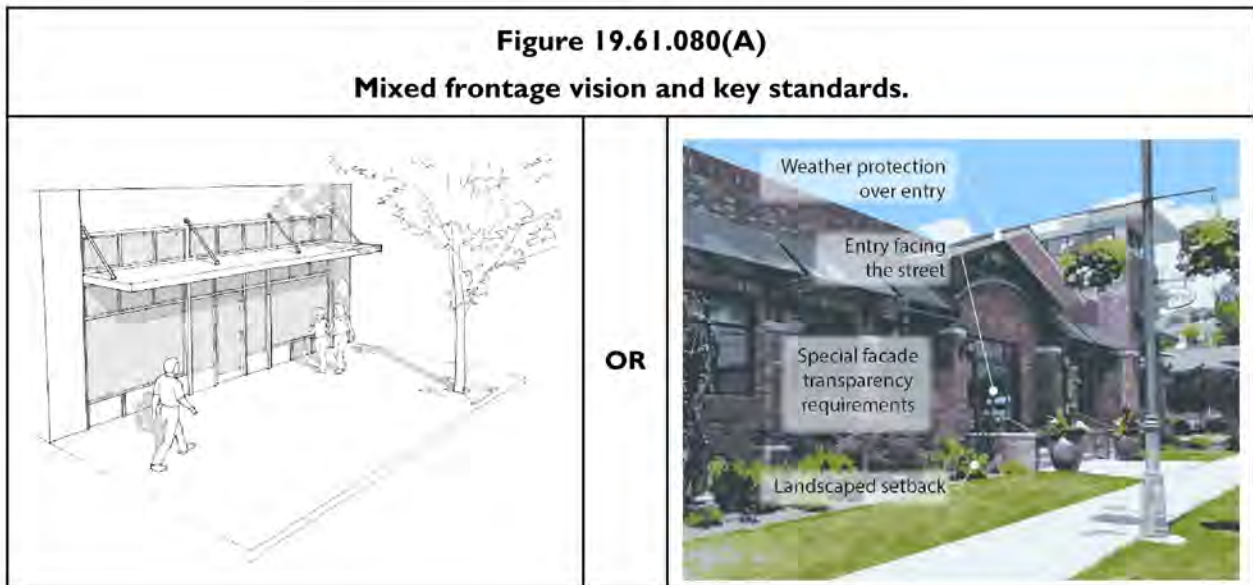
Table 19.61.070(B) Landscaped block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.070(C) below.		
Element	Standards	Examples and Notes
	gardens and other forms of stormwater management. See AMC Chapter 19.65 for other landscaping standards.	
Sidewalk width	See AMC 19.52.040 for applicable sidewalk widths.	

C. Departure criteria. Departures to the landscaped block frontage standards in Table 19.61.070(B) that feature the ➡ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

1. Building entrances: Block frontages with environmental constraints and/or those facing busy arterial streets and minor pedestrian traffic may warrant some flexibility to this standard (particularly in residential zones).
2. Façade transparency: 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 departure.
3. Parking location: Corner lots and unusual lot shapes warrant some flexibility to the standards herein provided design treatments are included that minimize visual impacts of parking areas on the streetscape.

19.61.080 - Mixed block frontage standards. (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 AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet storefront 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 zone in AMC Chapter 19.42 Form and Intensity Standards. ➡	

Table 19.61.080(B) Mixed block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.080(C) below.		
Element	Standards	Examples and Notes
Façade transparency (see AMC 19.61.050)	Storefront buildings are subject to storefront block frontage transparency standards above. For other building frontages, transparent windows must be provided along at least 15% of the 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. ➡ • 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.

C. Departure criteria. Departures to the mixed block frontage standards in Table 19.61.080(B) that feature the ➡ symbol will be considered per AMC 19.20.250 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 stoop 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 percent reduction in the minimum amount of window transparency may be approved via departure.

Figure 19.61.080(C)
Acceptable examples of possible setback departures.



The landscaped and stoop frontages above are possible departure examples with reduced setbacks for non-storefront facades. The combination of landscaping elements, façade transparency, low fencing, and façade materials and detailing help to create an effective transition between the public and private realm.

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 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 AMC 19.61.090(C) below.		
Element	Standards	Examples and Notes
Building placement	Buildings may be placed up to the sidewalk edge provided they meet storefront 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 zone in AMC Chapter 19.42 Form and Intensity Standards. ➡	 Storefront example.

Table 19.61.090(B) Marine block frontage standards.		
The ➡ symbol refers to departure opportunities in AMC 19.61.090(C) below.		
Element	Standards	Examples and Notes
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 must comply with the provisions of AMC 19.53.030.	The unique nature of these marine-oriented sites and uses often require some flexibility in building and parking area locations.

C. Departure criteria. Departures to the marine block frontage standards in Table 19.61.090(B) that feature the ➡ symbol will be considered per AMC 19.20.250 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 stoop 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 percent reduction in the minimum amount of window transparency may be approved via 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 there is an acceptable tradeoff of public benefits associated with the proposed building and parking lot location. Examples include distinctive landscape design integrating a decorative low fence or trellis.

~~b. The planned use makes it difficult or impossible to meet the parking location standards given the site context.~~

19.61.100 - Gateway block frontage standards. (NEW)

- A. Purpose.** Gateway block frontage designations serve strategic areas along properties fronted by Highway 20 where there is a desire to provide attractive landscaped development frontages.
- B. Standards.** All development on sites containing a **gateway** block frontage designation must comply with the standards in Table 19.61.070(B) below:

Table 19.61.100(B) Gateway block frontage standards.	
The ➡ symbol refers to departure opportunities in AMC 19.61.100(C) below.	
Element	Standards
Building placement	10' minimum 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. Marijuana uses and adult concession uses are exempt from this requirement.
Parking and outdoor storage location	Parking lots and outdoor storage areas must 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 19.65.060. ➡
Landscaping	All areas between the property line and any building, parking, or storage area must be landscaped, except for pathways, porches, decks, and other areas meeting the definition of pedestrian-oriented space [AMC 19.63.030(D)].
Fencing	Landscaped screening is required (➡) for chain link and other similar metal fencing and opaque fences: - For fences less than 4-1/2' tall, at least 5' of Type A, B, or C Landscaping (see AMC 19.65.060) is required in front of the fence. - For fences 4-1/2' or taller, at least 10' of Type A or B Landscaping (see AMC 19.65.060) is required in front of the fence. No landscape screening is required for split rail or similar low decorative fencing.
 Gateway frontage example with split rail fence, landscaping (shrubs behind fence) and façade meeting the modest transparency standards.	

- C. Departure criteria.** Departures to the landscaped block frontage standards in Table 19.61.100(B) that feature the ➡ symbol will be considered per AMC 19.20.250 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 departure.
2. Fence screening: Reduced landscaping screening is allowed where some combination of the type and design of reduced landscaping and/or the enhanced design of fencing reduces the visual impact of the fencing on the gateway corridor environment.

19.61.110 - Undesignated (streets with no designated block frontage). (NEW)

- A. Purpose.** Undesignated block frontages should provide visual interest at all observable scales and meet the design objectives of the city.
- B. Applicability.** All Undesignated block frontages in non-residential zones that are not designated are provided greater flexibility with regards to the design of multifamily and commercial development frontages. Departures will be considered pursuant to AMC 19.20.250.

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.

Undesignated block frontages must comply with the standards in Table 19.61.110(C) below.

Table 19.61.110(C) Undesignated block frontage standards.	
The ➞ symbol refers to departure opportunities in AMC 19.61.110(D) below.	
Element	Standards
Building placement	Where allowed in the applicable zone (see AMC Chapter 19.41 Allowed Uses), 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 zone (see AMC Chapter 19.42 Form and Intensity Standards).
Building entrances	Building entrances facing the street are encouraged. At a minimum, at least one building entry visible and directly accessible from the street is required. Where buildings are setback from the street, pedestrian connections are required from the sidewalk.
Façade transparency (see AMC 19.61.050)	• For 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.

Table 19.61.110(C) Undesignated block frontage standards.	
The ➡ symbol refers to departure opportunities in AMC 19.61.110(D) below.	
Element	Standards
Parking location and vehicle access	There are no parking lot location restrictions, except for required landscaping buffers set forth in AMC 19.65.070.
Landscaping	• The area between the street and any non-storefront building must be landscaped and/or private porch or patio space. • For setbacks adjacent to buildings with windows, provide low level landscaping that maintains views between the building and the street. • See chapter 19.65 for other landscaping standards.
Sidewalk width	Where storefront buildings are proposed, sidewalks must meet storefront block frontage standards in AMC 19.61.060. Otherwise, see AMC 19.52.040 Street geometric design and streetscapes for applicable sidewalk widths.

D. Departure criteria. Departures to the Undesignated block frontage standards in Table 19.61.110(C) that feature the ➡ symbol will be considered per AMC 19.20.250 provided the alternative proposal meets the purpose of the standards and the following criteria:

- I. Façade transparency: Reduced transparency is allowed where the design treatment of applicable landscaping and/or façade provide visual interest to the pedestrian and mitigates impacts of any blank wall areas. Up to a 50 percent reduction in the minimum amount of window transparency may be approved via departure.

19.61.120 - Trail block frontage standards. (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 Undesignated block frontage standards set forth in AMC 19.61.110. Exception: Developments in the CM2, HM, I, and MS are exempt from the building entrance and transparency standards.

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.

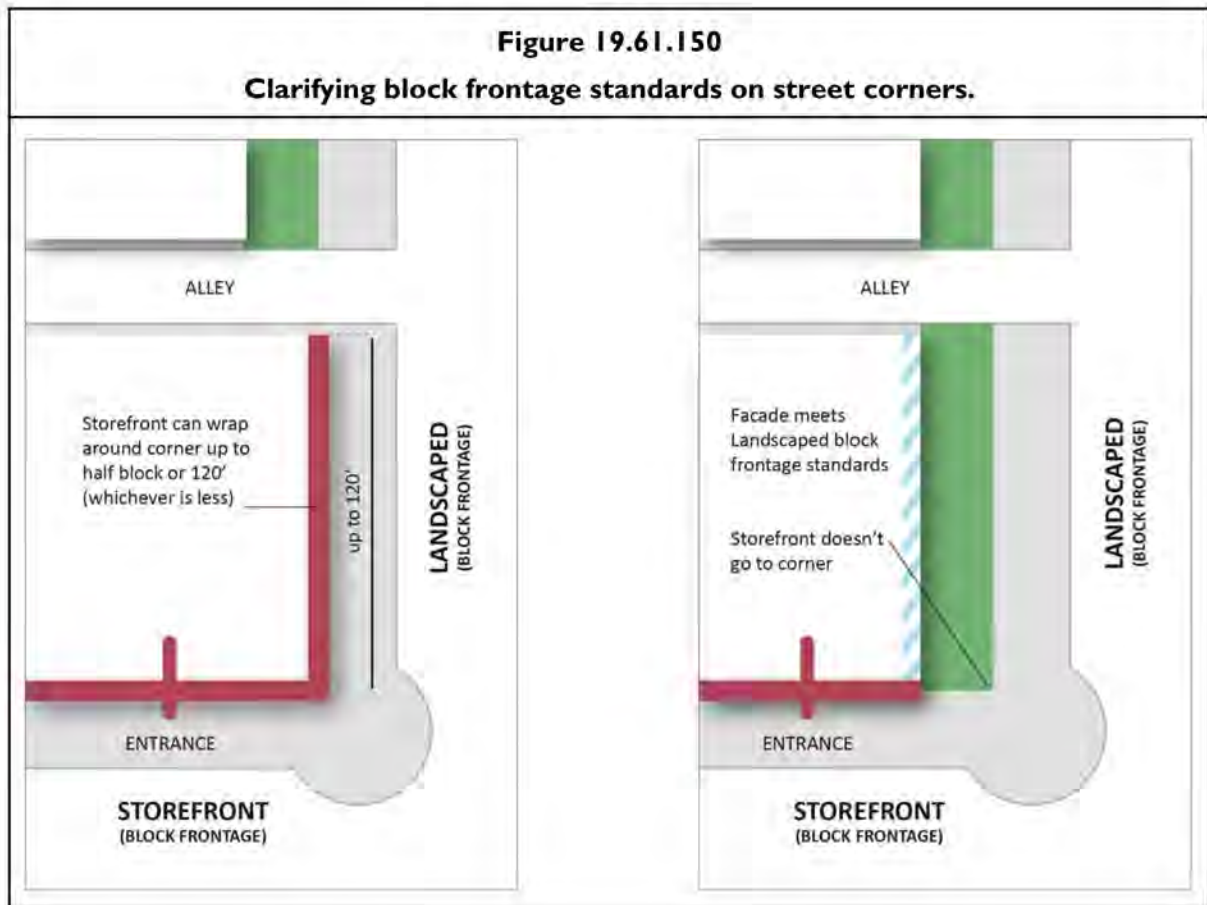
19.61.140 – Central waterfront (CW) corridors and block frontage standards. (NEW)

- A. Purpose.** These corridors are intended to enhance pedestrian access in the area and strengthen the physical and visual connection to the water.
- B. Standards.** The CW corridors must be at least 20-feet wide and are subject to the mixed block frontage standards in AMC 19.61.080. Where buildings employ the Landscaped block frontage style, the minimum building setbacks may be reduced provided the design meets the purposes of the standards and all other applicable design standards.

19.61.150 - Where properties front onto multiple streets. (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.
- 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 block width or no more than 120 feet (whichever is more).
- C. Entrances: For corner sites, entrances on both streets are encouraged, but only one entrance is required. For corner sites with frontage on a storefront block frontage on one side, an entrance must be placed on the storefront block frontage side. For corner sites with a mix of designations that do not include a storefront block frontage, the entry must be placed on the order of preference identified above. Departures may be considered provided the location and design of the entry and block frontage treatments are compatible with the character of the area and enhance the character of the street.
- D. Transparency: For corner sites - at least one block frontage must meet the applicable transparency standards (based on the order of preference above. For the second block frontage, the director may approve a reduction in the minimum amount of transparency by 50 percent. For street corners with the same designations on both frontages, buildings must employ the full transparency on the dominant frontage (based on the frontage width or established neighborhood pattern).
- E. Parking: Surface parking (including ground floor parking in a structure) adjacent to a street corner is not allowed, except:
1. Corner lots with non-designated frontages (other) 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.



19.61.160 - Where properties have multiple designations along one frontage. (NEW)

Where an individual property has a frontage with multiple designations, the following standards apply:

- A. Storefront and any other designation: Storefront designation applies.
- B. Mixed and landscaped: Mixed designation applies.
- C. Landscaped and other: Landscaped designation applies.

19.61.170 - 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 AMC 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 corner (right-of-way).
 2. At least one of the following special features must be included (Figure 16.61.160 below illustrates acceptable examples):
 - a. Corner plaza.
 - b. Cropped building corner with a special entry feature.
 - c. Decorative use of building materials at the corner.
 - d. Distinctive façade articulation.
 - e. Sculptural architectural element.
 - f. Other decorative elements that meet the intent of the standards.

Figure 19.61.170

Acceptable high visibility street corner examples.



Building 1 includes a corner tower. Building 2 features cropped building corners with decorative elements. Building 3 uses a decorative canopy. Building 4 uses a change in building materials and façade articulation at the corner. Building 5 incorporates a plaza at the corner. Image 6 shows a decorative landscaped area with a trellis and neighborhood gateway sign.

NOTE TO REVIEWERS – the provision below has been modified as a “Framework Development Plan” which could include more than updates to the block frontage designations

19.61.180 – Framework development 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 framework development plans.

A. Purpose.

1. To provide thoughtful and fair process to plan for the development of large and new commercial and mixed-use sites in Anacortes consistent with the goals and policies of the comprehensive plan.
2. To promote the arrangement of streets, buildings, open space, parking and service areas that creates a strong sense of community and enhances the character of Anacortes.
3. To avoid uncoordinated patterns of development that waste valuable land, compromise vehicular and pedestrian access, and degrade the character of Anacortes.

B. Applicable sites.

1. Sites shown in Figure 19.61.040(C).
2. Recently annexed sites zoned as one of the mixed-use or industrial zones that are not addressed in the block frontage maps in this chapter.
3. Sites recently rezoned to a mixed-use or industrial zone that are not addressed in the block frontage maps in this chapter.

C. Block frontage designations options.

1. Prior to site development of applicable sites, a framework development plan must be developed, approved and recorded for the property per the procedures set forth in AMC 19.20.030. The plan must include:
 - a. New streets and internal roadways along with block frontage designations (types included in this section).
 - b. Any designated high visibility street corners.
2. Block frontage designation master plans may utilize any existing block frontage designations within or bordering the site, or include an alternative block frontage designation type or types, subject to master plan approval.
3. Alternatively, site plan development may occur on applicable sites without an approved and recorded 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.

Chapter 19.62 - SITE PLANNING (NEW)

Sections:

- 19.62.010 - Purpose
- 19.62.020 - Applicability
- 19.62.030 - Relationship to adjacent properties
- 19.62.040 - Internal open space
- 19.62.050 - Internal pedestrian access and design
- 19.62.060 - Vehicular circulation and parking
- 19.62.070 - Service areas and mechanical equipment

19.62.010 - Purpose.

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.

- 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, LMI, 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.

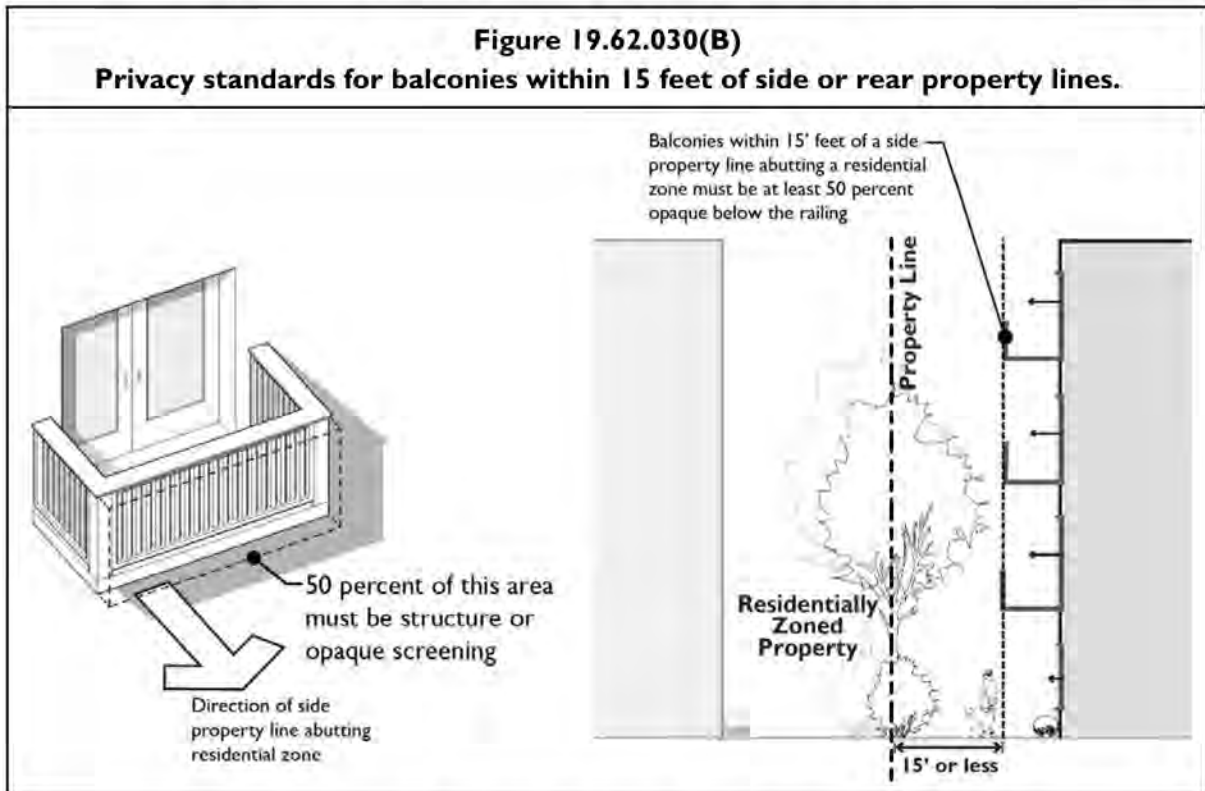
19.62.030 - Relationship to adjacent properties.

A. Purpose.

1. To promote the functional and visual compatibility between developments.
2. To protect the privacy of residents on adjacent properties.

B. Balconies along side and rear property lines adjacent to property in any residential zone.

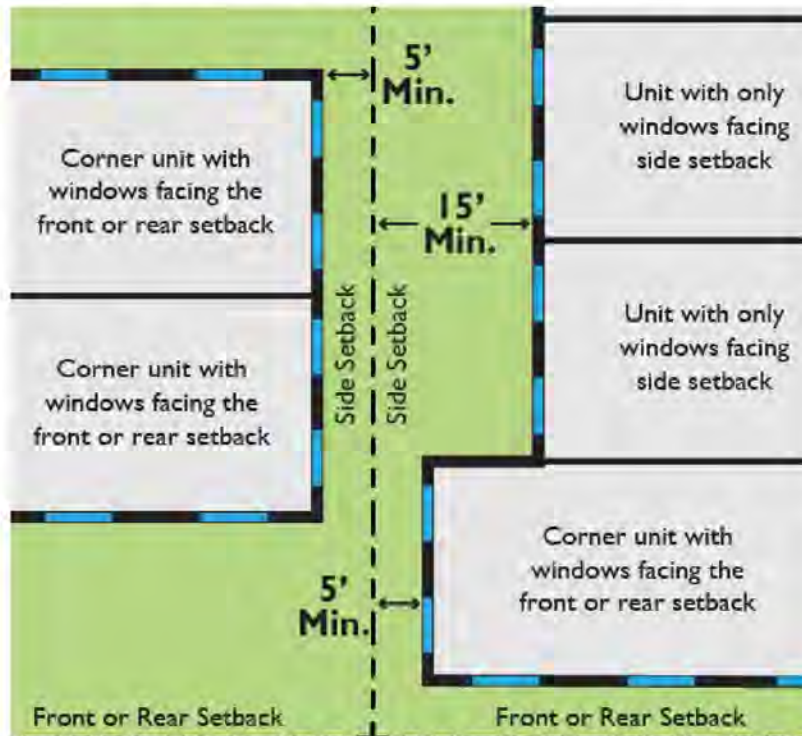
Balconies and rooftop decks above the ground floor within 15 horizontal feet of a side property line abutting a residentially zoned property must feature a railing system that is at least 50 percent opaque. Specifically, 50 percent of the area below the railing must be a sight-obscuring structure.



Departures to this standard will be allowed 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 is determined that the proposed design will not create a compatibility problem in the near and long term based on the unique site context.

Figure 19.62.030(C). Light/air access and privacy standards for multifamily residential buildings along side and rear property lines.



19.62.040 - Internal open space.

A. Purpose.

1. To create useable space that is suitable for leisure or recreational activities for residents.
2. To create open space that contributes to the residential setting.
3. To provide plazas that attract shoppers to commercial areas.
4. To provide plazas and other pedestrian oriented spaces in commercial areas that enhance the employees' and public's opportunity for active and passive activities, such as dining, resting, people watching, and recreational activities.
5. To enhance the development character and attractiveness of commercial development.

B. Usable residential open space.

1. All multifamily development, including multifamily portions of mixed-use development, must provide minimum usable open space equal to 100 square feet per dwelling unit for studio and one bedroom dwellings and 150 square feet per dwelling unit for dwellings with two or more bedrooms. The required open space may be provided in a combination of ways:
 - a. Shared open space. All of the required open space may be in the form of shared open space available to all residents and meeting the requirements of subsection (B)(2) below. ~~Shared open space may be in the form of courtyards, front porches, patios, play areas, gardens or similar spaces.~~
 - 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:
 - i. Outdoor spaces may be located in the front, side, or rear yard provided they are generally level, feature no dimension less than ten feet, and enclosed by a fence and/or hedge at least 32 inches in height to qualify (departures will be considered for this provision).
 - ii. Private porches may qualify as outdoor space provided they are at least 36 square feet, with no dimension less than six feet.Individual ground level open space that is in excess of minimum requirements must not be used in the calculations for determining the minimum usable open space requirements for other units in the development.
 - c. Balconies. Up to 50 percent of the required open space may be provided by private balconies provided such spaces are at least 32 square feet, with no dimension less than four feet, to provide a space usable for human activity.
 - d. Common indoor recreation areas. For mixed-use buildings up to 50 percent of the required open space may be provided by common indoor recreation areas meeting the following conditions:
 - i. The space must meet ADA standards and must be located in a visible area, such as near an entrance, lobby, or high traffic corridors.
 - ii. The space must be designed specifically to serve interior recreational functions and not merely be leftover unrentable space used to meet the open space requirement. Such space must include amenities and design elements that will encourage use by residents.
 - e. Shared roof decks. For multifamily buildings, up to 50 percent of the required open space may be provided by shared roof decks located on the top of buildings which are available to

all residents and meet the requirements below. For mixed-use buildings, 100 percent of the required open space may be provided by shared roof decks. Design requirements:

- i. Space must feature hard surfacing, provide amenities such as seating areas, landscaping, and/or other features that encourage use.
 - ii. Space must integrate landscaping elements that enhance the character of the space and encourage its use.
 - iii. Space must incorporate features that provide for the safety of residents, such as enclosures, railings, and appropriate lighting levels.
2. Shared open space design requirements. Shared open space can include landscaped courtyards or decks, entrance plazas, gardens with pathways, children's play areas, pools, and water features provided they are accessible to all residents of the development. Accessible areas used for storm water retention or other multipurpose recreational and/or green spaces that meet the design criteria herein may qualify as shared open space.

Special requirements for common usable open spaces include the following:

- a. Shared open space must be located in centralized areas that are visible from units within the development.
- b. Required setback areas must not count as shared open space unless the design of the space meets the standards herein.
- c. Shared open space must feature no dimension less than 15 feet in order to provide functional leisure or recreational activity (unless otherwise noted herein).
- d. Shared open space must feature paths or walkable lawns, landscaping, seating, lighting, and play structures, sports courts, or other pedestrian amenities to make the area more functional and enjoyable for a range of users.
- e. Shared open space must be separated from ground level windows, streets, service areas and parking lots with via landscaping, fencing, and/or other acceptable treatments that enhance safety and privacy for both the shared open space and dwelling units.
- f. When possible the space should be oriented to receive sunlight, facing east, west or preferably south.
- g. Stairways and service elements located within or on the edge of shared open space must not be included in the open space calculations.
- h. Shared porches may qualify as shared open space provided they are at least 8 feet in depth and 96 square feet in total area.
- i. The space must be accessible to all residents of the development.

Figure 19.62.040(B)(2)
Shared open space examples.



The upper left example include a combination of open lawn area for informal recreation plus pathways and decorative landscape areas to enhance the setting for residents. The upper right courtyard includes pathways, seating areas, landscaped beds, and decorative lighting to provide a visual and physical amenity for residents.



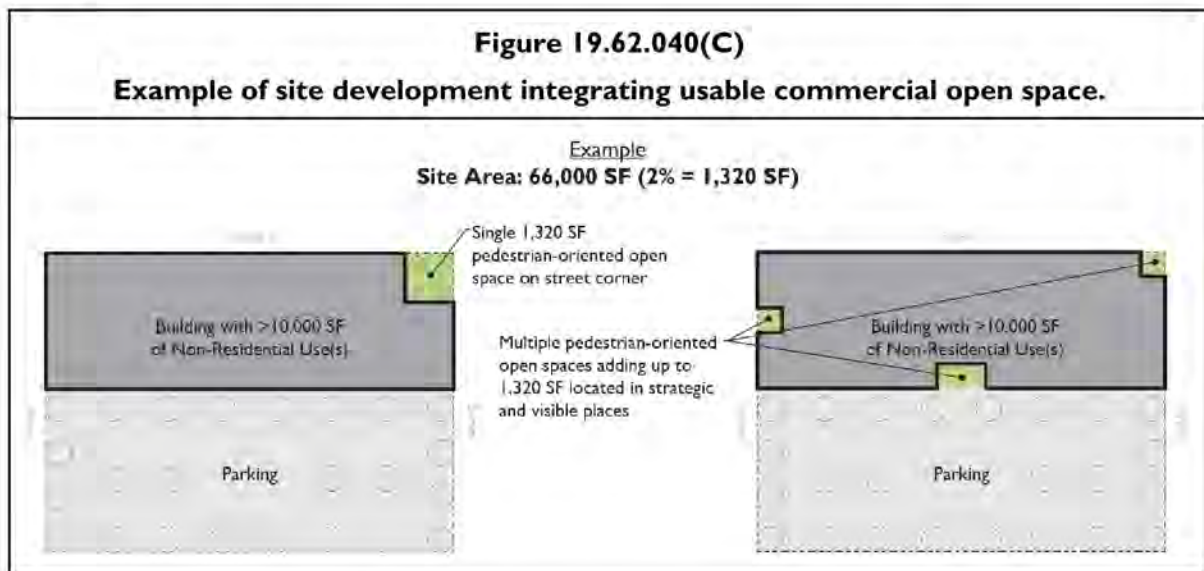
The left image above includes a covered gathering space with outdoor grills adjacent to a landscaped commons with a central pathway. The right image includes a pond/wetland type area with boardwalk and seating areas.

Figure 19.62.040(B)(5)
Rooftop deck examples.



- 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.



- 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 pedestrian access into the site from a street, private access road, or non-vehicular courtyard.
 - b. Paved walking surfaces of either concrete or approved unit paving.
 - c. Lighting must conform to AMC 19.68.040.
 - d. The spaces must be located in or adjacent to areas with significant pedestrian traffic to provide interest and security, such as adjacent to or visible from a building entry.
 - e. At least two feet of seating area (a bench or ledge at least 16 inches deep and appropriate seating height) or one individual seat per 60 square feet of plaza area or open space.
 - f. Landscaping components that add visual interest and do not act as a visual barrier. This could include planting beds, raised planters, and/or potted plants, or both.
2. Desirable pedestrian-oriented open space features:

- a. Pedestrian amenities, such as site furniture, artwork, drinking fountains, shade structures kiosks, or other similar features.
 - b. Adjacent buildings with transparent windows and doors covering at least 50 percent of the façade between 30 inches and 10 feet above the ground level.
 - c. Pedestrian weather protection, alcoves, seating, or other features along building edges to allow for outdoor gathering.
3. Features prohibited within a pedestrian-oriented open space:
- a. Asphalt pavement.
 - b. Adjacent service areas (e.g., trash areas) that are not separated with landscaping, as required by AMC 19.62.070.
 - c. Adjacent chain-link fences.
 - d. Adjacent “blank walls” without “blank wall treatment” (see AMC 19.63.070).
 - e. Outdoor storage.

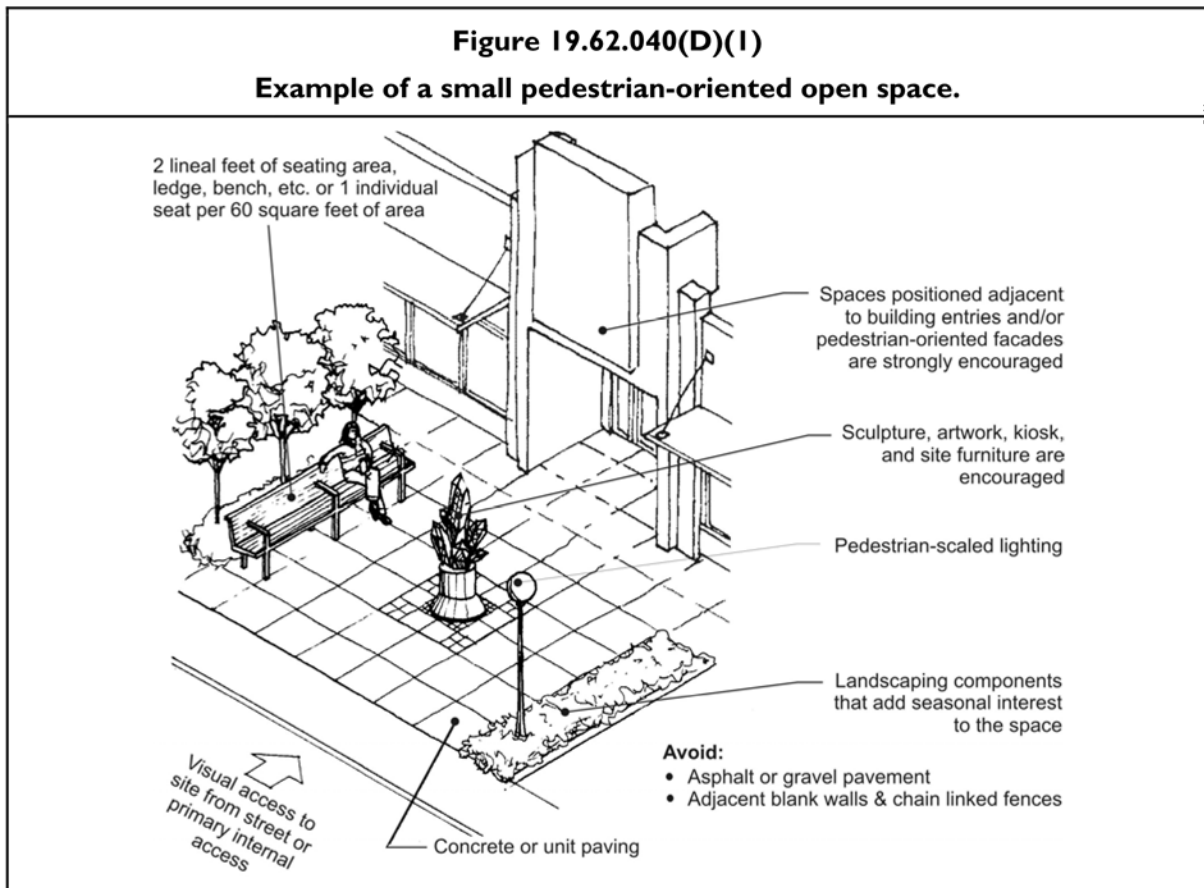


Figure 19.62.040(D)(2)

Desirable examples of pedestrian-oriented open space



The left example above is a colorful plaza with outdoor seating, landscaping elements and direct access to adjacent retail uses. The upper right image is a commons area with adjacent covered areas.



A covered outdoor gathering space (left) may be used to meet pedestrian-oriented open space requirements. In the right image, the widened sidewalk area may be counted as pedestrian-oriented open space.

19.62.050 - Internal pedestrian access and design.

A. Purpose.

1. To improve the pedestrian and bicycling environment by making it easier, safer, and more comfortable to walk or ride among residences, to businesses, to the street sidewalk, to transit stops, through parking lots, to adjacent properties, and connections throughout the city.
2. To enhance access to on- and off-site open space areas and pedestrian/bicycle paths.

B. Access to sidewalk. All buildings must feature pedestrian connections to a sidewalk per applicable block frontage standards in Chapter 19.61. See subsection D below for access design requirements.

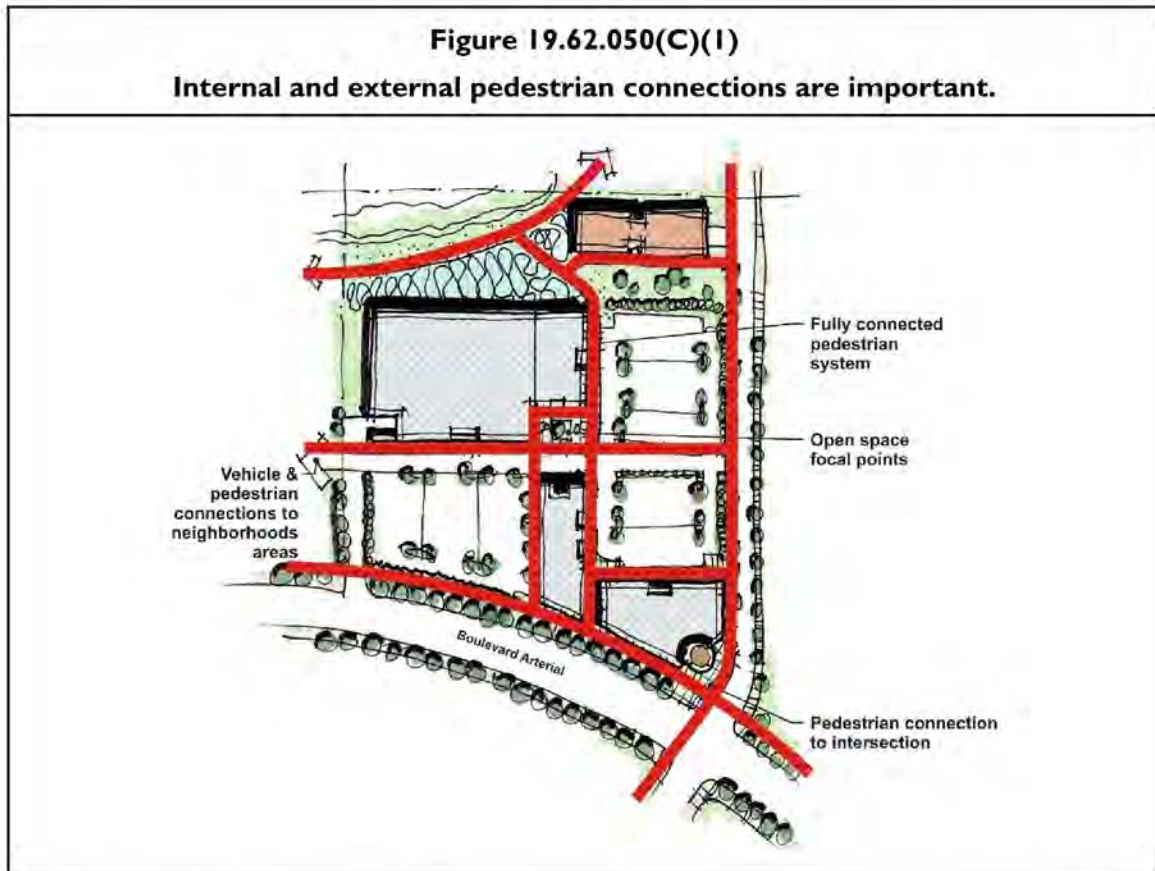
Figure 19.62.050(B)

Examples of direct pedestrian access to buildings from the street.



C. Internal circulation.

- I. For sites with multiple buildings in the C, CBD, and MMU zones, pedestrian paths connecting businesses and residential entries on the same development site must be provided. Routes that minimize walking distances must be utilized to the extent practical. Departures will be allowed where steep slopes prevent a direct connection or where an indirect route would enhance the design and/or use of a common usable open space. See subsection (D) below for pathway design standards.

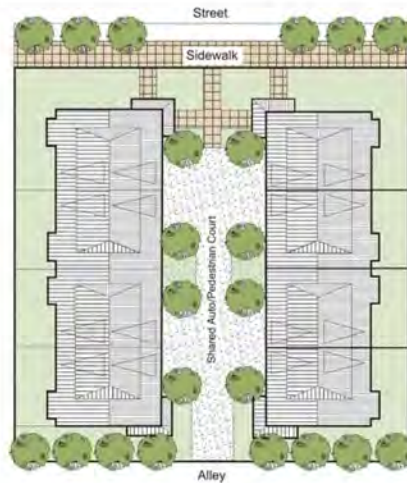


2. Sites with residential units. Provide direct pedestrian access between all ground related unit entries and a public street or to a clearly marked pathway network or open space that has direct access to a public street. Residential developments must provide a pedestrian circulation network that connects 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 19.62.050(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 19.62.050(C)(2)(b). Examples of attractive pedestrian connection through a residential development.

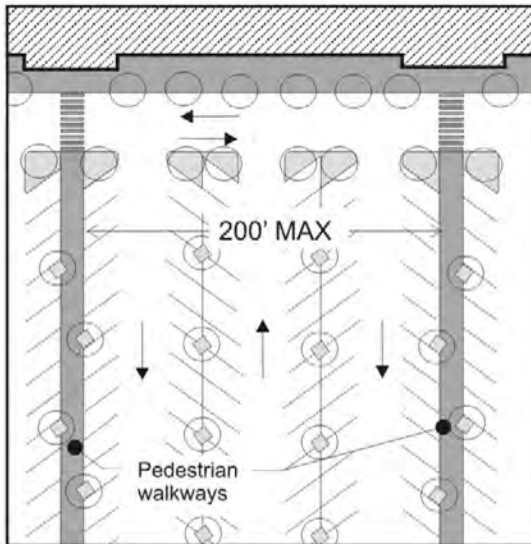


3. Crosswalks are required when a pathway crosses an on-site paved area accessible to vehicles. Crosswalks must contain contrasting material (such as concrete) and/or patterns (such as stamped asphalt), excluding painted surfaces.

4. Pedestrian paths through parking lots. Developments must provide specially marked or paved sidewalks through parking areas. At least one pathway must be provided every four rows of parking or at a maximum spacing of 200 feet. The pathways must provide a safe connection to the building entrance and meet the pathway design standards set forth in subsection D below. See examples below.

Figure 19.62.050(C)(4)

Parking area pathway standards and examples.



Note the location of the parking lot pathway in the upper right example (connecting shops in one building to the main entry of a grocery store).

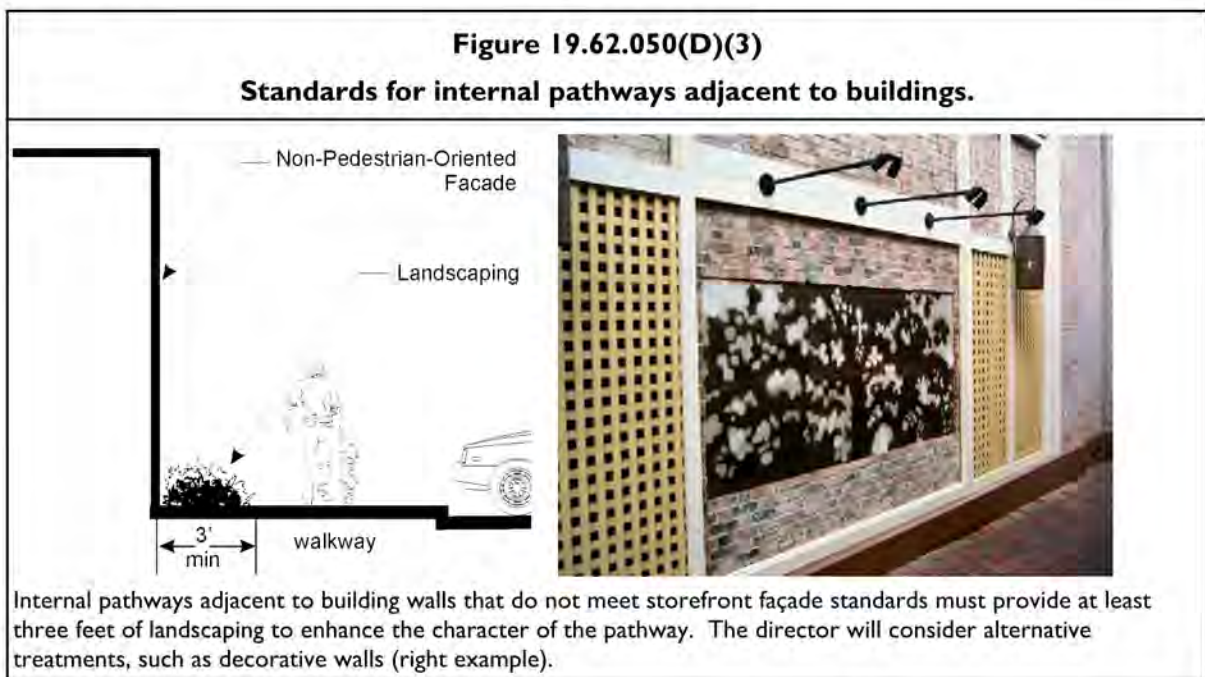


Note in the both examples that the concrete pathway extends into the vehicular area to provide a highly visible and safe crosswalk.

5. Barriers that limit future pedestrian access are prohibited. Gates that limit access to employees are permitted. See subsection D below for pathway design standards.
6. Provide easements for pedestrian access to facilitate the future extension of paths when adjoining properties are improved.

D. Pathway design.

1. All internal pedestrian pathways must have at least a minimum five-foot-wide unobstructed walking surface, except where otherwise required by the Anacortes Engineering Design Standards. ~~wider pathways are prescribed in this division or where the applicable uses and context dictate wider pathways.~~
2. Where parking is adjacent to perpendicular or angled parking, an extra two feet of pathway width must be provided to mitigate for parked vehicles overhanging the walk way.
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 AMC 19.61.050. Departure: Other landscaping and/or façade design treatments to provide attractive pathways will be considered. Examples include sculptural, mosaic, bas-relief artwork, or other decorative treatments that meet the purpose. Figure 19.62.050(D)(3) below provides one example.



4. Pathway design where multi-tenant commercial or mixed-use buildings 100 feet or more in length abut parking lots. Such pathways must feature a 12-foot wide sidewalk with and include the following:
 - a. Eight feet minimum unobstructed width.
 - b. Trees, as approved by the reviewing authority, placed at an average of 50 feet on-center and placed in grates or in planting strips as set forth in subsection c below. Departure: Breaks in the tree coverage will be allowed near major building entries to enhance visibility.
 - 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 19.62.050(D)(4)

Example of a successful pedestrian sidewalk between parking lot and storefront.



- e. Pedestrian lighting in accordance with AMC 19.68.040.
- f. See also AMC 19.62.060(C) Internal roadway design.

19.62.060 - Vehicular circulation and parking.

The standards herein supplement the provisions of AMC Chapter 19.64 Parking and AMC Chapter 19.53 Private Driveways and Access. Where there is a conflict, these provisions herein apply.

A. Purpose.

1. To create a safe, convenient, and efficient network for vehicle circulation and parking.
2. To enhance the visual character of interior access roads.
3. To minimize conflicts with pedestrian circulation and activity.

B. Driveway provisions. Driveways must meet the standards set forth in AMC 19.53.030.

C. Internal roadway design.

1. To increase the function and appearance of internal roadways on large sites (greater than two acres) in the MMU zone, street trees and sidewalks must be provided on all internal access roadways, excepting access roads designed solely for the purpose of service (e.g. waste pick-up) and loading.
2. In some instances where traffic speed and volume are low, the reviewing authority may approve a street where vehicle, bicycle and pedestrian movement are mixed such as in a “woonerf” or “shared street”. Woonerf streets must feature traffic calming and safety measures as well as landscape and amenity features as determined by the reviewing authority.

Figure 19.62.060(C)
Good internal roadway examples.



The examples above include angled parking and planter strips with street trees. Pedestrian-scaled lighting also contributes to the character in the upper right image.

Figure 19.62.060(C)
Good internal roadway examples.



The above left image illustrates a thoroughfare lane with a row of street trees. A sidewalk is included on one side of the street to provide a strategic connection between businesses. The right image illustrates the curbless "woonerf" design where travel speeds are low and lanes are shared between pedestrians and vehicles.

D. Drive-through facilities.

Where allowed, drive through facilities (e.g., drive-up windows) must comply with the following.

1. Block frontage provisions. For the purpose of complying with the block frontage standards in AMC Chapter 19.61, drive-through lanes are considered a parking area.
2. Screening. Drive-through lanes must be screened from public streets, internal pathways, and adjacent residential uses with landscaping or architectural screens.
 - a. For drive-through lanes adjacent to the street at least ten feet of Type C Landscaping (see AMC 19.64.050) must be provided between the sidewalk and the drive-through lane.
 - b. For drive-through lanes adjacent to internal pathways at least five feet of Type C Landscaping (see AMC 19.64.050) must be provided between the pathway and the drive-through lane.
 - c. For drive-through lanes adjacent to residential uses, at least five feet of Type A, B, or C Landscaping (see AMC 19.64.050) must be provided.

Departure: Alternative screening schemes may be approved provided they reduce the negative visual impacts of views from sidewalks, pathways, and adjacent residential uses and add visual interest.

3. Additional drive-through lane standards.
 - a. Drive-through lanes must not restrict pedestrian access between a public sidewalk and on-site buildings. Designated pathways must not be located within required stacking space.
 - b. Stacking spaces and the entrance and exit for the drive-through facility must be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other parking space areas.
 - c. Sufficient stacking space must be provided for handling of motor vehicles using the drive-through facility during peak business hours of the facility.

- d. A stacking space must be an area measuring eight feet by 20 feet with direct forward access to a service window of a drive-through facility.
- e. Stacking spaces may not be counted as required parking spaces.
- f. Noise from drive-through speakers must not be audible from adjacent residential properties.

19.62.070 - Service areas and mechanical equipment.

A. Purpose.

1. To minimize adverse visual, odor, and noise impacts of mechanical equipment, utility cabinets and service areas at ground and roof levels.
2. To provide adequate, durable, well-maintained, and accessible service and equipment areas.
3. To protect residential uses and adjacent properties from impacts due to location and utilization of service areas.

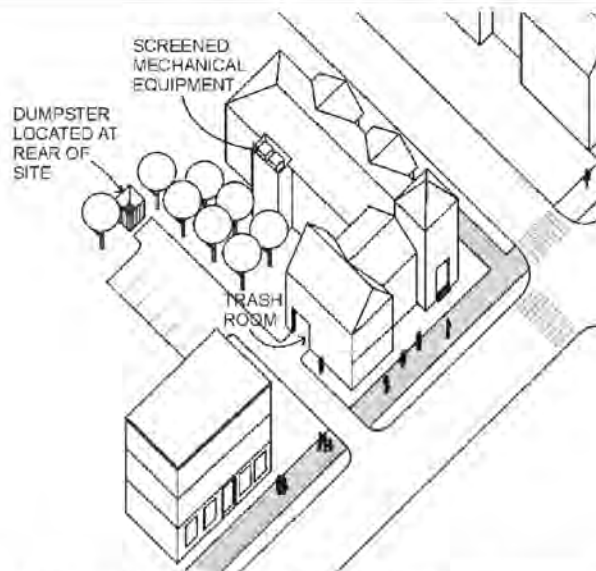
B. Location of ground related service areas and mechanical equipment.

1. Service areas (loading docks, trash dumpsters, compactors, recycling areas, electrical panels, and mechanical equipment areas) must be located for convenient service access while avoiding negative visual, auditory, olfactory, or physical impacts on the streetscape environment and adjacent residentially zoned properties. Service areas must be sited for alley access if available.

The planning director may require evidence that such elements will not significantly impact neighboring properties or public areas. (For example, the 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. Departures may be allowed where such a restriction does not allow feasible development, and alternative design measures can successfully mitigate potential negative impacts. For example, areas and drives may be required by the reviewing authority to be separated from the residential lot by a masonry wall at least eight feet high.
3. Service areas must not be visible from the sidewalk and adjacent properties. Where the 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 or landscaping screening measures provided in subsection (C) below and AMC Chapter 19.65 Landscaping. Service elements accessible from an alley are exempt from screening requirements.
4. Design for safety. Other provisions of this section notwithstanding, service areas used by residents must be located to avoid entrapment areas and other conditions where personal security is potentially a problem. The director may require pedestrian-scaled lighting or other measures to enhance security.
5. Locate and/or shield noise producing mechanical equipment such as fans, heat pumps, etcetera, to minimize sounds and reduce impacts to at property lines adjacent to residentially zoned properties.
6. Dumpster storage areas.
 1. Dumpster storage areas must be provided for all non-residential and multifamily development.
 2. Dumpster storage areas must be on-site and must not be located in the public right-of-way.
 3. Dumpster storage areas must be sized to accommodate the minimum dumpster sizes (as provided by the Anacortes Engineering Design Standards) for garbage, recycling, and composting.

Figure 19.62.070(B)
Service element location



Locate service elements to reduce impacts on the residential and pedestrian environment, and provide appropriate enclosure.

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 with the architecture of the main building. The reviewing authority may allow materials other than those used for the main building if the finishes are similar in color and texture or if the proposed enclosure materials are more durable than those for the main structure. The walls must be sufficient to provide full screening from the affected roadway, pedestrian areas or adjacent use. The enclosure may use overlapping walls to screen dumpsters and other materials [see Figure 19.62.070(C) below].
 - b. Gates must be made of heavy-gauge, site-obscuring material. Chain link or chain link with slats is not an acceptable material for enclosures or gates.
 - c. Where the interior of a service enclosures is visible from surrounding streets, pathways, and buildings, an opaque or semi-opaque horizontal cover or screen must be used to mitigate unsightly views. The horizontal screen/cover should be integrated into the enclosure design (in terms of materials and/or design).
 - d. Collection points must be located and configured so that the enclosure gate swing does not obstruct pedestrian or vehicle vehicular traffic, or does not require that a hauling truck project into any public right-of-way. Ensure that screening elements allow for efficient service delivery and removal operations.
 - e. The service area must be paved.

2. The sides and rear of service enclosures must be screened with landscaping at least five feet wide in locations visible from the street, parking lots, and pathways to soften views of the screening element and add visual interest.

Departures to the provisions of subsections (C)(1) and (2) above will be considered per AMC 19.20.250 provided the enclosure and landscaping treatment meet the purpose of the standards and add visual interest to site users.

Figure 19.62.070(C)
Acceptable screening enclosures.



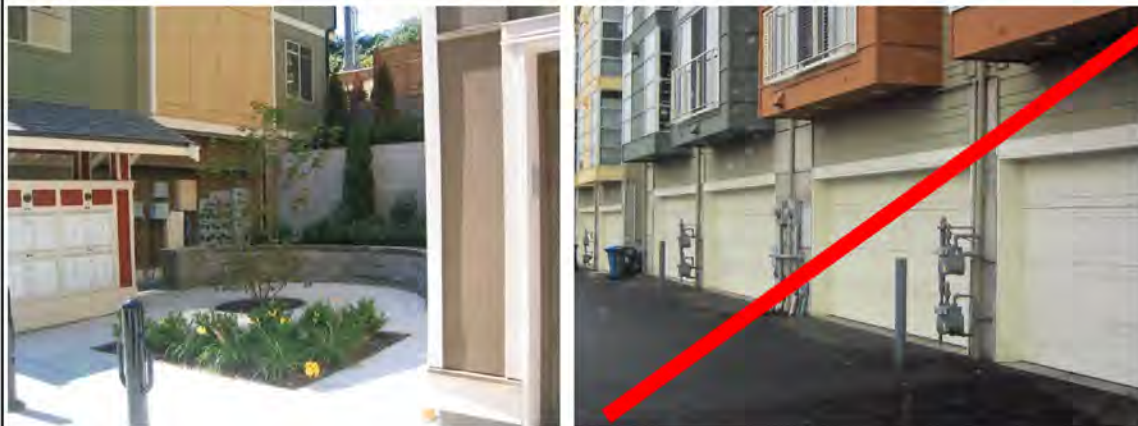
All three examples use durable and attractive enclosures with trees and shrubs to soften views of the enclosures from the side. The lower left example uses a trellis structure on top – a desirable example particularly where the top of the enclosures are visible from surrounding buildings, streets, and pathways (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.



E. Location and screening of roof mounted mechanical equipment.

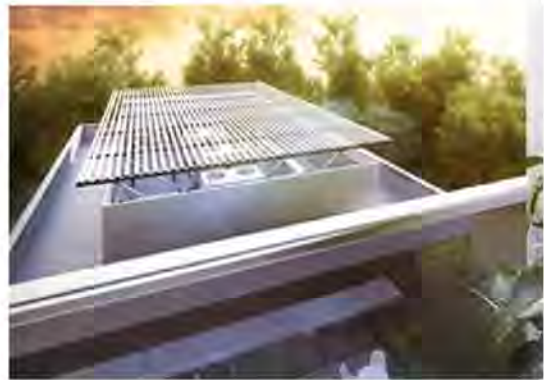
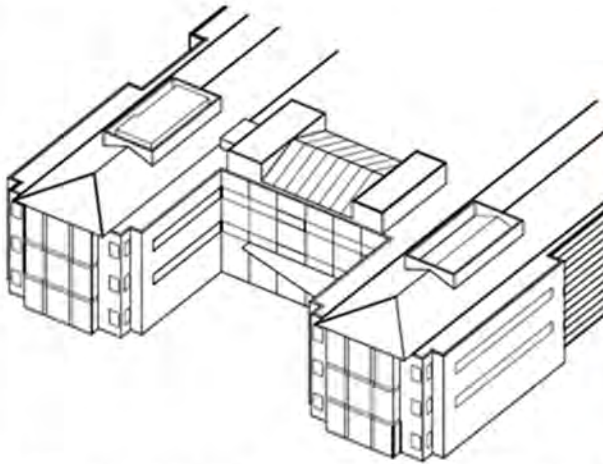
1. All rooftop mechanical equipment, including air conditioners, heaters, vents, and similar equipment must be fully screened from public view both at grade and from higher buildings with the exception of solar panels and roof-mounted wind turbines. Screening must be located so as not to interfere with 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 adjacent properties.

Figure 19.62.070(E)

Examples of how to screen roof-mounted mechanical equipment.



The left illustration shows how rooftop mechanical equipment can be located and screened effectively. The right images shows effective location and screening, including side walls and a trellis to screen views from taller 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
- 19.63.060 - Building materials
- 19.63.070 - Blank wall treatment

19.63.010 - Purpose. (NEW)

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 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, LMI, 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 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.

I 9.63.030 - Building character. (NEW)

A. Purpose.

1. To promote buildings with an architectural character that reflects the region's aesthetic and is based on human scaled design details, durable high quality materials, sustainable design measures, and respond uniquely to the site's context.
2. To emphasize that high quality design is most critical to Anacortes's high visibility sites and corridors.
3. To avoid generic, corporate architectural design that degrades the 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.

19.63.040 - Building massing and articulation. (NEW)

A. Purpose.

1. To employ façade articulation techniques that reduce the perceived scale of large buildings and add visual interest from all observable scales.
2. To create clear and welcoming building entries.

B. Façade articulation - non-residential. Storefronts and other buildings with non-residential uses on the ground floor must include articulation features every 30 feet (maximum) to create a **human-scaled** pattern. At least three of the following features must be employed at intervals no greater than 30 feet **on all building elevations facing the street or containing building entrances (alley facades exempt).**

1. Window patterns and/or entries.
2. Use of weather protection features.
3. Use of vertical piers/columns.
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 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:

7. Vertical elements such as a trellis with plants, green wall, art element.
8. Providing vertical building modulation of at least 12 inches in depth if tied to a change in roofline per subsection (F) below or a change in building material, siding style, or color.

Departures provided they meet the purpose of the standards and the design criteria set forth in subsection (D) below.

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 - residential. 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 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) **on all building elevations facing the street, park, or (lower intensity) zone edge:**

1. Use of windows and/or entries.
2. Change in roofline per subsection (F) below.
3. Change in building material, siding style, and/or window pattern.
4. Providing vertical building modulation 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 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.
6. Other design techniques that effectively break up the massing at no more than 30-foot intervals.

Departures will be considered provided they meet the purpose of the standards and the design criteria set forth in subsection (D) below.

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, and roofline modulation.



D. Departure criteria associated with articulation standards. Proposals must meet the purpose of the standards. The following criteria will be considered in determining whether the proposed articulation treatment meets the “purpose”.

1. Consider the type and width of the proposed articulation treatment and how effective it is in meeting the purpose given the building's current and desired context (per Anacortes's Comprehensive Plan).
2. Consider the applicable block frontage designation. Undesignated block frontages warrant more flexibility than block frontages designated as Mixed or Landscaped.
3. Consider the size and width of the building. Smaller buildings warrant greater flexibility than larger buildings.
4. Consider the quality of façade materials in concert with doors, windows, and other façade features and their ability to add visual interest to the street from a pedestrian scale and more distant observable scales.

E. Maximum façade width. Building elevations facing the street or lower intensity zone edge that are wider than 100 feet must include at least one of the following features to break up the massing of the building and add visual interest:

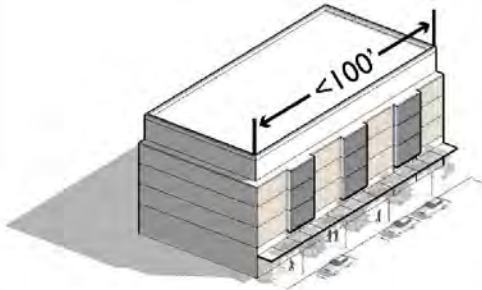
1. Provide vertical building modulation at least 40-six feet deep and 30-15 feet wide. For multi-story buildings, the modulation must extend through more than one-half of the building floors.
2. Use of a contrasting vertical modulated design component featuring all of the following:
 - ~~a. Component extends through all floors above the first floor fronting on the street.~~
Exception: upper floors that are set back more than ten feet horizontally from the façade are exempt.
 - a. Utilizes a change in building materials that effectively contrast from the rest of the façade.
 - b. Component is modulated vertically from the rest of the façade by an average of six inches.
 - ~~d. Component is designed to provide roofline modulation per subsection (F) below.~~
3. Façade employs building walls with contrasting articulation that make it appear like multiple distinct buildings. To qualify for this option, these contrasting façades must employ all of the following:
 - a. Different building materials and/or configuration of building materials.
 - b. Contrasting window design (sizes or configurations).

Departures designs will be considered provided the design meets the purpose of the standards. Supplemental consideration for approving alternative designs:

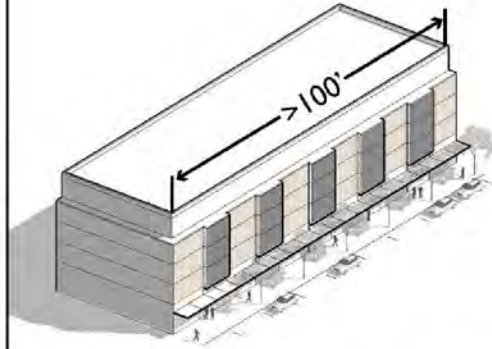
- c. Width of the façade. The larger the façade, the more substantial articulation/ modulation features need to be.
- d. Block frontage designation. Storefront designated block frontages warrant the most scrutiny while undesignated streets warrant more flexibility.
- e. The type of articulation treatment and how effective it is in meeting the purpose given the building's context.

Figure 19.63.040(E)

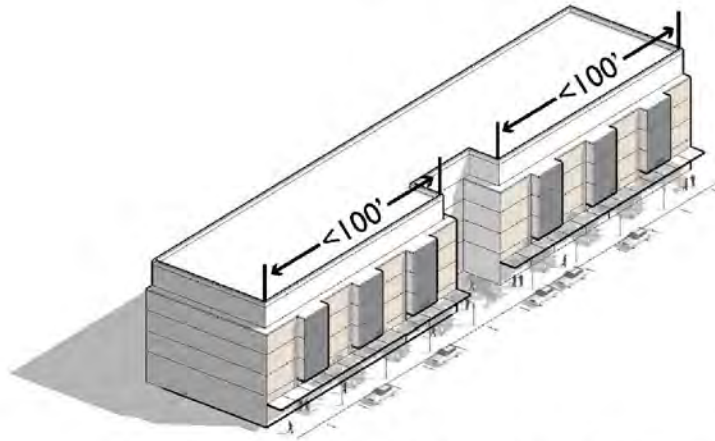
Illustrating maximum façade width standards and good and bad examples.



Less than 100 or 120' wide: Meets standard



More than 100 or 120' wide: Does not meet standard



Building incorporates a courtyard along the façade (technique #1 noted above) to effectively break it up into smaller components: Meets standard.



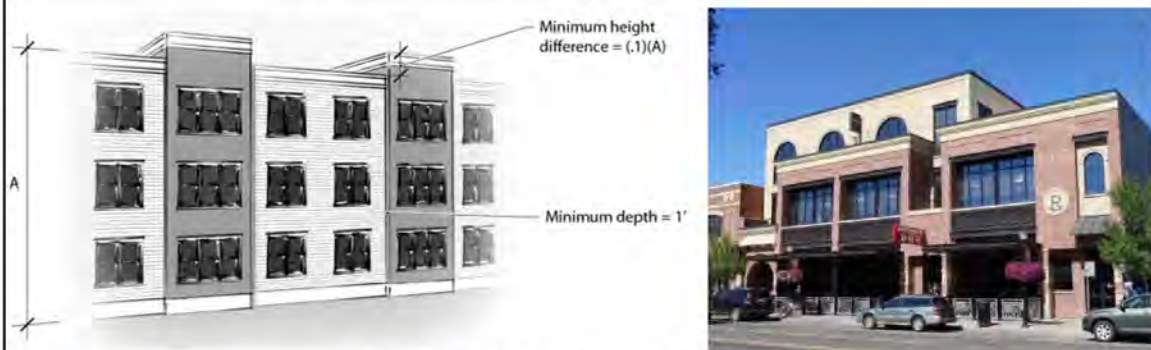
The left building uses technique # 1 (vertical building modulation at least six feet deep and 15 feet wide). The right building uses technique #2 (contrasting vertical modulated design component). Both examples are effective in breaking up the perceived scale of the building and adding visual interest.

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, the minimum vertical dimension of roofline modulation is the greater of four feet or 0.2 multiplied by the wall height.
2. A pitched roofline or gabled roofline segment of at least 20 feet in width. Buildings with pitched roofs must include a minimum slope of 5:12 and feature modulated roofline components at the interval required per the applicable standard above.
3. A combination of the above.

Departures designs will be considered 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.



Roofline modulation examples for flat roofs.



The left building illustrates a pitched roof example and the right building includes a combination of flat and gabled rooflines.

19.63.050 - Building details. (NEW)

A. Purpose.

1. To encourage the incorporation of design details and small-scale elements into building facades that are attractive at a pedestrian scale.
2. To integrate window design that adds depth, richness, and visual interest to the façade.

B. Façade details - non-residential and mixed-use buildings. All non-residential and mixed-use buildings in the C, CBD, MMU, CM zones and MED-O overlay zone must be enhanced with appropriate details. All new buildings and additions and buildings associated with Level II and III Improvements [see AMC 19.60.020(C)] must employ at least one detail element from each of the three categories below for each façade facing a street or public space for each façade articulation interval [see AMC 19.63.040(B)]. For example, a building with 120 feet of lot frontage with a façade articulated at 30-foot intervals will need to meet the standards for each of the three façade segments below.

- I. Window and/or entry treatment, such as:
 - a. Display windows divided into a grid of multiple panes.
 - b. Transom windows.
 - c. Roll-up windows/doors.
 - d. Other distinctive window treatment that meets the purpose of the standards.
 - e. Recessed entry.
 - f. Decorative door.
 - g. Other decorative or specially designed entry treatment that meets the purpose of the standards.

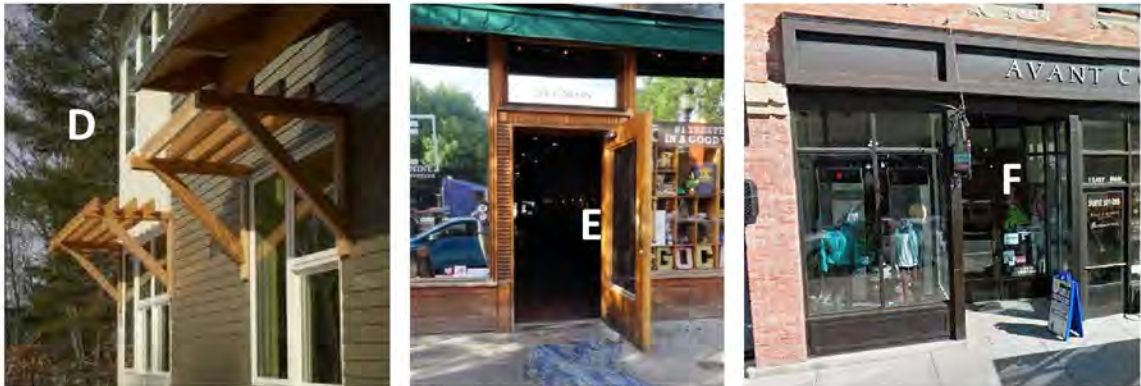
Figure 19.63.050(B)(I)

Examples of decorative or specially designed windows and entries.



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.

2. Building elements and façade details, such as:
 - a. Custom-designed weather protection element such as a steel canopy, cloth awning, or retractable awning.
 - b. Decorative building-mounted light fixtures.
 - c. Bay windows, trellises, towers, and similar elements.
 - d. Decorative, custom hanging sign(s) (option only available for building remodels).
 - e. Other details or elements that meet the purpose of these standards.

Figure 19.63.050(B)(2)

Examples of attached elements that enhance the visual intrigue of the building.



Figure 19.63.050(B)(2)

Examples of attached elements that enhance the visual intrigue 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 façade/sign lighting. D and E = custom decorative canopy. F decorative tower.

3. Building materials and other facade elements, such as:
 - a. Use of decorative building materials/use of building materials. Examples include decorative use of brick, tile, or stonework.
 - b. Artwork on building (such as a mural) or bas-relief sculpture.
 - c. Decorative kick-plate, pilaster, base panel, or other similar feature.
 - d. Hand-crafted material, such as special wrought iron or carved wood.
 - e. Other details that meet the purpose of the standards.

Figure 19.63.050(B)(3)

Examples of building material details that enhance the visual intrigue of the building.



Figure 19.63.050(B)(3)

Examples of building material details that enhance the visual intrigue of the building.



Examples of decorative surface materials. A = decorative brick/design. B = decorative tile-work and column pattern. C = decorative medallion. D = decorative mosaic tile work. E = decorative bulkhead. F = Decorative materials and design.

Departures will be considered provided the façade (at the overall scale and at the individual articulation scale) meets the purpose of the standards above.

C. Window design standards.

1. All windows (except storefront display windows) must employ designs that add depth and richness to the building façade. At least one of the following features must be included to meet this requirement:
 - a. Recess windows at least two inches from the façade.
 - b. Incorporate window trim (at least three inches wide) around windows
 - c. Incorporate other design treatments that add depth, richness, and visual interest to the façade.

Departures from the window standards above will be considered provided the design meets the purpose of the standards.

2. Prohibited windows: Mirrored glass is prohibited.

~~b. Continuous ribbon windows are prohibited.~~

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.

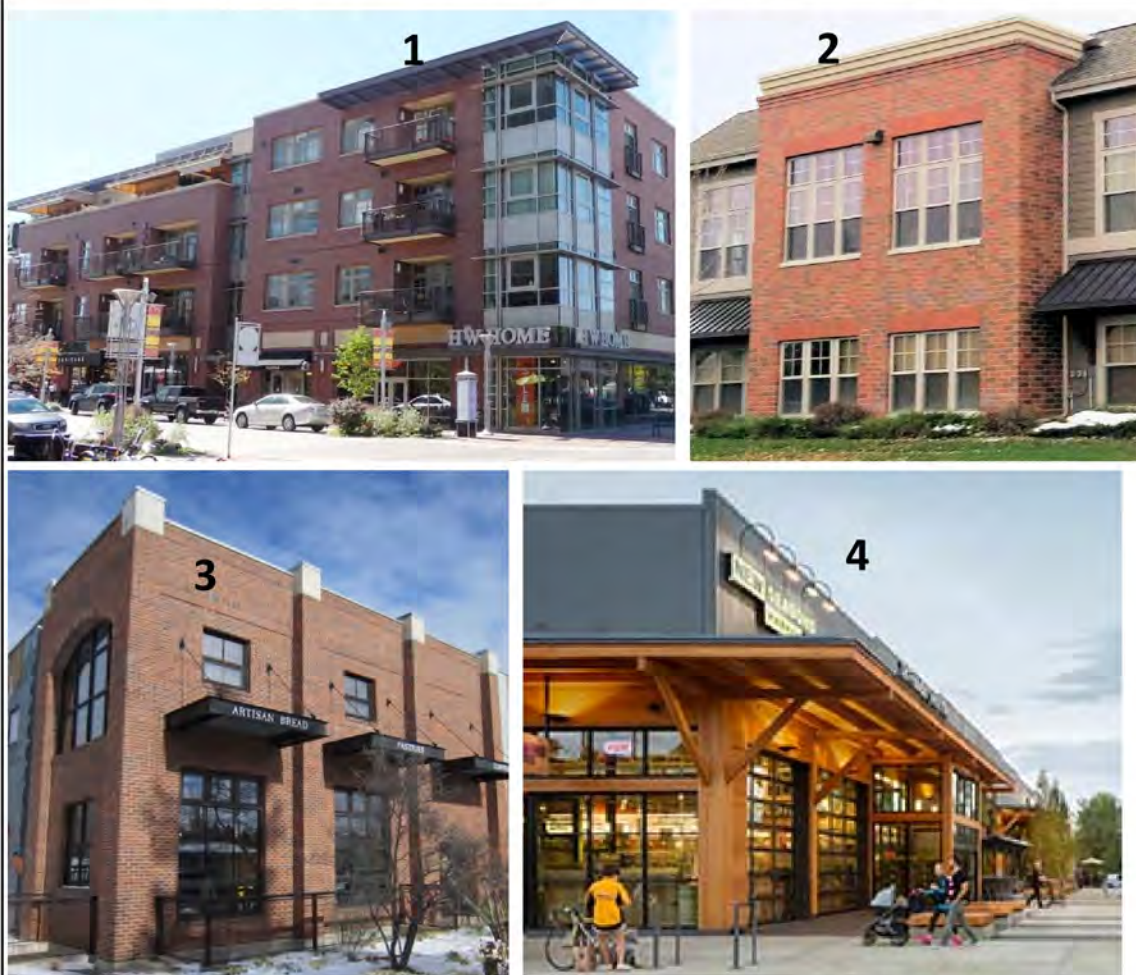
E. Cornice/roofline design. Buildings employing a flat roof must employ a distinctive roofline that effectively provides an identifiable “top” to the building. This could include a traditional cornice line or a contemporary interpretation of a traditional cornice line.

1. Such rooflines must be proportional to the size and scale of the building.
2. Understated cornice lines are permitted depending on the materials and design of the base and middle elements in reinforcing the base/middle/top configuration.

Figure 19.63.050(E) below illustrate acceptable and unacceptable examples.

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. Building 3 uses capped projecting columns along with an understated cornice line. Building 4 uses a very simple roofline - which is acceptable in this case due to the prominence of the wooden canopy.

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.** The primary building entrance for an office building, hotel, apartment building, public or community-based facility or other multi-story commercial building must be designed as a clearly defined and demarcated standout architectural feature of the building. Such entrances must be easily distinguishable from regular storefront entrances on the building. Such entries must be scaled proportional to the building. See Figure 19.63.050(F) below for good examples.

Figure 19.64.060(F)
Acceptable building entry examples.



19.63.060 - Building materials. (NEW)

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 the pedestrian scale.

B. Quality building materials. Applicants must use high quality durable materials. This is most important for the base of buildings, particularly for commercial and mixed-use buildings where the façade is sited close to sidewalks. At a minimum, stone, brick or tile masonry, or architectural concrete (first two feet only) must be used (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 buildings.~~

C. Special conditions and limitations for the use of certain cladding materials.

1. Concrete block (a.k.a. Concrete Masonry Unit or CMU) may be used as a secondary cladding material **on all street facing building elevations** if it is incorporated with other permitted materials. Alternative designs that use concrete block as the primary, but not the only, cladding material will be considered via departure provided the design incorporates a combination of textures and/or colors to add visual interest. For example, combining split or rock-façade units with smooth blocks can create distinctive patterns. The figures below illustrate acceptable concrete block use/designs.

Figure 19.63.060(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 corner element uses a combination of decorative split faced CMU closer to the sidewalk and smooth-faced CMU that is colored to look more like traditional white terra cotta tiles.



The above façade illustrates an acceptable alternative example, as CMU is used as the primary cladding material. Note the use of split-façade CMU's above each of the awnings and coupled with the use of smooth-façade CMU's on the vertical columns (which employ black accent tiles for added interest).

2. Metal siding may be used on all street facing building elevations provided it complies with the following standards:
- It must feature visible corner molding and trim and does not extend to the ground level of non-residential and mixed-use buildings and no lower than two feet above grade for residential buildings. Masonry, concrete, or other durable material must be incorporated between the metal siding and the ground plane.
 - Metal siding must be factory finished, with a matte, non-reflective surface.
 - Within the C and CBD zones, it-metal may only be used as a secondary cladding material if it is incorporated with other permitted materials.

Departures will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 19.63.060(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 may be used on all street facing building elevations as a decorative accent cladding material if it is incorporated 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.
 - EIFS must feature a smooth or sand finish only.
 - EIFS must be trimmed in wood, masonry, or other material and must be sheltered from weather by roof overhangs or other methods.
 - EIFS must not be used on the ground floor when facing a street, internal access road or pathway. Concrete, masonry, or other durable material must be used for ground level wall surfaces to provide a durable surface where damage is most likely.

Departures will be considered 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.

4. Cementitious wall board paneling/siding may be used **on all street facing building elevations** provided it meets the following provisions:
 - a. Cement board paneling/siding may not be used on the ground floor of non-residential or mixed-use buildings where adjacent to a sidewalk or other pedestrian path.
 - b. Where cement board paneling/siding is the dominant siding material, the design must integrate a mix of colors and/or textures that are articulated consistent with windows, balconies, and modulated building surfaces and are balanced with façade details that add visual interest from the ground level and adjacent buildings.

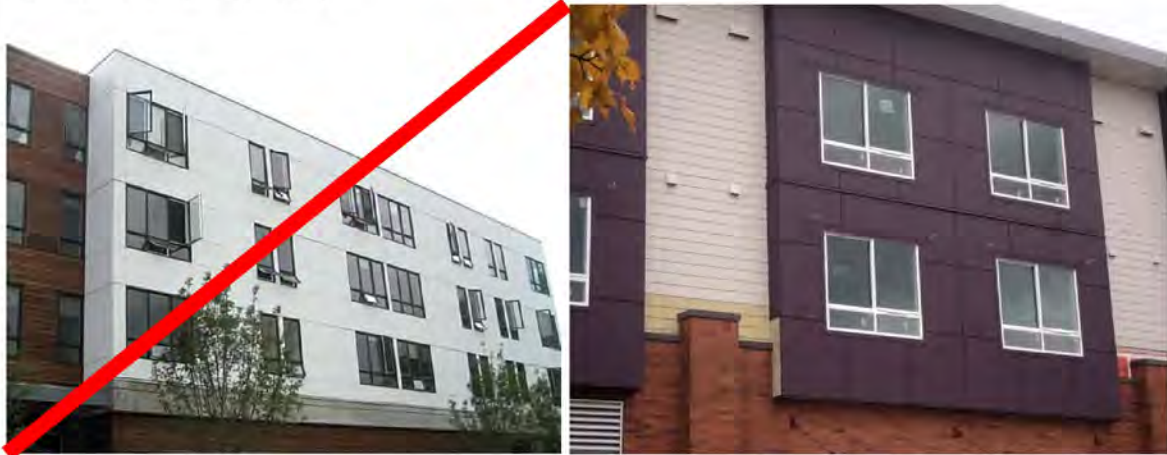
Departures will be considered provided the material's integration and overall façade composition meets the purpose of the standards.

Figure 20.127.450(6)
Acceptable and unacceptable cementitious wall board examples.



Figure 20.127.450(6)
Acceptable and unacceptable cementitious wall board examples.

The above building uses cementitious wall board in different textures and colors to help articulate the façade. The white color replicates the board and batten style in the left image and green color in the right image effectively replicates horizontal wood siding.



The wall board panels covering a large area in a single color would not meet the purpose of the standards. The right image is a better example and combines larger panels (dark maroon color) with horizontal wall board siding (beige color) as effective articulation features. Below is a similar acceptable example.



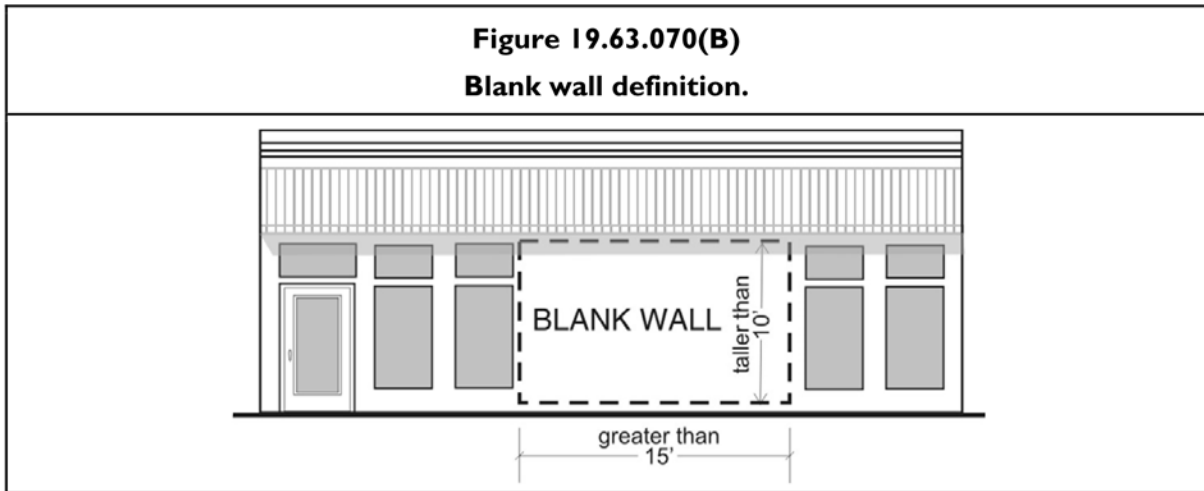
Another acceptable wall board example replicating board and batten style with horizontal siding integrated with different colors and roofline modulation.

19.63.070 - Blank wall treatment. (NEW)

A. Purpose.

1. To avoid untreated blank walls.
2. To retain and enhance the character of Anacortes's streetscapes.

B. Blank wall definition. "Blank wall" means a ground floor wall or portion of a ground floor wall over 10 feet in height and a horizontal length greater than 15 feet and does not include a transparent window or door.



C. Blank wall treatment standards. Untreated blank walls visible from a public street, pedestrian-oriented space, common usable open space, or pedestrian pathway are prohibited. Methods to treat blank walls can include:

1. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases [see Figure 19.63.050(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 the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.
3. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
4. Installing a mural as approved by the reviewing authority.
5. Special building detailing that adds visual interest at a pedestrian scale. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

For large visible blank walls, a variety of treatments may be required to meet the purpose of the standards.

Figure 19.63.070(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 19.64 - PARKING (17.46)

Note: Standalone draft made public December 8, 2017. Edits have occurred since and are highlighted.

Sections:

- 19.64.010 - Purpose.
- 19.64.020 - Generally.
- 19.64.030 - Computation of required parking spaces.
- 19.64.040 - Number of parking spaces required.
- 19.64.050 - Size of parking spaces.
- 19.64.060 - Reduced parking requirements.
- 19.64.070 - Parking fee-in-lieu.
- 19.64.080 - Shared parking.
- 19.64.090 - Parking for shell building permits.
- 19.64.100 - Bicycle parking requirements.
- 19.64.110 - Off-street parking plans and performance assurance.
- 19.64.120 - Parking area design and construction standards.
- 19.64.130 - Off-street parking; landscaping plans and documents required; performance assurance.

19.64.010 - Purpose. (NEW)

The purpose of this chapter is to:

- A. Provide for adequate, convenient, and safe parking for cars and bicycles for all uses allowed in this Code in all area of the city.
- B. Limit the overbuilding of parking, which has impacts on construction costs, land consumed, air and water quality, walkability, traffic congestion, and aesthetics.
- B. Provide for alternative parking arrangements such as flexible minimum requirements, shared parking, and in-lieu fees.
- D. Reduce demand for parking by encouraging walking, bicycling, public transit, and rideshare.

19.64.020 - Generally. (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 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.~~
- C. Residential off-street parking space 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 not be changed to any other use unless and until equal parking facilities are provided elsewhere, which conform to the requirements of this sectionchapter.
- E. Off-street parking existing at effective date of the ordinance codified in this title in connection with the operation of an existing building or use must not be reduced to an amount less than hereinafter required for a similar new building or new use.
- ~~F. Before the granting of a building permit for any new building or structure, or for any enlargement thereof or a change of use, except as provided in AMC 19.64.060 the applicant must present in writing the arrangements that have been made to provide adequate off-street parking.~~
- F. The required off-street parking area must be for occupants, employees, visitors, patrons, and must be limited in use to parking, **except for approved temporary uses per AMC 19.48.020(A)**. ~~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. RV's parked on streets, alleys, or undeveloped street rights-of-way must be 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.~~

19.64.030 - Computation of required parking spaces. (NEW)

A. Number of parking spaces.

1. Off-street parking areas must contain at a minimum the number of parking spaces as stipulated in AMC 19.64.040, except for modifications allowed elsewhere in this chapter.
2. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down.
3. In the case of two or more uses on the same site, the total requirements for off-street parking must be the sum of the requirements for each use computed separately, except as permitted in AMC 19.64.080- pertaining to shared parking.

- B. 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 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. (19.64.090(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 19.64.050 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.

19.64.040 - 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 19.64.040~~, 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 one of the following:

1. Documentation regarding actual parking demand for the proposed use.
2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use.
3. Documentation of parking requirements for the proposed use from other comparable jurisdictions.

C. ~~Where a cell in Table 19.64.040 is blank, there are no standards noted in the cell, then there are no applicable minimum or maximum parking space requirements for the use.~~

~~One bicycle rack space must be provided for every five parking spaces.~~

Table 19.64.040

Off-street parking spaces required.

NOTE TO REVIEWERS: This table has been updated to attempt to make it consistent with the permitted use tables in Division 3.

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
RESIDENTIAL		
Household Living, as listed below		
Single-family	2 per unit	
Single-family, small lot	1 per unit	
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, one-bedroom or studio	1.2-1.0 per unit	1.5 per unit
Multifamily dwelling, 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 housingage-restricted	25% reduction in base multifamily parking requirements above (based on number of rooms)	Same as multifamily uses above
Live-work dwellings	Same as multifamily above plus: • Zero spaces for non-residential uses with <500sf non-residential floor area. • One space for non-residential uses with 500-1,000sf non-residential floor area. • Parking for non-residential floor area >1,000sf must meet applicable commercial use parking standards below.	
Group Living, as listed below		
Adult family home	2 per home	
Assisted living facility	0.8-0.5 per unit	
Nursing home	0.33 per bed	
Rooming houses	1 per rented room	
COMMERCIAL		
Day Care, as listed below		
Day care I facility	2 per facility	
Day care II facility	Director decision	

Table 19.64.040

Off-street parking spaces required.

NOTE TO REVIEWERS: This table has been updated to attempt to make it consistent with the permitted use tables in Division 3.

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
General Service, except as listed below	5-3 per 1,000 square feet of NLA net-floor area	5 per 1,000 square feet of NLA
Boat/marine equipment service	2 per 1,000 square feet of NLA	
Heavy service	2 per 1,000 square feet of NLA	
Water-oriented service use	Director decision	
Medical, as listed below		
Hospital/in-patient treatment, outpatient surgical facility	1 per patient bed Director decision	
Medical office	3 per 1,000 square feet of NLA	
Office	4-2.5 per 1,000 square feet of NLA net-floor floor-area	4 per 1,000 square feet of NLA net-floor area
Overnight Lodging	1 per guest room	1.5 per guest room
Parking		
Passenger Terminal	Director decision	
Personal Service, as listed below		
Personal services, with fixed stations	1.25 4-5 per station	1.5 per station
Personal services, without fixed stations	3-2.5 per 1,000 square feet of NLA net-floor floor-area	4 per 1,000 square feet of NLA net-floor area
Recreation, Indoor, except as listed below	Director decision	
Adult concessions	3 per 1,000 square feet of NLA	
Art gallery	2 per 1,000 square feet of NLA	
Museum	4 per 1,000 square feet of NLA	
Place of assembly	1 per 5 4 fixed seats or 8 per 1,000 NLA if no fixed seats	1 per 3 fixed seats or 12 per 1,000 NLA if no fixed seats
Recreation, Outdoor	Director decision	
Restaurant/Bar	14-5 per 1,000 square feet of NLA net-floor area	14 per 1,000 square feet of NLA net-floor area
Retail Sales, as listed below		
Retail or shopping center, less than 15,000 square feet NLA of net-floor-area	5-3 per 1,000 square feet of NLA net-floor area	5 per 1,000 square feet of NLA net-floor area

Table 19.64.040

Off-street parking spaces required.

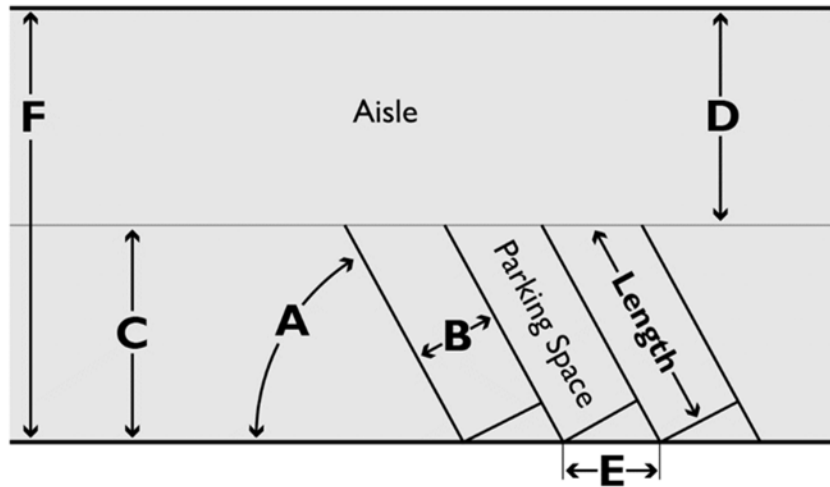
NOTE TO REVIEWERS: This table has been updated to attempt to make it consistent with the permitted use tables in Division 3.

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed
Retail or shopping center, more than 15,000 square feet or more NLA of net floor area	4-3 per 1,000 square feet of NLA net floor area	4 per 1,000 square feet of net floor area
Heavy retail	2 per 1,000 square feet of NLA	
Wholesale warehouse	1.5 per 1,000 square feet of NLA net floor area	
Vehicle Sales/Rental	2 per 1,000 square feet of NLA	
INDUSTRIAL		
Heavy Industrial	Director decision 1.5 per 1,000 square feet of NLA	1 per employee plus 2.5 per 1,000 square feet of NLA
Light Industrial, except as listed below	1.5 per 1,000 square feet of NLA	1 per employee plus 2.5 per 1,000 square feet of NLA
Marijuana production	Director decision	
Marijuana processing	Director decision	
Light Manufacturing, except as listed below	1.5 per 1,000 square feet of NLA	
Artisan manufacturing	2.5 per 1,000 square feet of NLA	
Research & Development	2 per 1,000 square feet of NLA	
Self-Service Storage	0.5 per 1,000 square feet of NLA	
Warehouse & Distribution	0.05 per 1,000 square feet of NLA	
Waste Related Services	Director decision	
Water-Oriented Industrial Uses	Director decision	
Wholesale Trade	Director decision	
PUBLIC, INSTITUTIONAL & OPEN USES		
Agriculture	Director decision	
Civic	Director decision	
Parks, Plazas, Open Spaces, and Natural Areas	Director decision	
Resource Extraction	Director decision	
Utilities	Director decision	

19.64.050 - Size of parking spaces. (NEW)

A. Minimum requirements. Parking space and aisle dimensions for parking facilities must meet the standards set forth in Table 19.64.050.

Table 19.64.050
Size requirements for parking space and drive aisles.

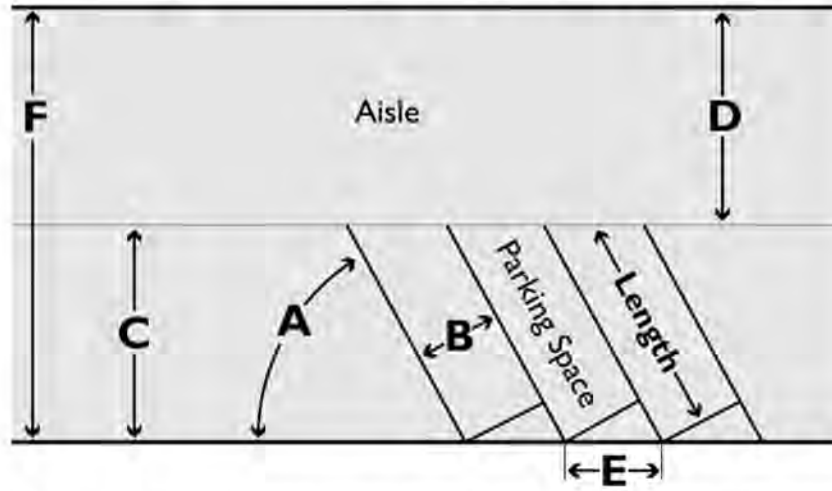


The columns A-F below refer the parking layout graphic above. Column A is measured in degrees and columns B-F are measured in feet.

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
	9.5	19.5	23.5	9.5	43
	10	19.5	23	10	42.5
90 (Perpendicular)	8.5	18	25.5	8.5	43.5
	9	18	25	9	43

Table 19.64.050

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	18	24.5	9.5	42.5
	10	18	24	10	42

- 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 19.64.050.
- 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 19.64.050.

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 or parking must be moved further into the property to allow additional turning space.
- 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 current and accepted standards such those maintained by the Institute of Transportation Engineers.

19.64.060 - Reduced parking requirements. (NEW)

- A. For new development in the CBD zone, the minimum parking spaces required is 50 percent of that shown in Table 19.64.040.
- B. Ground floor commercial uses in the CBD zone are exempt from the minimum parking requirements of this chapter.
- C. Existing developments in mixed-use and industrial zones that change use or expand their net 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.
- D. Minimum off-street parking requirements for uses in the C, MMU, LM, LMI, HM, MS, I, CM2, R3, R3A, and R4 zones may be reduced up to 50 percent by the director if all of the following requirements are met:
 - 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 on-street parking 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 by the director.
 - 2. For commercial and industrial uses, a minimum of 10 percent of net employee parking spaces 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.

19.64.070 - Parking fee-in-lieu. (NEW)

- A. Applicability. Developments may pay a fee in-lieu of off-street parking requirements set forth in AMC 19.64.040, provided the following conditions are met:
 - 1. Types of development. New development and expansions of leasable area in those areas identified in (2).
 - 2. Location. The applicable development must be in one of the following locations:

- a. The CBD zone.
 - b. The OT zone east of M Avenue
 - c. The C zone north of 12th Street.
 - d. The MS zone west of R Avenue
 - e. The CM zone west of R Avenue.
- B. Number of spaces. Up to 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. 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.

19.64.080 - 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 as reported by the Institute of Transportation Engineers or found with a technical study of similar existing uses prepared by a qualified professional.

2. The minimum required parking for a multi-tenant facility must be based upon the minimum amount necessary to satisfy the highest average daily peak demand generated by the uses at a single time period.
 3. In no case may the minimum required parking for a multi-tenant facility be less than 60 percent of the total required for all uses in the facility.
- B. Shared parking associated with multi-tenant retail and commercial facilities will be considered to be a shared parking facility. Lease agreements will satisfy the requirement for a sufficient legal document.
- C. If any requirements for shared parking are violated, the affected property owners must provide a remedy satisfactory to the director or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter, unless a satisfactory alternative remedy is approved by the director.
- ~~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)~~

19.64.090 - 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.~~

19.64.100 - Bicycle parking requirements. (NEW)

A. Minimum required.

1. The minimum number of short-term and long-term bicycle parking spaces required is in Table 19.64.080. For the purposes of this section, the director must determine what use applies to the development.
2. If the formula for determining the number of bicycle parking spaces results in a fraction, the number of off-street parking spaces must be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. If the formula results in a number less than one, then at least one bicycle parking space is required.
3. In the case of two or more uses on the same site, the total requirements for bicycle parking must be the sum of the requirements for each use computed separately.

Table 19.64.080 Bicycle parking spaces required.		
Use	Minimum Short-Term Bicycle Parking Spaces Required	Minimum Long-Term Bicycle Parking Spaces Required
RESIDENTIAL USES		
Multifamily and group residential	1 per 20 dwelling units	1 per 2 dwelling units
COMMERCIAL & INDUSTRIAL USES		
Hotel/motel	1 per 5 guest rooms	1 per 20 guest rooms
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 per 1,000 square feet of net floor area	0.25 per 1,000 square feet of net floor area
Office	0.25 per 1,000 square feet of net floor area	0.25 per 1,000 square feet of net floor area
Industrial	1 per 10,000 square feet of net floor area	1 per 10,000 square feet of net floor area
PUBLIC, INSTITUTIONAL & OPEN USES		
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:
 - a. Indoors or outdoors on the development site.
 - b. On a public sidewalk outside the development, provided all of the following requirements are met:
 - i. The sidewalk is at least 12 feet wide in a mixed-use or industrial zone or at least 8 feet wide in a residential zone.
 - ii. The bicycle parking spaces are within 100 feet of the development's primary pedestrian entry.
 - iii. The public works director certifies bicycle parking in the public right-of-way in the proposed location does not conflict with the Transportation Plan.
 - iv. The property owner maintains the bicycle parking ~~in perpetuity per the terms of an encroachment permit recorded to the property title. 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.

~~19.64.100 – Off-street parking lot layout for commercial and multifamily areas, construction, and maintenance. (17.46.020)~~

- 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. ~~Off-street parking areas lot dimensions and layout must be guided by the design standards approved by the Institute of Traffic Engineers.~~
- C. ~~Ingress and egress to the parking lot or area must be provided at locations approved by the city engineer.~~
- D. ~~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 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 19.64.060, 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)~~

~~19.64.110 – 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. 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)

~~19.64.110 — 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 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)

~~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)

~~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)

~~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.

~~19.64.090 — 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:

~~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.

- 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)~~

19.64.120 - Parking area design and construction standards. (NEW + 17.46.040)

- A. **Parking area plans.** ~~Developments featuring new~~ The party developing an off-street parking areas must submit ~~to the city engineer and the planning commission for their approval a plans of such the~~ parking area(s) showing adjacent streets, proposed circulation of traffic, proposed drainage, lighting, and landscaping, ~~and 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 Chapter 19.61 Block Frontage Standards for related parking lot location standards.
- C. **Surfacing and grading.** All required off-street parking area must be graded and surfaced to a standard comparable to the street which serves the parking area as determined by the city engineer ~~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.~~
- D. **Drainage.** Drainage and erosion/sedimentation control facilities must be provided in accordance with City of Anacortes development standards.
- E. **Parking space markings.** Asphalt or concrete surfaced parking areas must have parking spaces marked by surface paint lines or suitable substitute traffic marking material ~~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.

- F. **Traffic control devices.** All traffic control devices such as parking strips, designated car stalls, directional arrow or signs, bull rails, curbs, and other developments must be installed and completed as shown on the approved plans. Hard surfaced parking areas must use paint or similar devices to delineate car stalls and direction of traffic. (17.46.040.D)
- G. **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)~~.
- H. **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. (17.46.040.D)
- I. ~~**Bicycle Parking.** Where outdoor bicycle parking is provided, locate the bicycle parking over a permeable pavement where allowed in accordance with~~ 

19.64.130 - Parking area maintenance. (NEW)

- A. The property owner must maintain all off-street access and parking areas.
- B. Maintenance must include:
 - 1. Removal and replacement of dead and dying trees, grass and shrubs.
 - 2. Removal of trash and weeds
 - 3. Repair and maintenance of traffic control devices, parking space striping, signs, light standards, fences, walls, surfacing materials, curbs, railings and landscaping.
 - 4. Repair and maintenance of permanent stormwater best management practices.

Chapter 19.65 - LANDSCAPING (17.41)

Sections:

- 19.65.010 - Purpose
- 19.65.020 - Applicability and compliance
- [19.65.030 – Landscaped area, defined](#)
- 19.65.040 - Landscape plans
- 19.65.050 - Plant material and installation standards
- 19.65.060 - Landscaping types
- 19.65.070 - Landscaping site design standards
- 19.65.080 - Maintenance
- 19.65.090 - Irrigation standards
- 19.65.100 - Performance assurance/bonding

19.65.010 - Purpose. (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 areas to reduce potentially negative impacts on adjacent uses.
- G. Improve the air quality and provide wildlife habitat.
- H. Reduce erosion and stormwater runoff.

19.65.020 - Applicability and compliance. (17.41.020.G - with changes tracked)

- A. [Applicability. -This chapter applies to all landscaping installed or altered on multifamily and non-residential properties after the effective date of this code.](#)
- 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.](#)

~~Landscaping will be installed when developing new plats, including short plats and when building on undeveloped existing lots in conformance with the following requirements:~~

- ~~I. [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.~~
- E. ~~The director may waive or relax these provisions in the HM, I, LM, MS, and CM2 zones depending on the type of use, number of anticipated employees and customers, and the site's physical context. Greater numbers of employees and/or customers and higher visibility levels warrant a greater application of building design standards. 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 19.65.015 – Screening requirements.

Zoning	Percent of Gross Site Area to be Landscaped
<u>R1, R2, R3, and R4</u>	<u>20</u>
<u>CM, CM1, and CM2</u>	<u>15</u>
<u>CBD, C, LM, LM, I, and HM</u>	<u>10</u>
<u>AZ</u>	<u>See the Anacortes Airport Development Agreement</u>

- 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.~~

19.65.030 – Landscaped area, defined. (NEW)

Minimum landscaped areas required in Tables 19.42.020-.030 must include grade level or elevated planting beds featuring trees, shrubs, flowers, ferns, groundcover, and other/or other vegetation. Exceptions and exemptions:

- A. ~~Developments on sites with a designated Storefront block frontage are exempt.~~
- B. ~~Developments on sites featuring a building or buildings meeting Storefront block frontage standards along the entire lot frontage are exempt.~~
- C. ~~Commercial or multifamily developments featuring enclosed parking for more than 50 percent of their off-street parking requirement may use rooftop planting areas to meet this requirement.~~

19.65.040 - Landscape plans. (NEW)

- A. A landscape plan is required ~~for the entire site~~ for all new non-residential and multifamily development containing landscaping, including landscaping within the adjacent right-of-way. The landscape plan must be submitted as part of the applicable site plan review process within AMC 19.20.030. A Washington state licensed landscape architect or Washington-Certified Professional

Horticulturalist (CPH) must complete the landscape plan. The plan must show the following elements:

1. Boundaries and dimensions of the site.
2. Location of existing and proposed streets, curbs, utility lines, sidewalks.
3. Location of buildings and structures, parking lots, driveways, loading areas, outdoor mechanical equipment, signs, refuse enclosures, overhead utilities, water meter location, grassy swales, parking lot lighting, and any plants or trees that are to remain on site.
4. The location and design of landscape areas to be preserved and planted, and plant list to include the location, number, size and type of plant material by botanical and common name.
5. North arrow and scale.
6. **Proposed irrigation system if a permanent or temporary system is proposed. All landscaped areas, including adjacent right-of-way must 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.

~~B. The director must review the submitted landscape plans for compliance with this title and may approve, approve with modifications, or disapprove the plans. Decisions of the director must be in writing, and if disapproved, must set forth necessary steps to obtain approval. Appeal of the director's decision must follow the appeals procedures listed in the appeals section of this title.~~

~~BC. No building permits or certificate of occupancy (CO) must be issued until a landscape plan is reviewed and approved and, improvements installed per the approved landscape plan, and a form (provided by the Planning, Community, and Economic Development Department) is signed off with an official stamp of a or Washington state licensed landscape architect or Washington Certified Professional Horticulturalist 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.~~

~~xxxxxxx - 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.~~

19.65.050 - Plant material and installation standards. (NEW)

A. Native and naturalized plant species.

New landscaping materials must include species native to the region or hardy, waterwise, and non-invasive species appropriate in the climatic conditions of the region (decorative annuals are an exception). Generally acceptable plant materials must be those identified as hardy in Zone 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.

B. Tree standards and guidelines.

- 1. Tree heights may be called for within this chapter or elsewhere within this title:
 - a. Large tree: Capable of growing 35 feet high or greater under normal growing conditions.
 - b. Medium tree: Capable of growing over 15 feet high and less than 35 feet high under normal growing conditions.
 - c. Small tree: Capable of growing up to 15 feet high under normal growing conditions.
- 2. Unless otherwise noted herein, required trees must meet the following standards at the time of planting:
 - a2. Required deciduous trees (other than street trees) must be fully branched, have a minimum caliper of 1 1/2 inches (as measured 6-six inches above the root ball), and a minimum height of 6 feet at the time of planting.
 - b. Required deciduous trees within parking areas must be a minimum caliper of one inch (as measured six inches above the root ball) and a minimum height of 10 feet at the time of planting.
 - c3. Required evergreen trees must be fully branched and a minimum of 6-six feet in height, measured from the treetop to the ground, at the time of planting.
 - ~~d4. If the Administrator director decides reducing the minimum size of trees at planting 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.~~

C. Shrub standard.

Shrubs, except for ornamental grasses, must be a minimum of ~~one~~-gallon size at the time of planting.

D. Ground cover standards and guidelines.

1. Ground covers must be planted and spaced to result in total coverage of the required landscape area within three years, or as per recommendations by a Washington state licensed landscape architect or **Washington-Certified Professional Horticulturalist** as follows:
 - a. Four-inch pots at 18-inches on-center.
 - b. One-gallon or greater sized containers at 24-inches on-center.
 - c. A bed of flowers in place of ground cover plants. A reduction in the minimum size may be permitted if certified by a Washington state licensed **landscape architect or Washington-Certified Professional Horticulturalist** that the reduction must not diminish the intended effect or the likelihood the plants will survive.
2. Grass is acceptable as ground cover in landscaped areas, but generally not preferred for water conservation and maintenance purposes (lawn areas designed as play areas are an exception).
3. Ground cover areas must contain at least two inches of composted organic material at finished grade.

E. Tree and plant diversity.

1. If there are more than eight required trees, no more than 40 percent of them may be of one species.
2. If there are more than 24 required trees, no more than 20 percent of them may be of one species.
3. If there are more than 24 required shrubs, no more than 75 percent of them may be of one species.

F. Soil augmentation and mulching.

1. Existing soils must be augmented with a two-inch layer of fully composted organic material tilled a minimum of 6 inches deep prior to initial planting.
2. Landscape areas must be covered with at least two-inches of mulch to minimize evaporation. Mulch must consist of organic materials such as bark chips and wood grindings or yard waste, sawdust, and/or manure that is fully composted. Washed rock can also be used as a mulch.

G. Landscape installation standards

1. All required landscaping must be in-ground, except when in raised planters. Plant materials will be installed to current nursery industry standards.
2. Plant materials must be properly supported to ensure survival. Support devices such as guy wires or stakes must not interfere with vehicular or pedestrian movement. Where support is necessary, stakes, guy wires or other measures must be removed as soon as the plant can support itself.
3. Existing trees and plant materials to be retained must be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment must not be allowed within the dripline of trees to be retained.

4. Installation of landscaping materials must take into consideration access to utility vaults, pedestals, and other public and private utility facilities. *(from 17.41.020.J)*
5. Tree/shrub height and location. The landscape plan should plan for the mature size of trees and major shrubs to avoid interference with windows, decks or lighting.

~~19.65.xxx – Landscape installation standards (17.41.020(B) and (J))~~

~~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. *(from 17.41.020.B)*~~

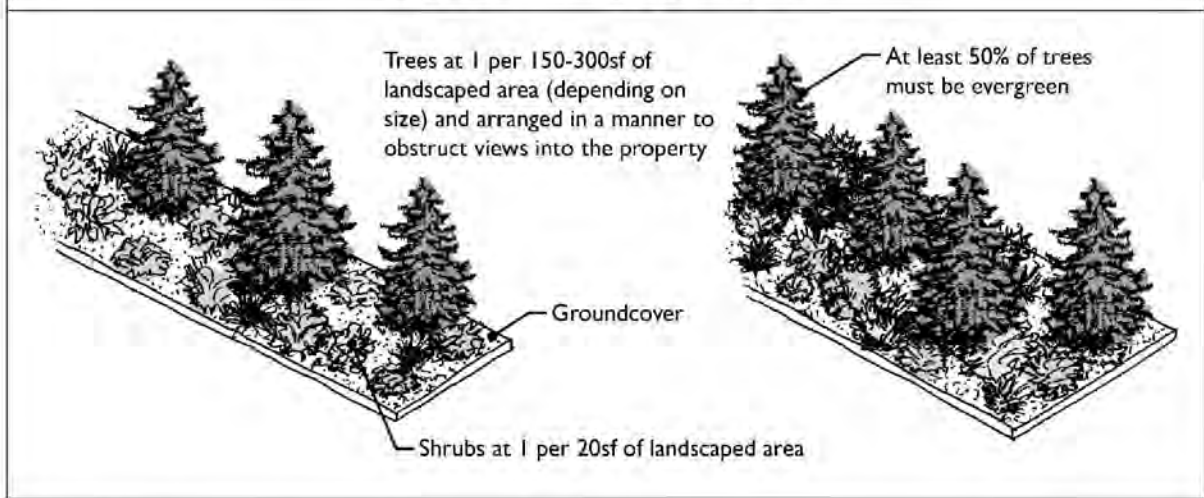
19.65.060 - Landscaping types. (NEW)

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 must function as a full screen and visual barrier. This landscaping is typically found between residential and nonresidential areas and to screen unwanted views.
2. Type A Landscaping must minimally consist of:
 - a. Trees: Predominately evergreen (more than 50 percent) at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.
 - (3) One small tree per 150 square feet or 15 linear feetAt least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].
 - b. Shrubs: Predominately evergreen provided at the rate of one shrub per 20 square feet of landscape strip.
 - c. Groundcover: Planted at a density to cover the buffer within three years.
 - d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
 - e. The selected plant materials and configuration will be able to screen 70 percent of the unwanted views within five years of planting and fully screen the unwanted view within six years. This requirement will account for the size of materials planted and their typical growth rate.

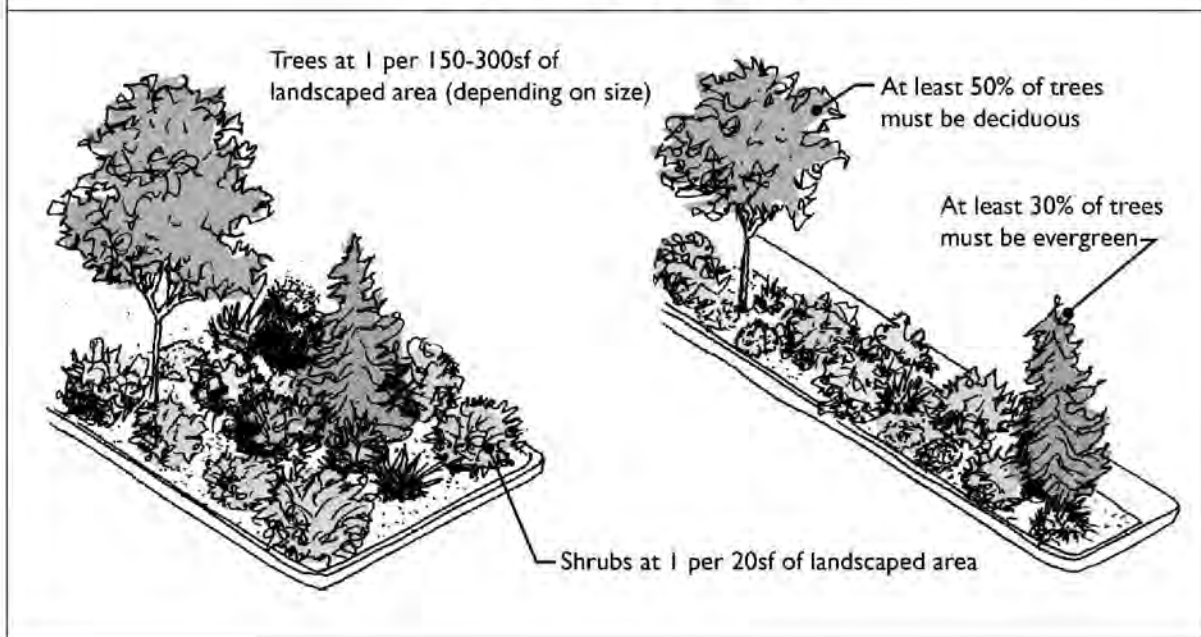
Figure 19.65.060(A)
Type A Landscaping standards.



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 must minimally consist of:
 - a. Trees: At least 50 percent deciduous trees and at least 30 percent evergreen trees at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.
 - (3) One small tree per 150 square feet or 15 linear feet
 At least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].
 - b. Shrubs: Provided at the rate of one shrub per 20 square feet of landscape strip and spaced no more than eight feet apart on center.
 - c. Groundcover: Planted at a density to cover the buffer within three years.
 - d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
 - e. 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.

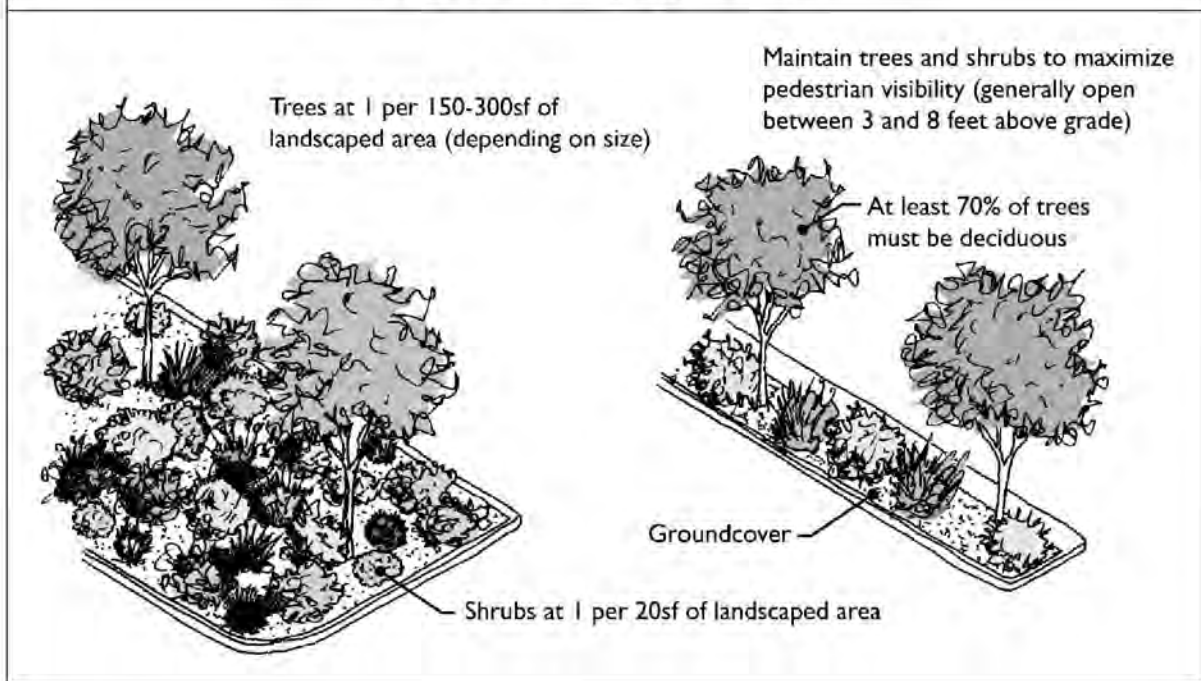
Figure 19.65.060(B)
Type B Landscaping standards.



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 lot frontages or between multifamily developments.
2. Type C Landscaping must minimally consist of:
 - a. Trees: At least 70 percent deciduous trees at the following rates:
 - (1) One large tree per 300 square feet or 30 linear feet.
 - (2) One medium tree per 220 square feet or 22 linear feet.
 - (3) One small tree per 150 square feet or 15 linear feet
 At least 70 percent of the trees must be large [as defined in AMC 19.65.050(B)(1)].
 - b. Shrubs: Provided at the rate of one shrub per 20 square feet of landscape strip and spaced no more than eight feet apart on center.
 - c. Groundcover: Planted at a density to cover the buffer within three years.
 - d. Plant diversity: Trees and shrubs must comply with AMC 19.65.050(E).
 - e. Maintain trees and shrubs to maximize pedestrian visibility (generally between three and eight feet above grade).
 - f. The selected plant materials and configuration will meet the purpose of the standards within five years of planting. This requirement will account for the size of materials and the growth rate.

Figure 19.65.060(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, B, or C Landscaping, a hedge, or rain garden. While native and low maintenance trees and shrubs are encouraged in these areas, lawn areas may be used for recreational or design purposes. These areas may also include flower beds and perennial beds.
2. Type D Landscaping may include any combination of plant materials provided they comply with the plant materials standards in AMC 19.65.050.

E. Low hedge.

A low hedge is intended to function as an attractive visual divider of space rather than a visual buffer between uses and properties. To qualify as a hedge landscaping type, the planting must be at least 30 inches wide and 30 inches tall. The hedge include plant materials that typically grow no taller than five feet at maturity or are maintained between 30 inches and 48 inches tall.

Figure 19.65.060(E)
Low hedge examples.



F. Rain garden.

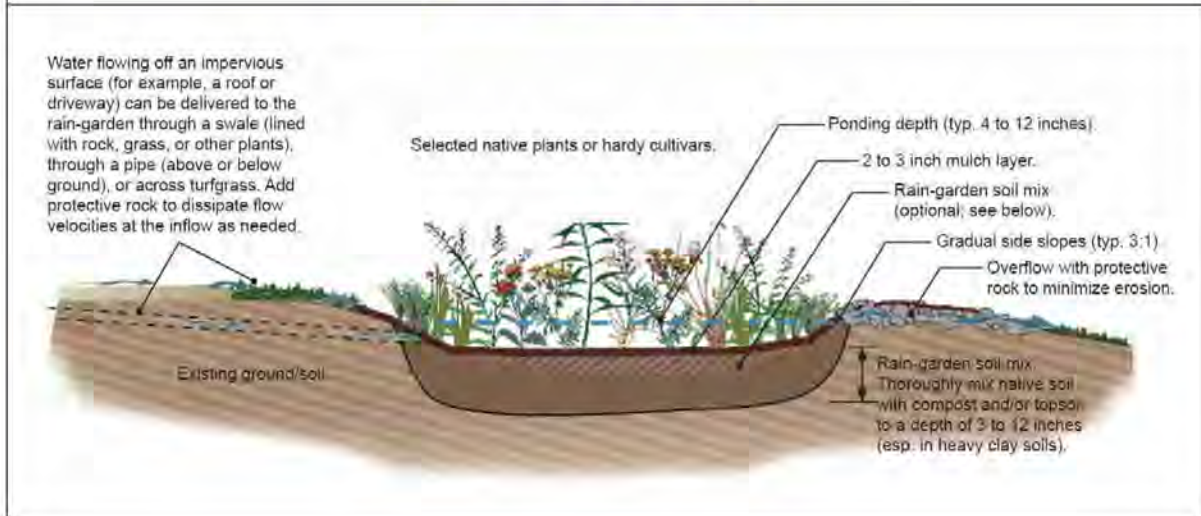
A rain garden is a planted depression that allows rain water runoff from impervious areas to be absorbed. They can also function as an attractive visual divider of space. To qualify as a rain garden, the following elements must be included:

1. Garden located and designed to capture impervious area runoff.
2. Four to 12 inch ponding depth.
3. Two to 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.

Figure 19.65.060(F)

Rain garden example.

Note to reviewers: The below graphic is a placeholder and will be updated to revise the standards in the text above.



19.65.070 - Landscaping site design standards. (NEW)

A. Required buffer standards. Screening between certain uses may be called for in Table 19.65.070.A below or elsewhere in this title. Interpretation of Table 19.65.070.A:

1. Where mature trees and vegetation exists within the required buffer areas, the preservation of said mature trees and vegetation may be preferable to new plant materials. The director may 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.
2. The letters A, B, C, and D and terms "low hedge" and "rain garden" refer to the landscape types described in AMC 19.65.060. Where more than one buffer type is referenced in a cell, one of the subject buffer types is required. The term "All" means that any of the landscaping types may be used.
3. The term "Fence" refers to the requirement of a six-foot high sight-screening fence. Such fences must comply with the provisions of AMC Chapter 19.66.
4. Where the cells are empty, there are no landscaping buffer requirements for the particular situation.
5. The numbers refer to the minimum required width of the required landscaping buffer.
6. If a * appears after a use or term within the table, then the use or term is defined in AMC 19.12.020
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.

9. Where the developing use is across the street from an existing abutting use or zone, only the buffer type listed for the abutting street is required.

10. Departures. Alternative buffer treatments may be approved per AMC 19.20.250 for any of the buffer types required below, provided they meet the purpose of this chapter.

Table 19.65.070(A)						
Required buffer types.						
Developing use	Existing abutting uses and zones					
	Street	R-1 & R-2 zones¹	R-3 & R-4 zones or Multi-family use	C, CBD, MMU & CM zones¹	HM, MS, CM2, I & LM zones	Park & trails
Multifamily*	Note ²	Fence plus BC-5'	Fence or ABCDEF-5' or path ³	Fence or BC-5' or path ³	Fence plus ABC-10'	Fence or All-10' Note ⁴
Low intensity non-residential use*	Note ²	Fence plus ABC-5'	Fence or AB-5'	See site planning standards in chapter 19.62		Note ⁵
Moderate intensity non-residential use*	Note ²	Fence plus ABC-10'	Fence plus ABC-5'			Note ⁵
High intensity non-residential use*	Note ²	Fence plus ABC-15'	Fence plus ABC-10'			Note ⁵
Outdoor storage	Note ² plus A-10'	Fence plus ABC-10'	Fence plus ABC-10'	Fence or A-5' or B-10'		Fence plus ABC-5' or A-10'
Heavy industry*	Note ²	Fence plus ABC-20'	Fence plus ABC-20'	Fence plus ABC-5' or A-10'	Fence plus ABC-5' or A-10'	Fence plus ABC-10' or AB-20'

Notes:

1. Where the abutting use meets the definition of multifamily, the developing use is subject to the landscape buffer type under the multifamily use column.
2. For landscaping between developing uses and streets, see the applicable block frontage map for the property in AMC 19.61.040 and the corresponding block frontage standards in AMC Chapter 19.61 Block Frontage Standards. Multifamily uses in residential zones are subject to the landscape block frontage standards in AMC 19.61.070.
3. A paved or gravel pathway separating the properties/uses. Landscaping planters at least three feet wide separating the pathway from buildings (or other effective visual transitions between the pathway and building as determined by the director) is required.
4. For developing multifamily uses adjacent to parks and trails, the director may adjust requirements to emphasize buffer types that enhance visibility between the developing use or focus more on visual screening depending on the context of the park or trail and type of developing use.
5. See AMC 19.61.120 for trail block frontage standards.

B. Supplemental buffer standards. (NEW)

1. For screening requirements for service areas and mechanical equipment for non-residential and multifamily development, see AMC 19.62.070.
2. No required buffer may extend nearer to a street than the street right-of-way line.
3. The height of any screen material required by this chapter in the vicinity of a point of ingress and egress may not exceed 2-1/2 feet in height within the 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 pedestrian and vehicular access, pedestrian-oriented space, utility elements, and permitted signage.
2. Planting areas along street frontages will be mandatory except for driveways and pedestrian walks within the property. Where buildings are setback at least 15 feet from a street property line, trees must be planted at an average of thirty feet apart in such planting areas, with groundcover or shrubs used liberally. Variations in the planting of trees may be approved by the planning director, subject to appeal by the proponent(s) to the city council. Departures may be considered provided alternative treatments meet the purposes of this chapter.
3. Trees utilized in these planting areas ~~need to be compact~~ must minimize conflict with underground and overhead utilities. Trees to be utilized must be from the approved list of recommended plant materials or an approved equivalent.
4. ~~In residential zones, trees must be included in landscaping in conformance with the requirements of AMC 16.50.070 Tree Conservation Standards.~~
4. ~~Planting areas must be a minimum of fifteen feet wide in the R-1, R-2, R-3, and R-4 zoning districts. The planting strip may be reduced to a minimum of ten feet in the CM, CMI, CM2, CBD, C, LM, LMI 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 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 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 planting strips provided they integrate the same number of trees as for Type C Landscaping.
5. Distribution: Landscaped areas must be distributed throughout the parking lot.
6. Parking lot perimeters:
 - a. For parking lots adjacent to public streets, use Type C Landscaping at a width equal to or greater than the minimum building setback specified for the applicable block frontage type specified in AMC Chapter 19.61 Block Frontage Standards.

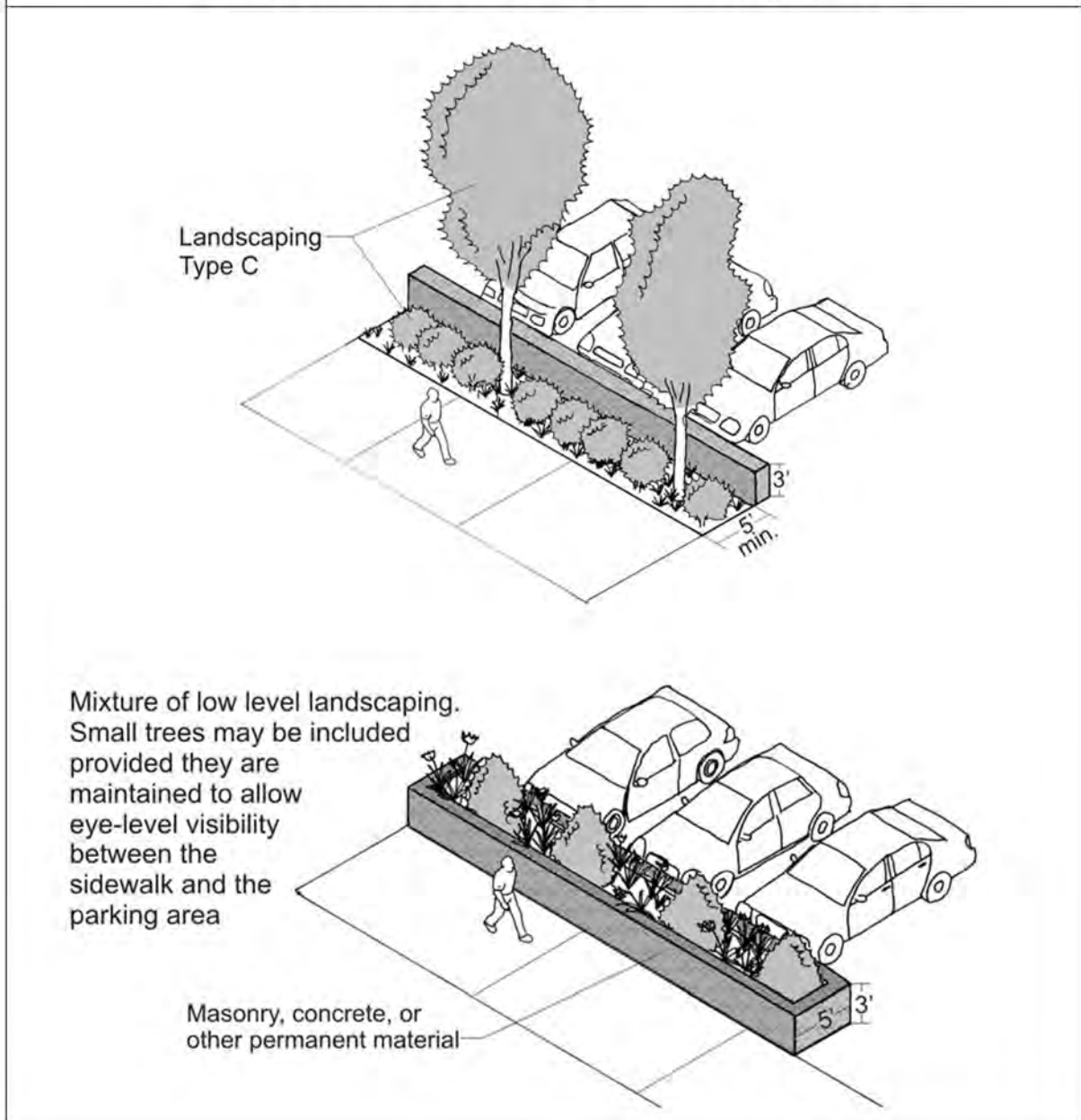
Departures to this standard will be considered via AMC 19.20.250 ~~Departures~~ provided they meet the purpose of the standards noted above.

- b. For parking lots along internal lot lines, use Type A or B Landscaping at least ten feet deep, except where a greater buffer width is required per the standards in subsections A and B.

Departures to this standard will be considered via AMC 19.20.250 provided they meet the purpose of the standards noted above. Examples of acceptable departures may include decorative low walls with landscaping, decorative elevated planters, or landscaping with a trellis.

Figure 19.65.070(D)

Examples of alternative parking lot landscaping buffers.



- 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 19.65.040 – Screening requirements.

District in Which Development is Proposed	Uses to be Screened
R3, R4, CM, CM1, CM2, CBD, C, LM, LM+LM , 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 R-1 and R-2 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. 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.

Figure 19.65.070(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 existing vegetation on the subject property. Significant existing vegetation means deciduous and evergreen trees at least six inches in diameter at a point five feet above the ground.
2. Bonus for retention. For each significant tree as defined in subsection (F)(1) of this section, the applicant may measure the canopy of the tree and receive a bonus of 200 percent of the square footage of the canopy to count as landscaped area for the purpose of complying with the standards for the applicable zone set forth in AMC Chapter 19.42, provided that the soil within the drip line of the tree is undisturbed, root systems are protected from damage, and approved methods are utilized to ensure proper irrigation.
3. Required review. The city will review the proposed retention of significant existing vegetation as part of the application for development. Any bonus for retention must be approved only after on-site inspection.
4. If any tree used for bonus credit is removed or lost, it must be replaced promptly with the same species or an approved substitute under AMC 19.65.080(C), at a ratio of three replacement trees at least twelve feet in height for each bonus tree lost.

G. Use of right-of-way. (17.41.020.H)

In addition to the required planting areas above, landscaping of excess (unused) street and alley right-of-way and/or stormwater detention facilities is encouraged.

1. Excess right-of-way is defined as the area of an undeveloped alley or street right-of-way, or the area between the property line and the street pavement, whether or not it contains a sidewalk.
2. Up to 50 percent of the on-site landscaping requirement can be satisfied by landscaping excess street right-of-way or detention facilities, including open stormwater conveyance swales, if landscaped and maintained.
3. All landscaping materials proposed to be installed in the right-of-way must be reviewed to ensure that traffic safety considerations are met and future sidewalks can be added if they do not currently exist.
4. Irrigation or sprinkling systems are subject to the standards in AMC 19.45.090
5. Maintenance of landscaping in the right-of-way must be the responsibility of the adjacent property owner; provided, however, that nothing in this section must create or imply any interest of the property owner in the excess right-of-way, and provided further, that in the event the city must undertake to utilize the excess right-of-way, any landscaping must be removed by the property owner at their sole expense, or if not so removed may be destroyed by the city.

H. Special Fire Department standards. (17.41.020.F)

1. Landscaping in the vicinity of any fire hydrant, fire department sprinkler connection or standpipe connection should not prevent such equipment from being immediately discernible nor in any other manner deter or hinder the Fire Department from gaining immediate access to the equipment. Sub-sections (H)(2) and (3) are guidelines for the landscaping around the equipment, with final approval from the city fire marshal.
2. Fire hydrants.
 - a. Fire hydrants must be free from obstruction on all sides by a minimum clearance of three feet.
 - b. Fire hydrants along streets, driveways, parking lots, fire access routes (fire lanes), or at intersections must be visible for at least 100 feet in all directions along such streets, driveways, access routes or intersections. No plants or shrubs with a height of over 18 inches and no tree with branches or foliage below five feet must be allowed in this sight visibility area.
3. Sprinkler and standpipe connections.
 - a. Fire department connections for sprinklers and standpipes must be free from obstructions on all sides by a minimum clearance of three feet.
 - b. When a fire department connection is over 25 feet from a street, driveway, parking lot or fire access route, there must be maintained a clear path with minimum width of three feet between the fire department connection and the street, driveway, parking lot or fire access route.

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.

19.65.080 - 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 pest/diseases in accordance with the approved landscape plan, and must be maintained so as to prevent mulch, straw, dirt, or other materials from washing onto streets, sidewalks, and adjoining properties
- C. Any dead, unhealthy, or missing vegetation, or vegetation disfigured by severe or excessive pruning, unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, must be replaced with equivalent vegetation that conforms to the plant materials and installation standards in AMC 19.65.050, other applicable standards of this title, and the approved site and/or subdivision plan.
- D. Limbing up trees and "topping" or shearing off trees must be prohibited, unless required for public safety reasons approved by the director.
- 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.

19.65.090 - 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 state licensed landscape architect or Washington-Certified Professional Horticulturalist (CPH) certifying that the materials to be planted will survive without watering other than natural rainfall.
 - b. A plan for monitoring the survival of required vegetation on the approved site plan for at least one year and for detection and replacement of required vegetation that does not survive with like-kind material or other material approved by the reviewing authority.
 - c. A statement from the applicant agreeing to install an irrigation system if the reviewing authority finds one is needed to ensure survival of required vegetation, based on the results of the monitoring plan.

19.65.100 - Performance assurance/bonding. (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 150 percent of the estimated construction costs must be required. Such deposit must be accompanied by a letter which stipulates completion of all landscape development no later than the next autumn planting season following issuance of the certificate of occupancy or date of final approval, whichever is later. If these conditions are not met, the city may use the deposit to install the landscaping.

~~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 19.66 - FENCES, WALLS ~~&~~ AND HEDGES

Standalone draft sent to public on February 2, 2018. Adjustments made since then are largely highlighted in yellow.

Sections:

19.66.010 - Purpose

19.66.020 - Applicability

19.66.030 - Fences, walls, and hedges for residential zones

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones

19.66.050 - Fence, wall, hedge, and rockery measurements

19.66.060 - Site distance at intersections

19.66.070 - Fence and wall location and maintenance

19.66.080 - Fence types prohibited

19.66.090 - Retaining walls and rockeries

19.66.010 - 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.

19.66.020 - Applicability. (NEW)

This chapter applies to all fences, walls, and hedges, of whatever nature and wherever located, within the City.

19.66.030 - Fences, walls, and hedges for residential zones. (NEW)

- A. **Height and design standards by location.** Table 19.66.030 provides height and transparency standards for fences, walls, and hedges for residential uses and zones. Figure 19.66.030.A provides clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.

Figure 19.66.030(A)

Clarification on the location of fences, walls, and hedges associated with the standards in Table 19.66.030.

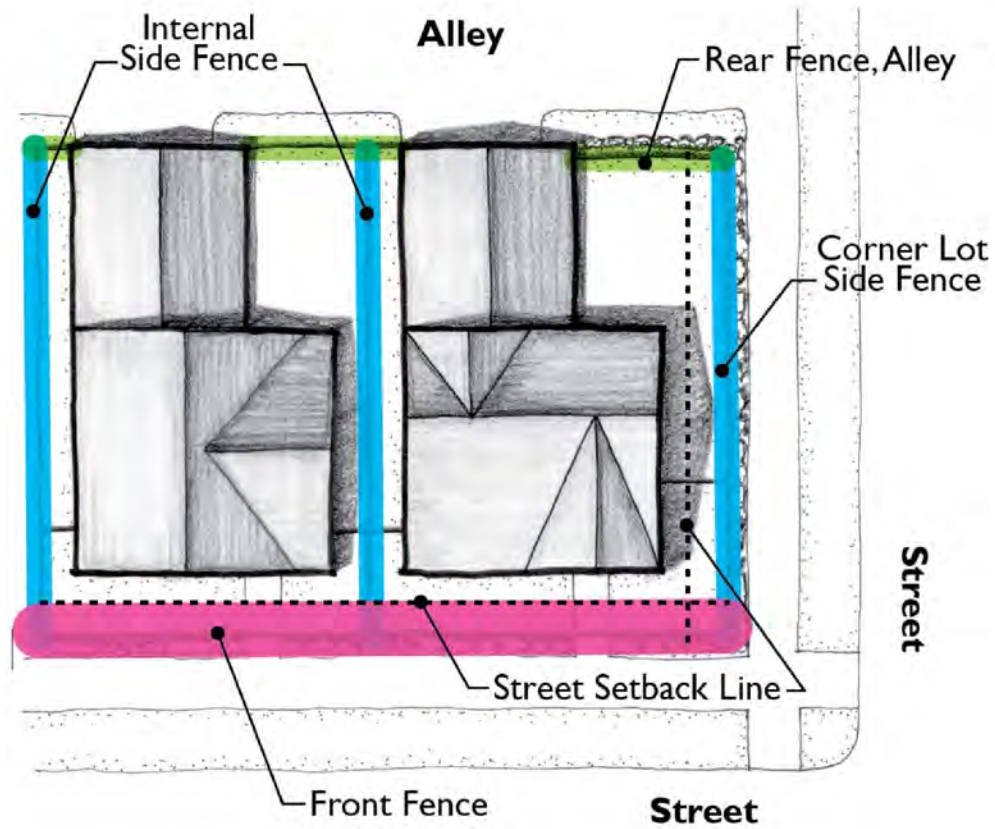


Table 19.66.030

Height standards for fences, walls, and hedges in residential zones by location.

NOTE to reviewers – standards below are in track changes to clarify adjustments from current standards.

Location		Maximum height	Maximum height for homes with accessory daycare uses
Front	Within the street setback	42" 30" for solid fences in residential zones 54" for non-sight-obscuring in residential zones 7' for all fences in nonresidential zones	54", and any portion above 42" must be at least 50 percent transparent
	Elsewhere between the façade and front property line	7'	7'
Side	Corner lot – side fence, within 5 feet of any street property line	42"	54", and any portion above 42" must be at least 50 percent transparent
	Corner lot – side fence, more than 5 feet from any street property line	7'	7'
	Along/near any internal side property line	7'	7'
Rear	Along/near rear property line with or without an abutting alley	7'	7'
	Through lots – within 5' of a street property line	42"	54" within 5' of the property line, and any portion above 42" must be at least 50 percent transparent
	Through lots – 5' or more from street property line	7'	7'

Figures 19.66.030(B) through (D) below provide acceptable and unacceptable examples of fences, walls, and hedges.

Figure 19.66.030(B)

Acceptable fences, walls, and hedges for the street setback for residential zones.



The left image uses a picket fence. The right image uses a low wrought iron fence.



The left image uses a low masonry retaining wall and the right image uses a low hedge.

Figure 19.66.030(C)

Unacceptable fences, walls, and hedges for the street setback for residential zones.



The fence and hedge are both taller than the maximum 42 inch height.

Figure 19.66.030(D)

Acceptable and unacceptable side fences on corner lots in residential zones or along through lots where the rear setback abuts a street.



The left example is a low picket fence. Taller fences like that in the middle image are acceptable along the side and rear setback, but are not allowed within 5 feet of a property line. The right image shows an acceptable example where the fence is setback from the sidewalk to allow space for landscaping.

B. Fences for accessory recreational uses and non-residential uses in a residential zone.

Fences or walls used in conjunction with an accessory to a residential use must meet the following requirements:

1. Fences that are used to enclose recreational facilities accessory to multi-family uses may be up to 12 feet in height provided they are not built within the minimum required setbacks.
2. The director may allow taller fences (than referenced in Table 19.66.030) for permitted non-residential uses in residential zones provided they are necessary for security purposes and the design of the fences meets the purposes of the standards.

19.66.040 - Fences, walls, and hedges for mixed-use and industrial zones. (NEW)

A. Fences within the street setback:

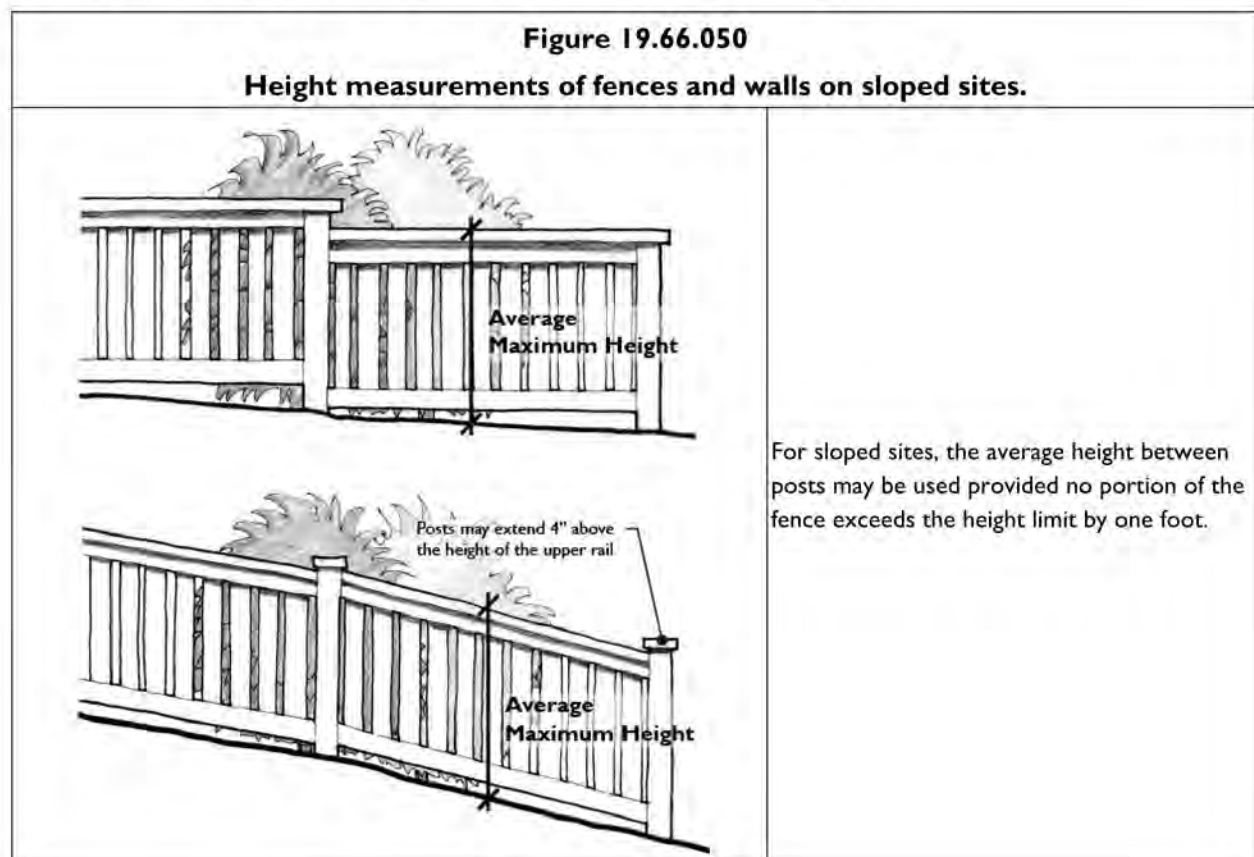
1. Fences within the street setback area are subject to the block frontage standards set forth in AMC Chapter 19.61.
2. Supplemental street setback standards: Fences less than 10 feet from a property line are limited to 42 inches in height. Day care uses are allowed fences up to 54 inches tall in this area, provided the portion of the fence above 42 inches is at least 30 percent transparent.

B. Fences may be required along side and/or rear property lines as a required buffer feature depending on the proposed use and existing abutting uses and zone per Table 19.65.070(A).

C. The maximum height for fences and walls is seven feet. The director may allow taller fences provided they are necessary for functional and security purposes and the design of the fences meets the purposes of the standards.

19.66.050 – Fence, wall, hedge, and rockery measurements. (NEW)

Fence, wall, hedge, and rockery height must be measured from the finished grade to the top of the fence as shown in Figure 19.66.050. Where fence, walls or hedges feature varying heights of finished grade on opposite sides of the fence, wall or hedge, then the height must be measured from the side with the lower grade. Fence posts that exceed the height of the upper rail by less than four 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.



19.66.060 – Site distance at intersections. (NEW)

- A. A clear-vision triangle must be maintained at the intersections of streets, alleys, and commercial driveways, with the following requirements:
 - 1. A clear-vision triangle must contain no plantings, fences, walls, other structures, or visual obstructions within a vertical area extending from three feet to eight feet above the ground, measured from the established centerline of the street, alley or driveway.
 - 2. The clear-vision triangle is determined by one of the following methods:
 - a. Measuring 15 feet along both street property lines beginning at their point of intersection. The third side of the triangle is a line connecting the endpoints of the first two sides of the triangle; or
 - b. Measuring 15 feet along the street lines and 15 feet along the edges of the driveway beginning at the respective points of intersection. The third side of each triangle is a line connecting the endpoints of the first two sides of each triangle.
 - 2. Subsection (1) does not apply to:
 - a. A tree trimmed to the trunk within the three to eight feet clear area.
 - b. Other plant species that are so planted and trimmed as to leave a clear and unobstructed cross-view in all seasons.
 - c. A supporting member or appurtenance to a permanent building lawfully existing on the site.
- B. Where a maximum setback conflicts with the clear-vision triangle, relief from the clear-vision triangle may be granted thorough a departure per AMC 19.20.250.

19.66.070 - 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)*

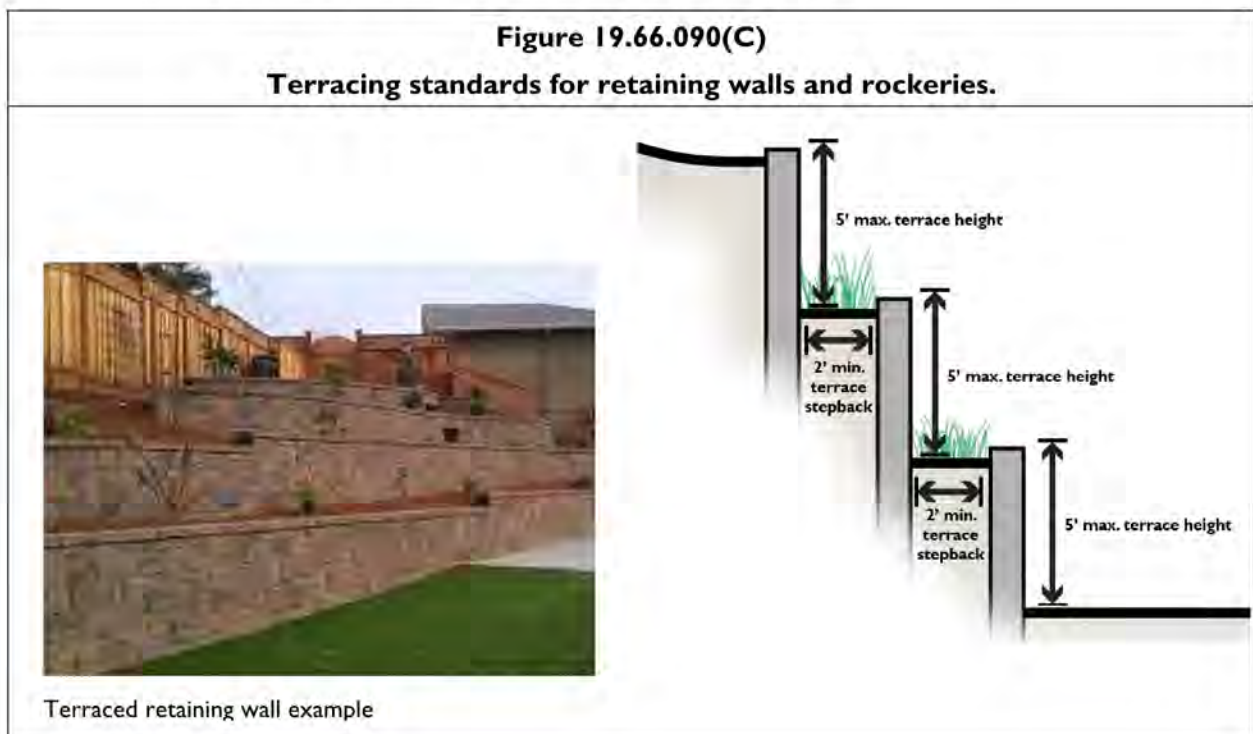
19.66.080 - Fence types prohibited. (NEW + 17.52.030 and 040)

- A. Chain link fences are prohibited in the following areas:
 - 1. All 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.
- 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. *(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. *(From 17.52.040)*
2. For sensitive public facilities operated by public agencies. The facility operator must demonstrate security needs cannot be reasonably met with other fence types. The director must consider the facility's location, hours of operation, volume of public visitors, and neighboring uses. Higher visitor volumes and visibility to the general public warrant greater application of the prohibition.

19.66.090 - Retaining walls and rockeries. (17.52.050)

- A. Building permit.** A building permit is required for retaining walls or rockeries not exempted from permit by Section 105.2 of the International Building Code or the International Residential Code, AMC Chapter 19.14.
- B. Drainage control.** Drainage control must be provided for the area behind retaining walls and rockeries.
- 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 (C)(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 19.66.090(C).

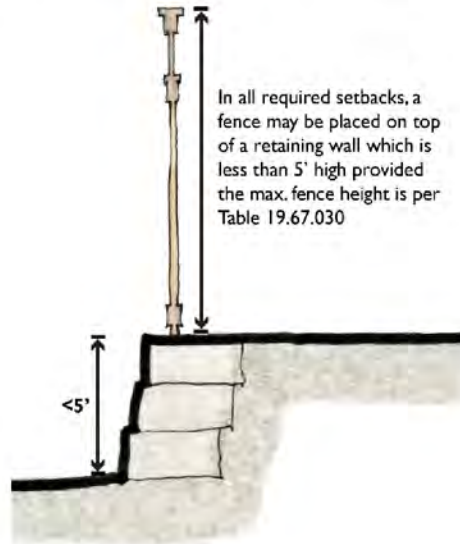


D. Standards for fences on and near retaining walls and rockeries. (NEW)

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 complies with Table 19.66.030.
2. Retaining walls or rockeries five feet in total height or greater.
 - a. In required rear and side setbacks only, a fence may be placed on top of retaining walls and rockeries provided the total combined height of the retaining wall or rockery and the fence is less than 12 feet.
 - b. In all required setbacks, the total combined height of the retaining wall or rockery and the fence may be 12 feet or greater provided the fence is setback at least five feet from the edge of the retaining wall rockery.

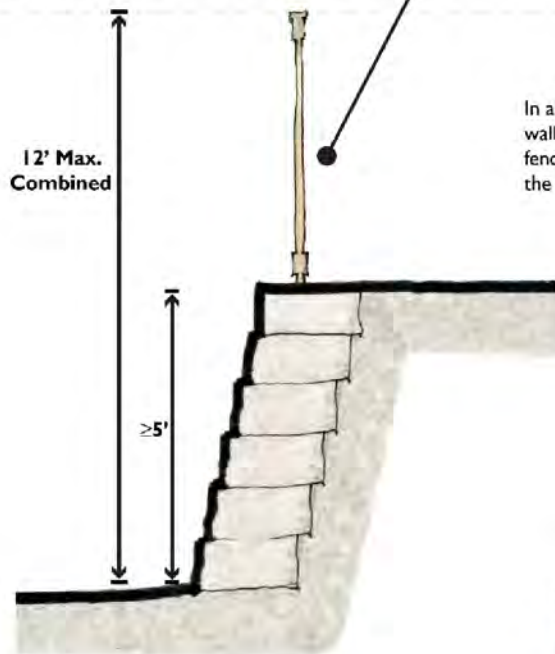
Figure 19.66.090(D)
Standards for fences on and near retaining walls.

Retaining Wall Less Than 5' High

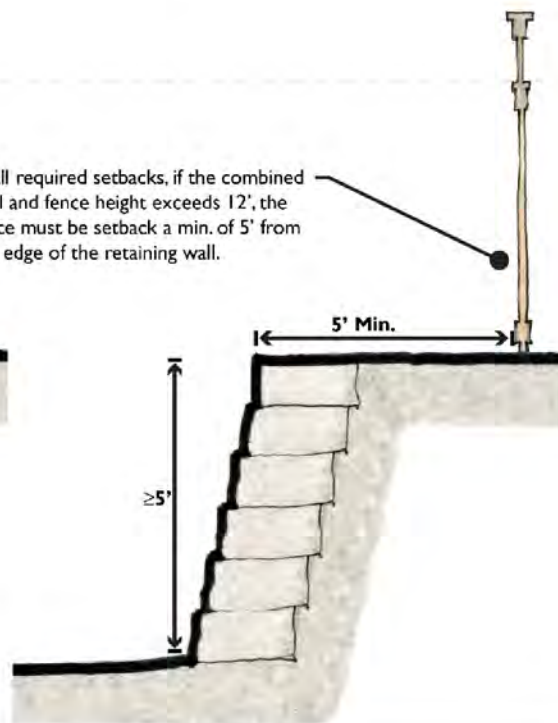


Retaining Wall 5' High or More

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.



E. Standards for large scale manufactured blocks used for retaining walls (e.g., ecology blocks or jersey barriers).

1. Such blocks are prohibited for construction of retaining walls in all residential zones, the CBD zone, and the C zone.
2. In all other zones, such blocks may be used for retaining walls provided retaining walls greater than four feet in height incorporate decorative materials, stamped patterns, or other treatments which create visual interest approved by the director.

Chapter 19.67 - SIGNS (17.40)

Standalone draft chapter made public December 8, 2017. Adjustments made since then are largely highlighted in yellow.

Sections:

- 19.67.010 - Purpose
- 19.67.020 - Applicability
- 19.67.030 – Sign definitions
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19.67.010 - Purpose. *(Nearly a complete update of 17.40.010)*

The purpose of this chapter is to:

- A. Regulate the number, size, placement and physical characteristics of signs and sign structures.
- B. Promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor signs of all types.
- C. Promote economic development of the city's business districts and corridors.
- D. Ensure that signs are compatible with the desired character of Anacortes and its various districts and corridors.
- E. Enhance and protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape.
- F. Recognize free speech rights by regulating signs in a content neutral manner.
- G. Promote the free flow of vehicular traffic and protect pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegal signage.
- H. Prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or of flimsy materials.
- I. Provide consistent sign design standards.

19.67.020 - Applicability. (NEW)

A. Applicability. This chapter applies to all signs erected or altered after the effective date of this code, except for those signs provided in subsection (C).

B. Interpretation.

1. This chapter is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message.
2. Any classification of signs in this chapter that permits speech by reason of the type of sign, identity of the sign owner, or otherwise, must also be interpreted to allow non-commercial speech on the sign.
3. No part of this chapter may be construed to favor commercial speech over non-commercial speech.
4. To the extent any provision of this chapter is ambiguous, the term must be interpreted not to regulate on the basis of the content of the message.

C. Exemptions. The following signs are exempted from the regulations of this chapter:

1. Traffic signs, signals, wayfinding signs, and other traffic control devices erected by the City or other public authority.
2. Public notices pertaining to public health or safety issues, or for notification of legal or legislative action erected by the City or other public authority.
3. Permanent plaques, cornerstones, nameplates, and other building identification markings attached to or carved into the building materials and which are integral parts of the structure.
4. Signs within buildings, provided they are not legible from a distance of more than three feet beyond the building on which the sign is located.
5. Incidental signs intended for public information or convenience and which consist of no more than two square feet per sign face. These may include restroom signs, hours of operation signs, address numbers, help wanted, credit card signs, and similar.
6. The American flag, State of Washington flag, and other political or special purpose flags that are not intended to contribute to a commercial advertising display.
7. Wall graphics of an artistic nature and that do not conform to the definition of "sign."
- ~~8. Signs displayed on a lot where construction is taking place, provided they are removed prior to occupancy approval of the building.~~
8. Noncommercial speech signs meeting the provisions in AMC 19.67.100.
9. Signs not readable from public or private right-of-way or waterway.
10. Signs intended for general public information, such as bulletin board/kiosk, that accommodate changeable copy such as private or public notices, special event information, and other short-term messages, at a scale suitable for pedestrians and not intended to be read by passing motorists, and not for commercial advertising purposes.
11. Holiday and community special event decorations that do not display a commercial message.
12. Signs on athletic fields and scoreboards intended for on-premises viewing.

13. Signs located on public parks, public trails and designated public open space, including any such parks, trails and open space open to the public, whether owned and maintained by the City or by another entity.
14. Signs located on any other city-owned property not specifically addressed in this chapter.
15. Point-of-purchase advertising displays such as product dispensers.
16. Any sign on a vehicle, unless such vehicle is regularly parked in any prominently visible location from public right-of-way or other public space for the primary purpose of attracting public attention to the sign, which is prohibited pursuant to AMC 19.67.040(A)(8).

19.67.030 - Sign definitions. *(updates to existing sign definitions tracked)*

"A-board" means a ~~double-sided~~temporary, portable, double-sided sign of basic self-supporting design. A-board signs may also be referred to as "A-frame" or "sandwich board" signs.

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

"Building-mounted sign" means a sign affixed to a building, painted directly on a wall, or erected against the wall of a building.

"Conforming sign" means a sign which meets the specifications of this chapter.

"Copy" means the graphic content or message of a sign.

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

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

"Feather sign" means a temporary and portable sign made of light-weight materials that is prone to move in the wind, and that contains a harpoon-style pole or staff that is driven into the ground or supported by means of an individual stand. This definition includes such signs of any shape including flutter, bow, teardrop, rectangular, shark, and U-shaped.

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

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

"Governmental signs". See Section 17.40.080(D)

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

"Incidental sign" means sign depicting products, services, or activities directly related to the business within. These are permitted provided the incidental sign is not on an "A" board or a sign on the marquee or a sign under the marquee.

"Internal way-finding sign" means a type of freestanding sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types.

"Marquee/awning sign" means a type of building-mounted sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy.

"Monument sign" means a type of freestanding sign which is attached to the ground by means of a wide base of solid appearance.

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

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

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

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

"Post & arm sign" means a type of freestanding sign supported by a post and arm.

"Projecting sign" means a type of building-mounted sign attached perpendicularly to the vertical surface of a building extending outward from the face of the building.

"Pylon sign" means a type of freestanding sign mounted on two posts.

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

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

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

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

"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.

A sign for the purposes of this title is a device, board, poster, or placard displayed to advertise or convey information. For the purpose of this title, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations, including school, library, museum, traffic and hospital functions.

"Sign" means any communication device, structure, or fixture which is intended to identify a building, use, business, or event; or to promote the sale of products, goods or services; using graphics, letters, figures, symbols, trademarks or written copy. Painted wall designs or patterns which do not represent a product, service or registered trademark, and which do not identify the user, are not considered signs.

~~"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).~~

"Standing sign" means a double-sided, portable sign mounted on a pedestal.

~~"Symbolic sign" means a sign representative of a traditional profession or trade.~~

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

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

"Under-canopy sign" means a type of building-mounted sign attached to the underside of an awning, canopy, balcony or arcade. "Under-marquee signs" means signs attached to the underside of a marquee, canopy, or permanent pathway cover, or other similar structure.

"Wall sign" means a type of building-mounted sign painted directly on the wall, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of such wall, a sign of flat design attached parallel to, or painted on, a building.

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

"Window sign" means a sign that can be observed by the general public as displayed in or applied to the transparent or translucent window and door areas of a building.

19.67.040 - General requirements. (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 nonconforming signs as defined by this chapter) by the city at the owner's expense.

1. Any temporary or permanent freestanding sign located within or projecting over a city right-of-way or within five feet of a city right-of-way, unless otherwise noted in this chapter.
2. Any sign attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on city property or banner signs permitted by the city on light poles in certain zones within the city. Nothing in this section must be construed to prohibit a person from holding a sign while located on public property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails. 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.
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 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 of a building or on any premises except as authorized in ~~[sub]section 17.40.080(B) and (E)~~ AMC 19.67.110 Temporary sign standards.
- ~~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.~~
8. Placement on private property for more than ten days in any 90-day period of any truck, boat, trailer or other vehicle or vehicle part which has affixed thereto any commercial advertising message not pertaining to the legally permitted use carried on within such property is prohibited.

B. Sign display restrictions. (NEW)

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 at the owner's expense.
 - a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination.
 - b. Any sign with an exposed light source, except for neon incorporated into the design of the sign.
 - c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection.
 - d. Any sign animated by any means, including fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means, except for:
 - i. Signs exempted from this chapter as set forth in AMC 19.67.020 Applicability.
 - ii. Temporary signs as provided for in AMC 19.67.110.
 - e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means, except for signs exempted from this chapter as set forth in AMC 19.67.020 Applicability.
 - f. Digital and other changeable copy signs, except as provided for in Table 19.67.040(C)(2) and AMC 19.67.080(F) Internal wayfinding signs for certain freestanding signs.
 - g. Mannequins holding a sign or displaying advertising, whether stationary or animated.

C. Sign illumination. (NEW)

- I. General illumination standards.
 - a. Indirect sign illumination must be no further away from the sign than the height of the sign.
 - b. Externally illuminated signs must be arranged so that no direct rays of light are projected from such artificial source into residences, business or any street right-of-way.
 - c. External sign light fixtures must complement the design of the sign and building facades or structures associated with the sign.
 - d. External sign lighting must be "full cutoff" and must not result in direct illumination of the sky and adjacent properties and structures, and must be designed to minimize reflected glare to adjacent properties and structures.
2. Permitted sign illumination types. Table 19.67.040(C)(2) below specifies permitted sign illumination types by zone.

Table 19.67.040(C)(2) Permitted signs illumination types.			
Illumination Type		Permitted zones	Other requirements
Channel letter. Light is emitted through the front or face of the letters. Back and casing are aluminum or steel and facing is plexiglass or acrylic. Interior light source is LED or neon.		All mixed-use and industrial zones, except CBD	May be incorporated into a permitted wall, pole, or monument sign
Reverse channel letter. Letter faces are aluminum and light source provides halo effect through backlighting. Side casing is translucent plexiglass or polycarbonate. Interior light source is LED or neon.		All mixed-use and industrial zones and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign
Push-through. Letters are cut out of opaque sign face, 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 and the MED-O zone	May be incorporated into a permitted wall, pole, or monument sign

Table 19.67.040(C)(2)
Permitted signs illumination types.

Illumination Type		Permitted zones	Other requirements
Neon.		All mixed-use and industrial zones	May be incorporated into a permitted wall, projecting, window, pole, or monument sign
Internally-illuminated cabinet signs. Sign face is 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 zones, except CBD	Only allowed to be integrated on permitted monument and pole signs per AMC 19.67.080(F)
Internally-illuminated awning signs. Awning face is wholly illuminated through awning material.		Not allowed in any zone	
Externally-illuminated sign.		All zones	Illumination techniques must focus the light on the sign and avoid glare to the sky, streets, sidewalks, and other public spaces, and adjacent uses.

E. Sign materials, structural, and electrical restrictions.

1. Except flags, temporary, and portable signs, and window signs conforming in all respects with the requirements of this ordinance, all signs must be constructed of durable materials and must be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
2. All attached signs and sign support frames must be mounted and attached to a building or the ground in a secure manner and must be maintained in good repair for safety and appearance.
3. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs must be in accordance with the provisions of the National Electric Code or the local electric code in effect. All such signs require an electrical permit and inspection by state of Washington Department of Labor and Industry, Electrical Division or equivalent inspection.

F. Sign maintenance and inspection.

1. Maintenance. All signs, including signs heretofore installed must be constantly maintained in a state of security, safety, appearance and repair. If any sign is found not to be so maintained or is insecurely fastened or otherwise dangerous, it is the duty of the owner and/or occupant of the premises on which the sign is fastened to repair or remove the sign within five days after receiving notice from the director. The premises surrounding a free-standing sign must be free and clear of rubbish and the landscaping area must be maintained. 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 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 usersowners must permit the periodic inspection of their signs by the city upon city request.

~~H. 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 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.~~

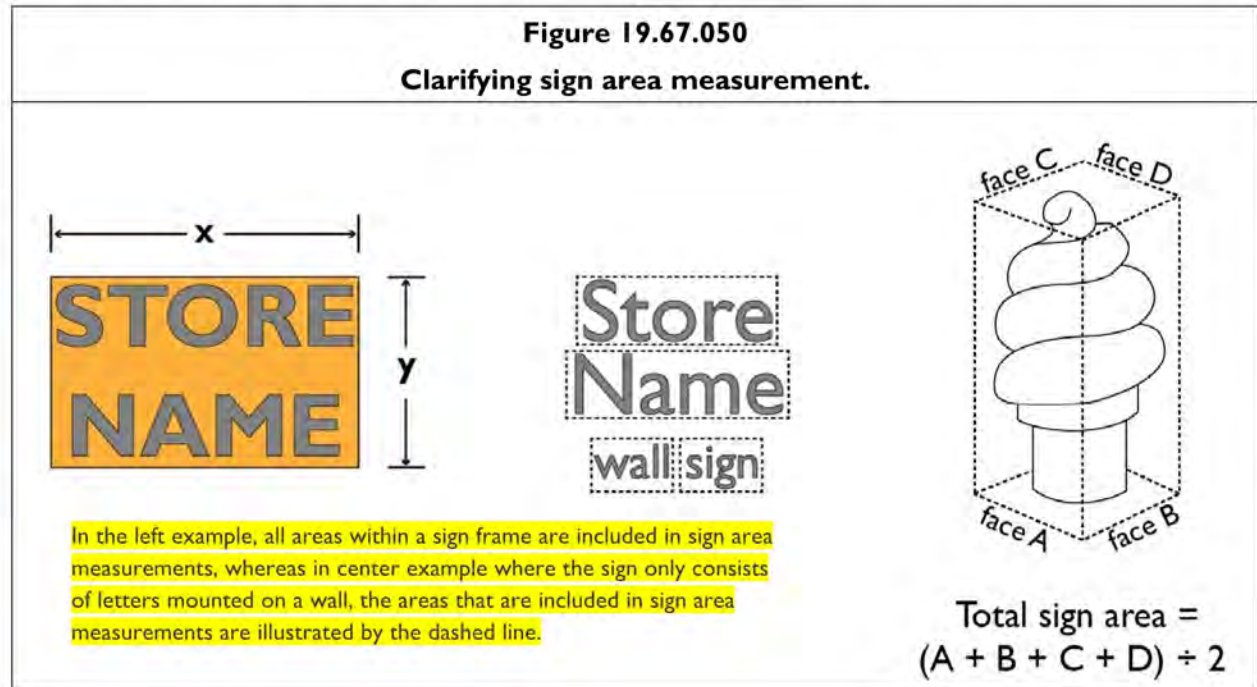
~~Wall signs identifying and located with a nonconforming use must be permitted on the same premises of such use, provided the area of such sign does not exceed twelve square feet.~~

19.67.050 - 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 calculated on the basis of the smallest rectangle, circle or spherical figure that will enclose the entire copy area of the sign. Any such calculation must include the areas between letters and lines, as well as the areas of any devices, illuminated or non-illuminated, which are intended to attract attention.

- B. Multiple-faced signs must have each face measured separately. The sign area allotment for each sign type applies to just one side of the sign. For example, if the maximum size for a certain monument sign is 25 square feet, then each face of the monument sign may be up to 25 square feet.
- 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 19.67.050. Signs with greater than four polyhedron faces are prohibited.



19.67.060 – 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.

19.67.060 - Signs typologies. (NEW)

A. Table 19.67.060 includes a listing of sign types along with descriptions and an illustration.

Table 19.67.060 Signs typologies.	
Freestanding signs.	
Pole sign –a sign supported by one vertical post.	
Monument sign –a sign which is attached to the ground by means of a wide base of solid appearance.	
Post & arm sign –a small sign supported by a post and arm.	
Pylon sign – A sign mounted on two posts.	
Internal way-finding sign - a sign used to aid customers in circulation within parking lots of commercial uses. These signs could come in the form of monument, pylon, post & arm, or wall sign types.	

Table 19.67.060
Signs typologies.

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.



Marquee/awning sign – a sign that is either attached to, affixed to, or painted on a marquee, awning, or canopy.



Under-canopy sign – a sign attached to the underside of an awning, canopy, balcony 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 merchandise in a window display.



19.67.070 - Signs types permitted by zone. (NEW)

A. Residential zones. Table 19.67.070(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 19.67.070(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 (AMC 19.67.080)					
Pole sign (AMC 19.67.080(B))					
Monument sign (AMC 19.67.080(C))	P ¹	P ¹		P	P ³
Pylon sign (AMC 19.67.080(D))				P	P ³
Post & arm sign (AMC 19.67.080(E))				P	P ³
Internal wayfinding sign (AMC 19.67.080(F))					
Building-mounted signs (19.67.090)					
Wall sign (AMC 19.67.090(A))			P ²		P
Projecting sign (AMC 19.67.090(B))					
Marquee/awning sign (AMC 19.67.090(C))					P
Under-canopy sign (AMC 19.67.090(D))					P
Window sign (AMC 19.67.090(E))			P ²		P

Conditions:

1. Single-family subdivisions and mixed-residential or multifamily complex. One monument sign is permitted per entrance from an access street, provided said signs do not exceed 18 square feet in sign area each and five feet in height. Such signs can be low profile monument or fence mounted and can be placed anywhere on the property along access streets, not necessarily at entrances.
2. One non-illuminated wall sign or window sign up to two square feet is permitted for a home occupation.
3. Other non-residential uses:
 - a. Monument signs are permitted for those permitted non-residential uses that exceed 10,000 in gross floor area. One monument sign is permitted per lot frontage, provided said sign does not exceed 18 square feet in sign area each and five feet in height. Such signs can be low profile monument or fence-mounted and can be placed anywhere on the property along access streets (not only at entrances).

b. Pylon and post and arm signs are limited to six feet in height and 16 square feet in area.

~~4. A-board signs are permitted for applicable use types on a temporary basis and subject to _____.~~

B. Mixed-use and industrial zones. Table 19.67.070(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 19.67.070(B) Signs permitted in mixed-use and industrial zones.												
Sign Type	Zone											
	CBD	C	MMU	CM	CM2	LM	LMI	MS	I	HM	P	AZ
Freestanding signs (AMC 19.67.080)												
Pole sign (AMC 19.67.080(B))							P			P		
Monument sign (AMC 19.67.080(C))	P	P	P	P	P	P	P ²	P ²	P	P	P	P
Pylon sign (AMC 19.67.080(D))	P	P	P	P	P	P	P ²	P ²	P	P	P	P
Post & arm sign (AMC 19.67.080(E))	P	P	P	P	P	P	P	P	P	P	P	P
Internal wayfinding sign (AMC 19.67.080(F))	P	P	P	P	P	P	P	P	P	P	P	P
Building-mounted signs (AMC 19.67.090)												
Wall sign (AMC 19.67.090(A))	P	P	P	P	P	P	P	P	P	P	P	P
Projecting sign (AMC 19.67.090(B))	P	P	P	P	P	P	P	P	P	P	P	P
Marquee/awning sign (AMC 19.67.090(C))	P	P	P	P	P	P	P	P	P	P	P	P
Under-canopy sign (AMC 19.67.090(D))	P	P	P	P	P	P	P	P	P	P	P	P
Window sign (AMC 19.67.090(E))	P	P	P	P	P	P	P	P	P	P	P	P

19.67.080 - 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.

- I. 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 19.67.070(A) and (B).

2. Permitted number of signs. One freestanding sign is permitted per lot frontage (including waterfront lot frontage provided the requirements of the Shoreline Master Program are met. Additional freestanding signs may be permitted per Table 19.67.080(A)(2) below.

Table 19.67.080(A)(2) Distance between freestanding signs.	
Applicable Speed Limit	Minimum Separation
Less than 35 mph	150'
35 mph or greater	200'

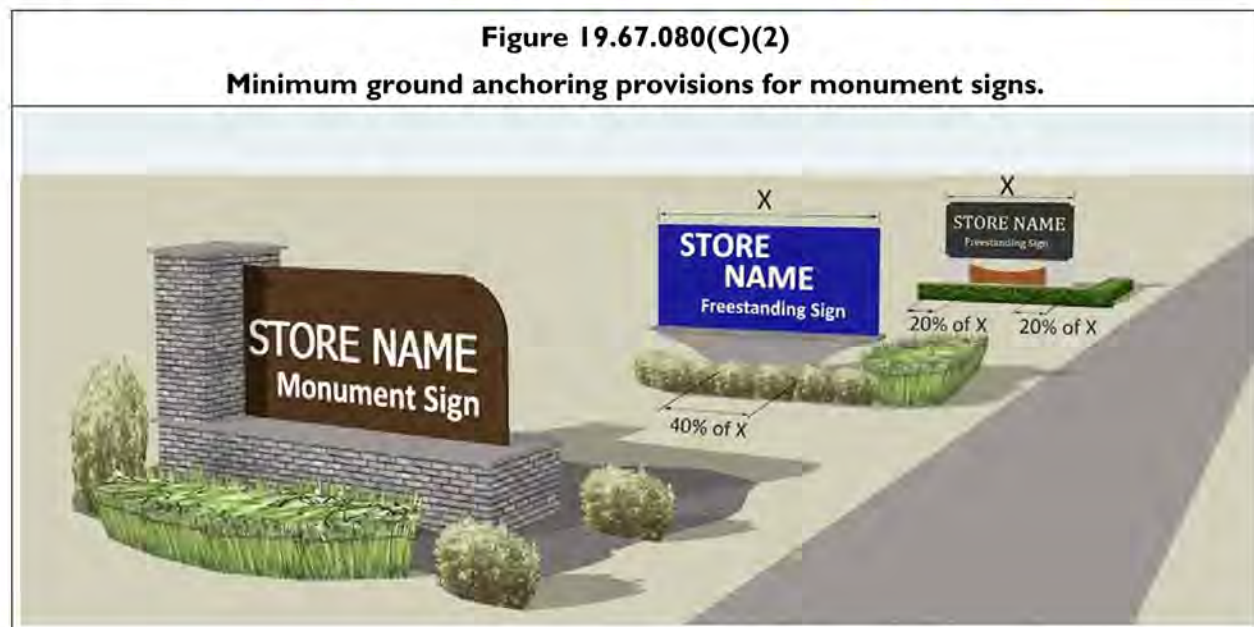


3. Location and landscaping.
 - a. Freestanding signs are prohibited on block frontages that are designated Storefront per maps in AMC 19.61.040 Block frontage designation maps, as all business signs along such frontages must be mounted on the buildings.
 - b. Setback. All freestanding signs must be 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.
 - c. Landscaping. All signs must include landscaping around the base of freestanding signs to enhance the character of streetscapes. Specifically, at least one square foot of landscaped area must be provided per one square foot of sign area.
- B. Pole signs.** Pole signs are permitted only in the LMI and HM zones per the following conditions: in locations within 100 feet of the SR 20 right-of-way and subject to Table 19.67.070(B) and the freestanding sign standards in subsection (A) above.
 1. Pole signs are only permitted within 100 feet of the SR 20 right-of-way in the LMI and HM zones.

2. Special pole, pylon, and monument sign standards for LMI and HM zones within 100 feet of the SR 20 right-of-way.
 - a. Sign area limit: One square foot/one lineal foot of highway frontage, up to 160 square feet in area.
 - b. Maximum sign height: 30 feet above the existing grade.
 - c. There must be a minimum of 400 feet of SR 20 frontage for each sign except that if a site has less than 200 lineal feet of SR 20 frontage one such freestanding sign is allowed.

C. Monument signs.

1. **Where** allowed:
 - a. Monument signs are permitted for individual businesses and multi-tenant commercial developments for the uses specified in Table 19.67.070(A) and the zones specified in Table 19.67.070(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 19.67.080(A)(2).
2. Sign form. **At least 40 percent of the total sign width must meet the ground plane.**



3. Materials and design. Monument signs located in the CBD, C, MMU, CM, and residential zones must be designed as an integrated architectural feature of the site. Specifically:
 - a. Framing. Monument signs must include design elements that effectively frame the sign on both faces. Alternatively, signs that have a substantial framing element on one side will meet this provision. 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.

Figure 19.67.080(C)(3)(a)

Good examples of monument signs with framing elements on one side.

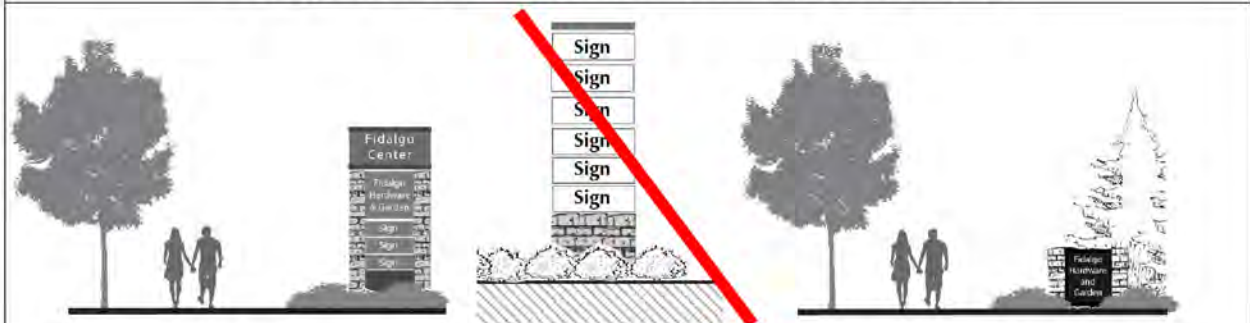


- b. Materials and design. Monument signs must include durable high-quality materials such as stone, brick, concrete, or steel and a design that relates to and/or complements the design of on-site buildings and/or is coordinated with other site design elements (such as distinctive lighting, monuments, way-finding signs).
- c. Top/middle/bottom. Monument signs must integrate a top, middle, and bottom element. The top could include a distinctive sign cap and/or include the name of a multi-tenant center. The middle can include a consistent framing technique for an individual sign or multiple signs in a multi-tenant center. The bottom could include a distinctive base design with special materials and/or design. See the figures below for examples that meet this requirement.

Signs less than six feet tall are exempt from this provision.

Figure 19.67.080(C)(3)(c-1)

Acceptable and unacceptable monument sign examples.



The left image utilizes a clearly identifiable top, middle, and bottom elements and meets the framing provision. The middle image includes a base, but insufficient top or framing element. The shorter sign to the right includes framing but is exempt from the top, middle, and bottom elements.

Figure 19.67.080(C)(3)(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 19.67.080(C)(3)(c-3)

Unacceptable examples of monument signs.



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.

4. 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 **streetscapes**. Specifically, at least one square foot of landscaped area must be provided per one square foot of sign area.

Figure 19.67.070(C)(4)
Minimum base height for sign copy.



5. Maximum size and height.
 - a. Table 19.67.080(A)(5) illustrates the maximum allowable sign area 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 subsection (C)(5)(d) below.

Table 19.67.080(C)(5)
Maximum allowable sign area and height for monument signs.

Total ROW Frontage of Parcel (on each streets)	Allowable Sign Area	Maximum Height (white/very light background)
Less than 120 Feet	24 sq. ft.	6 feet
120-199 Feet	30 sq. ft.	7 feet
200 - 299 Feet	40 sq. ft.	8 feet
300 - 399 Feet	50 sq. ft.	9 feet
400 Feet or More	70 sq. ft.	10 feet
NOTE TO REVIEWERS: Note that earlier draft provisions allowing bonus sign area and height for signs with dark background and light colored lettering were taken out and sign area and height standards have been adjusted to fall about halfway between those earlier tiered standards.		

- b. Base height provision. The copy of all signage must be at least one-foot above grade.
- c. 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 order to qualify for a departure, signs must include a distinctive one-of-a-kind design that includes a high quality mixture of materials.
- d. Special monument sign area and height standards for LMI and HM zones within 100 feet of the SR 20 right-of-way.

- i. Sign area limit: One square foot/one lineal foot of highway frontage, up to 160 square feet in area.
- ii. Maximum sign height: 30 feet above the existing grade.

Figure 19.67.080(C)(5)(c)

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.

D. Pylon signs.

1. When allowed.
 - a. Pylon signs are permitted for individual businesses and multi-tenant commercial developments 19.67.070 for the uses specified in Table 19.67.070(A) and the zones specified in Table 19.67.070(B).
 - b. Pylon sign types must not be placed between the street and any building that features 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 19.67.080(A)(2) Permitted number of signs.
2. Pylon sign standards. All pylon signs are subject to the height and area standards for monument signs in Table 19.67.080(C)(5), provided they are limited to a maximum of eight feet in height. 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:
 - a. Sign area limit: One square foot/one lineal foot of highway frontage, up to 160 square feet in area.
 - b. Maximum sign height: 30 feet above the existing grade.

E. Post and arm signs.

1. When allowed.

- a. Post and arm signs are permitted for individual businesses and multi-tenant commercial developments 19.67.070 for the uses specified in Table 19.67.070(A) and the zones specified in Table 19.67.070(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 19.67.080(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.

F. Internal wayfinding signs.

1. Purpose. To aid visitors in finding the location of a business, use or building on large commercial development sites.
2. Sign content. Signs may include only the name of the business, use, or building together with the directional guidance information.
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 way findings signs may come in the form of monument, pylon, or post & arm sign types, except that signs placed along pathways may be placed on buildings 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.
6. Design. Signs must designed in a uniform manner (within individual subdivision or center) using consistent background color typeface colors. Dark background colors with light colored text are required. See Figure 19.67.080(F) for an example.

Figure 19.67.080(F)
Internal wayfinding sign examples.



Note the consistent design themes using dark backgrounds with light colored text.

G. Digital and changeable copy signage integration.

Digital and changeable copy signage elements may be integrated into any pole or monument sign permitted in this section, subject to the following provisions:

1. Up to 50 percent of allowed sign copy area may be used for digital or changeable copy directory purposes. 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 allowed sign copy area may be used for changing message purposes. For single tenant signs, up to 50 percent of the allowed sign copy area may be used for changing message purposes.
3. Where both a digital directory and changing message signage is included on one freestanding sign, such elements may collectively be used for up to 67 percent of the total allowed sign copy area.
4. Digital or internally lit changeable copy signs are not allowed in residential zones.

Figure 19.67.080(G)
Example of integrating digital signage.



The sign above features digital directory signage (Tahiti Pears, 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:
 - a. Maintain a 10 second minimum dwell time for the directory and any images. Changes in directory and images must be instantaneous and not faded. Animation, movement, or video imaging is prohibited.
 - b. Brightness limits:
 - i. Integrate automatic dimming capability that adjusts to the brightness of ambient light at all times of the day and night.
 - ii. Daytime: 5,000 maximum nits.

- iii. Nighttime: 150 maximum nits.
- c. Light trespass standards – adopt a trespass limit of 0.1 foot-candles at the property line of any park or residential property.

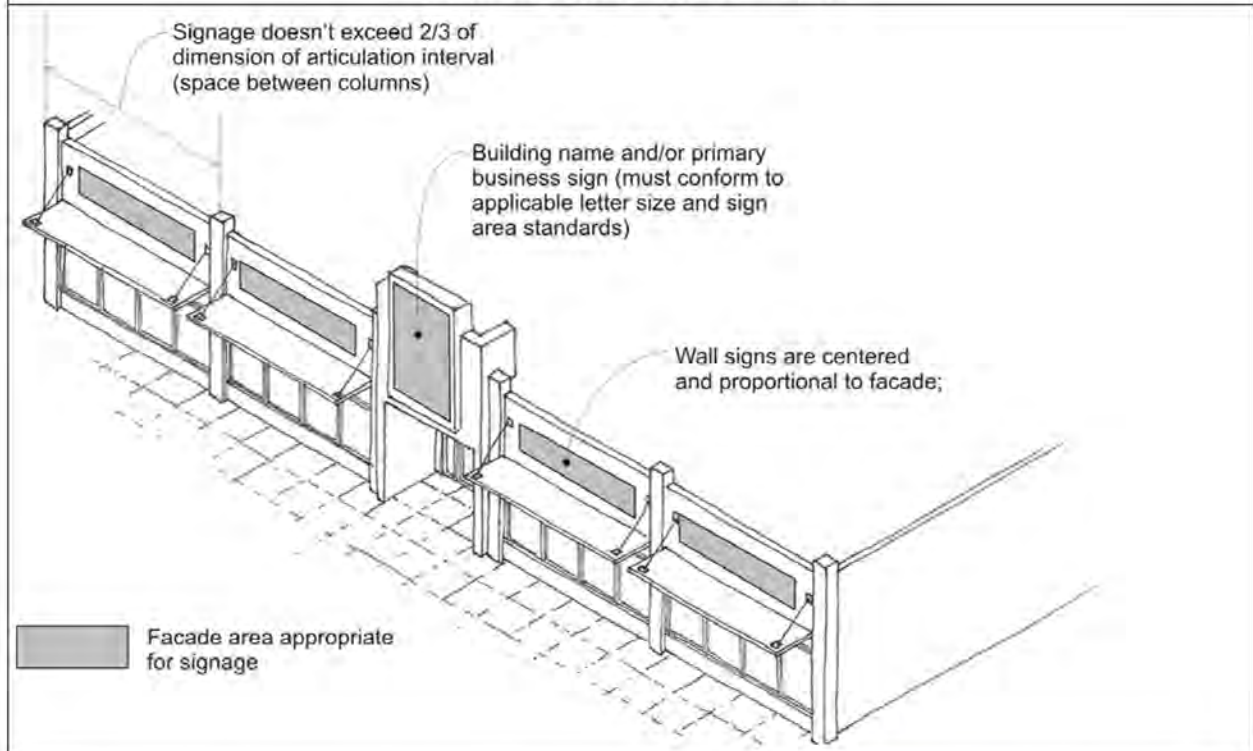
19.67.090 - Building-mounted sign standards. (NEW)

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 allowed a maximum of one wall sign per facade that is visible from an adjacent street, customer parking lot, or alley. One wall sign is allowed per facade facing a waterfront provided the requirements of the Shoreline Master Program are met.
 - 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.
 - 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 may not exceed 2/3 of individual storefront dimension. This standard also applies to upper level businesses.
 - b. Wall signs may not cover windows, building trim, an existing building name sign, or special ornamentation features. Preferred areas for installation of wall signs include blank areas above canopies, areas between vertical piers or columns, blank areas on a gabled roof, or upper reaches of a false fronted building.
 - c. Stacked words on wall signs are permitted. Generally, the primary business name is encouraged to be provided on one line, with additional text on rows above and/or below providing supporting information about the business in smaller fonts.

Figure 19.67.090(A)(2)
Illustrating wall sign standards.



- Maximum size for individual tenants. Table 19.67.090(A)(3) below provides standards for the maximum amount of wall, canopy, or awning signage on each **tenant's façade**. For building elevations that include signage for upper level businesses, the standards apply to the entire building elevation.

Table 19.67.090(A)(3) Sign area standards for wall, canopy, or awning signs for each tenant's facade.		
Tenant facade area	Maximum sign area (for tenant's facade)	
	Sign with internal lighting	Sign 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

Figure 19.67.090(A)(3-1)

Clarifying the calculations of maximum sign area for tenant wall, canopy, or awning signs.

 Tenant Facade Area = 320 SF



Figure 19.67.090(A)(3-2)
Acceptable wall sign examples.



Figure 19.67.090(A)(3-2)
Acceptable wall sign examples.

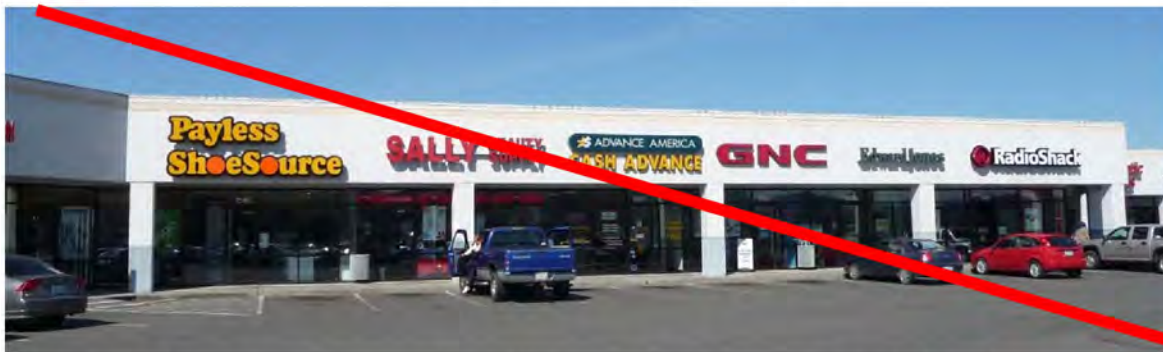


Note the different styles of signs and use of stacked (both left images) and supplemental text (lower left).



More acceptable wall sign examples. In the right image, the signs are centered on the articulation elements of the façade.

Figure 19.67.090(A)(3-3)
Unacceptable wall sign example.



Most or all of these signs clearly exceed 2/3's of the width of their respective individual storefronts.

4. Maximum height. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, **whichever is highest.**

5. Mounting.
 - a. Wall signs should be mounted plumb with the building, with a maximum protrusion of one-foot **plus a four-inch mounting**, unless the sign incorporates sculptural elements or architectural devices.
 - b. The sign frame must be concealed or integrated into the building's architectural character in terms of form, color, and materials.
6. Building name signs. Signs that advertise the name of the building and not associated with the name of any individual business are exempt from the sign area standards set forth in Table 19.67.090(A)(3) above.

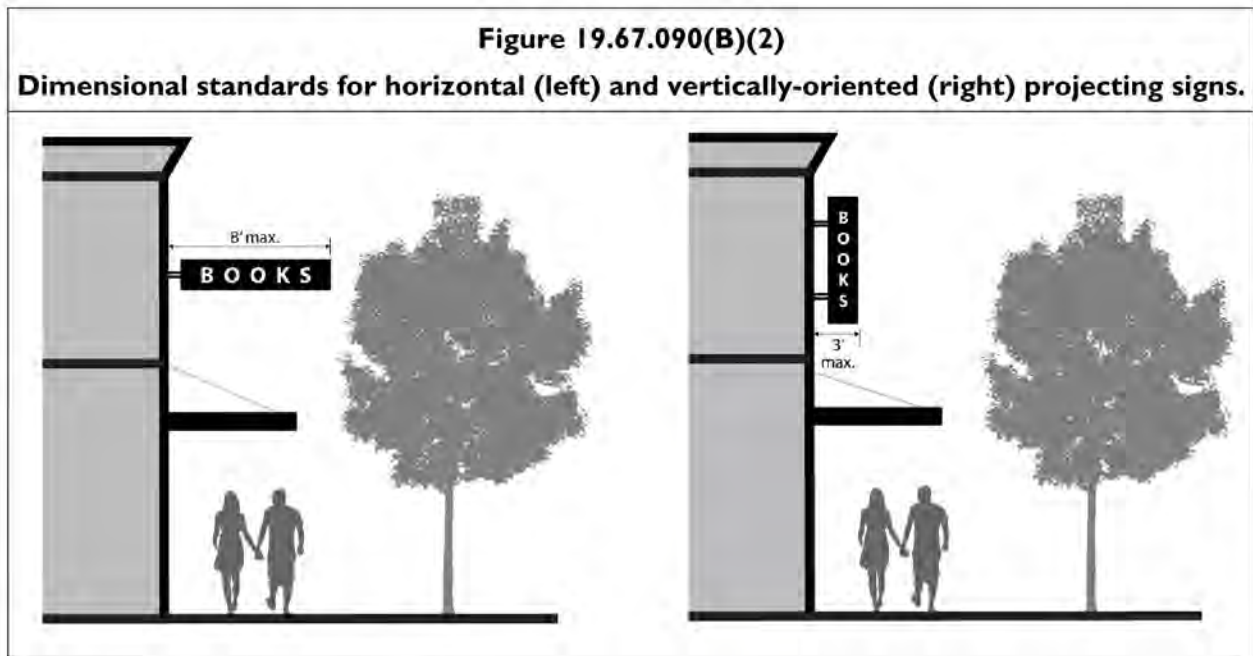
Signs must be placed near the top of the façade and generally centered on the architectural features of the building. Departures per AMC 19.20.250 will be considered provided the sign is located in a place that is independent from individual businesses on the building and helps to provide identity for the particular building.

Figure 19.67.090(A)(6)
Acceptable building name sign.



- B. Projecting signs.** Projecting signs meeting the following conditions are allowed for commercial uses adjacent to and facing a street. They may be used in addition to wall, marquee, and/or awning signs provided they meet the applicable standards below.
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.
 - ii. Square or vertically oriented signs: No more than three feet.
 - iii. Signs may project into public right-of-way for storefront buildings, but must not extend over the curb into the travel lane.
 - b. Height:

- i. Horizontally oriented signs: No more than three feet.
- ii. Vertically oriented signs: Must not extend above the building parapet, soffit, the eave line or the roof of the building.



- c. Departures per AMC 19.20.250 to the provisions in subsection (a) and (b) above will be considered provided the sign design is compatible with the design of the building in terms of location, scale, and design elements, doesn't create a public safety hazard, and provides a positive contribution to the streetscape.
- 3. Vertical clearance. Signs must be placed a minimum of eight feet above the sidewalk or pathway.
- 4. Location. Projecting signs must not be located directly over windows or in conflict with other signs or architectural features of the building.

Figure 19.67.080(B)(4)

Acceptable and unacceptable projecting sign examples.



The example on the right includes two complementary projecting signs that are separated enough that they don't conflict or cause visual clutter. The second sign is smaller and advertises the lounge that's within the restaurant.



Both examples include signs that project over the roofline. In the right example there are far too many signs that visually conflict and create unwanted sign clutter.

C. Marquee/awning signs. Marquee or awning signs may be used in place of permitted wall signs (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. See Table 19.67.080(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. For example, it may not be so large that it blocks windows or other significant architectural features of the building.

5. Vertical clearance. Signs must be placed a minimum of eight feet above the sidewalk or pathway.
6. Location: Marquee signs may be placed on the front, above, or below 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 19.67.090(C)
Marquee and awning sign examples & standards.



D. Under-canopy signs. Under canopy signs are placed under awnings, marquees or canopies and placed perpendicular to the storefronts and thus oriented to pedestrians on the sidewalk or an internal pathway. Applicable standards:

1. Permitted number of signs. Tenants are allowed a maximum of one under-canopy sign per facade that is visible from a street or customer parking lot. Exception: For businesses with multiple entries onto a sidewalk or pathway, one under canopy sign is permitted for each entrance.
2. Sign width. Under canopy must have one-foot minimum 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 pathway.

Figure 19.67.080(D)

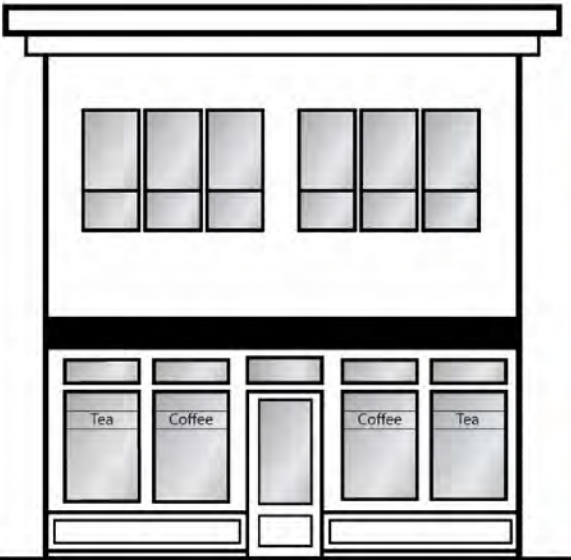
Under canopy standards and example.



E. Window signs.

Signs in windows, including glass doors, are limited to 30 percent of the total tenant window area.

Figure 19.67.090(A)(2)
Window sign standards and examples.



Signs in windows are limited to 30 percent of the total tenant window area. The coffee shop in the upper right image uses a variety of window signs, but meets the 30% limit. The lower right image clearly exceeds the 30% limit and effectively minimizes the transparency of this storefront.



19.67.100 - Noncommercial speech signs. (NEW)

Noncommercial speech signs express noncommercial speech such as public community events, religious, political, social, or other philosophical messages.

Noncommercial speech signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

- A. The sign area of noncommercial speech signs must not exceed 32 square feet.
- B. The maximum height is limited to six feet.
- C. Noncommercial speech signs that do not comply with the requirements of this section must be subject to the permit requirements, sign area, setback and other provisions of this chapter. All noncommercial speech signs must comply with general sign requirements per AMC 19.67.040 General requirements.

19.67.110 - Temporary sign standards. (NEW)

A. Applicability. All temporary signs are subject to the placement, size, and height requirements of this chapter, and the requirements set forth in the underlying zone. Additionally, the following requirements shall apply.

B. Permitting. A sign permit is not required temporary signs.

C. Location requirements.

- 1. Generally.
 - a. Temporary signs may be located on private property with the property owner's permission.
 - b. Temporary signs attached to building walls must not be placed in a manner that obstructs any door, fire department sprinkler connection, or street number sign.
 - c. Temporary signs must not be placed on the roof of a building, or affixed to a permanent sign or its structure, tree, utility pole, or street sign.
 - d. No part of a temporary sign may overhang a paved roadway, bicycle path, parking space, driveway, loading area, or wheelchair access.
 - e. Temporary signs must not be permanently attached to the ground, a building, or to any other structure, other than what is necessary to secure the sign to prevent theft, wind damage, or safety problems.
 - f. Temporary signs must not be placed in any public park, trail, open space, or other public space, except for those signs placed by the City.
- 2. Within public right-of-way.
 - a. Temporary signs may be located within public right-of-way, but must not be located within center medians, traffic circles, traffic islands, and roundabouts.
 - b. Temporary signs in public right-of-way must not be located within 25 feet of any other temporary sign in the public right-of-way.
 - c. Temporary signs other than Type 4 must not be placed upon any sidewalk or other pedestrian pathway. Type 4 signs must be placed such a minimum four feet of unobstructed sidewalk or pedestrian path is maintained. No temporary sign, including Type 4 signs, may be placed on sidewalks less than four feet in width.

No Temporary signs in public right-of-way may be placed on sidewalks provided at least four feet of horizontal clearance for pedestrians is provided. Signs must not be placed in driveways.

- d. No vegetation, roadway signage, utilities, or other elements of the public right-of-way may be altered for the purpose of placing a sign or increasing visibility of a sign.

D. Materials. Temporary signs may be made of any durable material, and the sign face may be of rigid or flexible construction.

E. Illumination prohibited. Temporary signs may not be directly illuminated or be provided with any electric service.

F. Noncommercial temporary signs. Noncommercial signs do not promote commercial products or services. The content of such signs is not regulated, but is subject to the following requirements:

- 1. Noncommercial temporary signs are subject to the requirements of Table 19.67.110(F).

Figure 19.67.110(F)			
Size and duration of noncommercial temporary signs.			
	Non-A-board sign in the public right-of-way	A-board sign in the public right-of-way	Any temporary sign on private property
Sign area, maximum	4 square feet	See subsection (G)(4) for A-board (Type 4 sign) standards	12 square feet
Height above grade, maximum	3 feet		8 feet
Duration, maximum	180 days per calendar year unless otherwise limited by the temporary sign type		180 days per calendar year unless otherwise limited by the temporary sign type
Location requirements	See AMC 19.67.110(C)(2)		See AMC 19.67.110(C)(1)

- 2. Community banner signs up to 100 square feet in size and 20 feet above grade in height may only be located on public banner poles erected by the City for that use. Community banner signs may not be illuminated.
- 3. Signs advertising a public event. Maximum duration must be from one month before the event to five days after the event.

G. Commercial temporary signs.

- 1. Construction signs. On properties with active construction, temporary signs must meet the following requirements:
 - a. Number. One non-illuminated, double-faced temporary sign is permitted for each lot frontage.
 - b. Sign area. Maximum size of 24 square feet.
 - c. Height. Maximum height of eight feet above grade.
 - d. Permitted sign types. Types 2-3.
 - e. Duration. Temporary signs must be removed by the date of first occupancy of the property or one year after placement of the sign, whichever occurs first.

2. Exterior event signs, such as grand opening signs, sale signs, promotional signs, exhibitions, quitting business signs, and other nonpermanent exterior signs used to advertise an event.
 - a. Number. There is no limit to the number of exterior event signs that may be displayed at any one time for any one business or tenant.
 - b. Applicability/location. Businesses in mixed-use and industrial zones may display exterior event signs.
 - c. Sign area. Exterior event signs are limited to 20 square feet in size, except for building-mounted Type 2 temporary signs, which are subject to the area standards in subsection (H)(2) below.
 - d. Height. Based on height limits of allowed temporary sign types set forth in subsection (H) below.
 - e. Permitted sign types. Types 1-5.
 - f. Duration. Exterior event signs may be displayed for no more than 60 cumulative days per calendar year per business or tenant.
3. Residential real estate. Signs associated with residential properties for sale or rent must comply with the following:
 - a. On-site residential "For Sale," "For Rent" and "Sold" signs.
 - i. Number. Limited to one sign per lot frontage on the subject property.
 - ii. Sign area. Maximum size of six square feet.
 - iii. Height. Maximum height of six feet above grade.
 - iv. Permitted sign types: Type I.
 - iv. Duration. Must be removed within five days of the final sale or rental.
 - b. Off-site residential "For Sale" and "For Rent" signs.
 - i. Location. No further from the subject property than the nearest arterial street intersection.
 - ii. Quantity. No more than one "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller or owner.
 - iii. Sign area. Maximum size of two square feet.
 - iv. Height. Maximum height of six feet above grade.
 - v. Permitted sign types: Type I.
 - vi. Duration. Must be removed within five days of the final sale or rental.
4. Commercial and industrial real estate. Signs associated with commercial and industrial properties for sale or rent must comply with the following:
 - a. Location and quantity. Limited to one sign per lot frontage on the subject property.
 - b. Sign area. Maximum size of 16 square feet.
 - c. Height. Maximum height of eight feet above grade for properties adjacent to Highway 20 in the LMI or HM zones and six feet above grade in all other areas.
 - d. Permitted sign types: Types 1-3.

- e. Duration. Must be removed within five days of the final sale or rental.
- 5. Commercial temporary signs in a residential zone. Permitted commercial temporary signs in residential zones are limited to:
 - a. Residential real estate signs as set forth above.
 - b. Home occupation signs as set forth in Table 19.67.070(A).
 - c. Signs associated with permitted non-residential uses are subject to the standards of this section.

H. Temporary sign requirements by sign type.

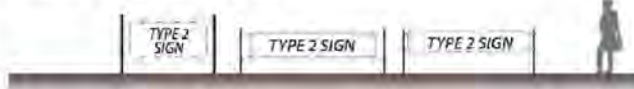
Below are standards for a wide variety of temporary sign types that may be allowed based on the site's zoning, land use, or context. Where the provisions of subsection (F) or (G) conflict with the provisions of this subsection (H), the provisions of subsection (F) or (G) apply.

Figure 19.67.110(H)
Summary of temporary sign types.

Type 1 Sign Examples



Type 2 Sign Examples



Type 3 Sign Examples



Type 4 Sign Examples



Type 5 Sign Examples



1. Type 1 temporary signs. Signs in this category consist of small, temporary yard signs that are typically associated with (but not limited to) the advertisement of real estate, political campaigns, and event announcements.

a. Location. Type 1 temporary signs may be located in any zone.

b. Quantity.

i. For developed property, one sign may be displayed per dwelling unit and per business. For undeveloped and vacant property, one sign may be displayed per 0.25 acres of land.

ii. The provisions of (a) are suspended during the 60 day period before any primary or general election scheduled by Skagit County. Following the end of such period, the provisions of (a) are in force until the following period of suspension.

- c. Size. Maximum sign area is six square feet (per side if dual sided) per sign. Signs placed in windows are subject the size standards of AMC 19.67.090(E).
 - d. Height. Maximum height of the sign, including supports, is six feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).
 - e. Material. If outdoors, the sign face must be composed of a rigid material.
 - f. Mounting. Outdoor signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. No limit unless otherwise specified in this section for the particular location, use, or context.
- 2. Type 2 temporary signs.** Signs in this category are typically referred to as “banners” that are typically associated with (but not limited to) the announcement of community events. These may be freestanding (supported by posts on either end) or building mounted signs.
- a. Location. Type 2 temporary signs are permitted in the mixed-use and industrial zones, on any property owned by a public agency, and on any property owned by a nonprofit corporation organized under Section 501(c)(3) of the United States Internal Revenue Code.
 - b. Quantity. One sign may be displayed per property.
 - c. Size. Maximum sign area for freestanding Type 2 signs is 18 square feet (per face of dual sided signs). The maximum sign area for Type 2 signs attached to buildings is the same as sign area for wall signs (with internal lighting) as set forth in Table 19.67.090(A)(3) based on the size of the façade. Exception: Lesser maximum sign area may be allowed for the particular use per subsection (F) or (G).
 - d. Height. Maximum height of any freestanding signs, including supports, is six feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)). Type 2 signs attached to a building must not be placed on or above the roof of a building and must not be placed over any windows.
 - e. Material. The sign face must be composed of a flexible material.
 - f. Mounting. Freestanding signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. For each property, Type 2 signs may be displayed for a maximum 30 calendar days per year. A maximum of six separate displays are permitted each year, with a minimum of ten calendar days of separation between displays.
- 3. Type 3 temporary signs.** Signs in this category are large signs typically associated with (but not limited to) the advertisement of land sales, construction activity, and commercial and industrial buildings for rent.
- a. Location. Type 3 temporary signs may be located in any zone under the following conditions:
 - i. The parcel upon which the sign is displayed has a minimum of 100 feet of lot frontage.
 - ii. The parcel does not contain a permanent freestanding sign with digital or changeable copy.
 - b. Quantity. One sign may be displayed per property.
 - c. Size. Maximum sign area is 24 square feet (per face of dual sided signs) unless lesser maximum sign area applies for the particular use per subsection (F) or (G).

- d. Height. Maximum height of the sign, including supports, is eight feet above grade unless lesser maximum height applies for the particular use per subsection (F) or (G).
 - e. Material. The sign face must be composed of a rigid material.
 - f. Mounting. Signs may be only mounted and supported by posts or stakes which are attached to the ground.
 - g. Duration. Unless otherwise specified in this section for the particular location, use, or context:
 - i. Type 3 temporary signs may be displayed without limit to duration on properties that undeveloped or vacant.
 - ii. In all other cases, signs may be displayed a maximum of one year, with a minimum of 60 calendar days of separation between displays. The minimum separation period applies regardless of whether the previous display reached the maximum duration of display.
- 4. Type 4 temporary signs.** Signs in this category must only include A-board and standing signs as defined by AMC 19.67.030. Signs in this category are typically associated with (but not limited to) the advertisement of retail businesses and announcement of public events.
- a. Location. Type 4 temporary signs may only be displayed in the mixed-use, industrial, and overlay zones provided they comply with the standards herein.
 - b. Quantity.
 - i. Commercial use. One sign may be displayed per customer entrance, and no more than two signs may be displayed per business.
 - ii. Noncommercial use. Two signs per lot may be displayed for each single noncommercial purpose.
 - c. Size. Maximum sign area is six square feet (per face of dual sided signs).
 - d. Height. Maximum height of the sign when placed in its display position, including supports, is four feet above grade (except for noncommercial signs located in a public right-of-way per subsection (F)).
 - e. Material. The sign face must be composed of a rigid material.
 - f. Placement. For commercial uses such signs must comply with the location requirements of AMC 19.67.110(C) and be located within 15 feet of a customer entrance.
 - g. Duration. Signs may only be displayed during the period beginning 30 minutes prior to the daily opening and ending 30 minutes following the daily closing of the business displaying the sign.

Figure 19.67.110(H)(4)
Examples of Type 4 temporary signs.



- 5. Type 5 temporary signs.** Signs in this category are feather signs. Feather signs are prohibited except where used for an exterior event sign [see subsection (G)(2)] or for multi-tenant centers meeting the criteria below.
 - a. Location. Type 5 temporary signs may only be displayed in properties in a mixed-use or industrial zone.
 - b. Quantity. One sign may be displayed per site/property. For site/properties with more than 100 feet of block frontage, multiple signs are allowed provided there's at least 100 feet of separation between signs.
 - c. Size. Maximum height of feather signs is 13 feet.
 - d. Design. Signs must be designed in a uniform manner, including consistent size and shape, where more than one sign is permitted.
 - e. Placement. Feather signs must be placed between the street and building, except where the street setback is less than 15 feet.
 - f. Duration. Type 5 temporary signs associated with an exterior event are subject to the duration provisions of subsection (G)(2) above. Type 5 temporary signs associated with an existing on-site tenant may be displayed without limit to duration.
- 6. Type 6 temporary signs.** Signs in this category include fixed aerial displays, balloons, pennants, spinners, including strings of flags, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means. Such signs are prohibited except where used for an exterior event sign [see subsection (G)(2)].

H. Special community event signage. The intent of this provision to provide for a periodic increase in the number of temporary signs that may be displayed for **special community events which promote economic activity in Anacortes.**

1. **Qualifying events.** Events sponsored by the city, non-profit agency, and/or multiple Anacortes based businesses that are intended to attract tourism activity in Anacortes.
2. **Period of applicability.** Beginning 10 days prior to the date of the event (or beginning date of a multi-day event) and ending 24 hours following the conclusion of the event.
3. **Additional temporary signs permitted.** An unlimited number of temporary signs may be displayed in the CBD, C, CM, I and LMI zones during the period of applicability.
4. **Other regulations remain in effect.** During the period of applicability, all other temporary sign regulations remain in effect.

~~**19.67.100 19.67.110 -- Signs permitted in nonresidential districts and requiring a permit. (17.40.080)**~~

~~The regulations set forth in this section must apply to signs in all nonresidential districts and must require a permit.~~

- ~~A. In a commercial district, each business must be permitted no more than three signs, one of which may be a pole sign or freestanding sign. Locations with frontage on two or more streets may have six signs, one of which may be a pole or freestanding sign, provided that no more than three signs may face a frontage.~~
- ~~1. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to two square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but must not exceed a maximum area of one hundred twenty square feet, or two hundred forty square feet for locations with frontage on two or more streets. The sign area for a building must not exceed one hundred twenty square feet per frontage except for waterfront signs.~~
- ~~a. In multi-story buildings, businesses above the ground floor must be limited to one sign per business, except that a business with frontage on more than one street may have one sign facing each street. Each sign must consist only of lettering and/or a logo painted on or applied to the surface of one window in a manner that allows light to pass between and around the individual letters. The area of the sign must not exceed twelve square feet, calculated by measuring the perimeter enclosing the lettering. Signboards, lighted signs, and opaque signs must not be permitted in windows above the ground floor.~~
- ~~b. 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 twelve 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. Projection of wall signs must not exceed four feet measured from the face of the main building plus a four-inch mounting. A projecting wall sign must not exceed twenty-four square feet.~~
- ~~B. Temporary signs not exceeding fifty 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.~~

- C. ~~Freestanding signs. Total allowable display area will be calculated on the formula of one square foot of display for each one and one-half foot of street frontage up to a maximum allowed for a sign as follows:~~
1. ~~Single business per building. One freestanding sign per building must be allowed; no pole sign must coexist. Sign may not exceed ten feet in height with a display area not exceeding sixty square feet.~~
 2. ~~Multi-business complex per building. One freestanding sign may be erected per building to serve a complex of more than one business. The sign may not exceed twenty feet in height with a maximum of one hundred square feet.~~
- D. ~~Essential Public Needs. Signs identifying essential public needs such as restrooms, telephones, beware of dog, entrance, exit, parking area, delivery area, etc. Such signs must not exceed six square feet.~~
- E. ~~Incidental signs. One "banner" sign is permitted in addition to the three signs and one "A" board allowance. One "A" board sign or other incidental sign is permitted in addition to the three sign allowance. Each incidental sign is not to exceed eight square feet and not to exceed thirty inches in width; maximum height must not exceed fifty-two inches, which must be measured in the closed (folded) position for "A" boards. "A" board signs and other incidental signs must be placed on the business premises advertised or directly abutting the building, and must be placed in a location not impeding public right-of-way and must be properly maintained.~~
- One "banner" sign is permitted in addition to the three signs and one incidental sign allowance. 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 sixteen square feet in size, must be maintained in a good condition, and must meet all applicable general requirements of this chapter.
- Balloons of up to sixteen inches in diameter are permitted as incidental signs in the central business and commercial districts, as are windsocks and strings of flags no longer than four feet, provided all applicable general requirements of this chapter are met.
- F. ~~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) does 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. Further provided, as a different alternative, an under-marquee sign is permitted for each business provided the sign does not exceed one foot by five feet or an on-the-marquee sign is permitted for each business provided the sign does not exceed sixteen square feet; in either of these cases, the signs must have a minimum of eight feet clearance from the surface below the sign.~~
- G. ~~One pole sign per building must be allowed. No freestanding sign may coexist. Maximum allowable height must not exceed twenty feet. Allowable display area equivalent to one square foot for each two feet of street frontage up to a maximum allowed area of thirty-six square feet of display area. In the commercial and industrial zones, a pole sign may be placed to, but not over, the street property line.~~
- H. ~~One waterfront sign per building must be allowed. The total area of any waterfront sign may not exceed three hundred percent of allowable area indicated for comparable categories of nonwaterfront applications.~~
- I. ~~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.~~

19.67.120 - Supplemental sign setback requirements. (17.40.110)

A. Relationship to zoning setbacks.

1. **Street setbacks.** Except as provided in this title, signs and outdoor advertising structures must be set back from the established right-of-way line of any street or highway at least as far as the required front setback for a principal use in such zone except for the modifications in the following subsections.
2. **Side and rear setbacks.** Signs and advertising structures where permitted must be erected or placed in conformity with the side and rear setbacks requirements of the district in which located except that no sign or advertising structure in a nonresidential zone must be erected or placed closer than 50 feet of a side or rear lot line in any adjacent residential zone.

B. Highway intersections. 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.

C. Street intersections. To facilitate vehicular traffic, a minimum ground clearance of 14 feet is required for projecting signs and ground-supported signs when the sign is within five feet of a vehicular way.

D. Industrial zone. In the I-zone east of "R" Avenue and between 22nd and 34th Streets, the sign setback must be 30 feet from the curb at the east side of "R" Avenue.

19.67.130 - Nonconforming signs. (completely updated from 17.40.030.L)

Nonconforming signs may remain in use only under the following conditions:

- A. No such sign may be changed in any manner that increases the nonconformance of any such sign.
- B. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.
- C. 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.
- D. When a business or activity associated with a nonconforming sign is enlarged or remodeled to a value of 50 percent or more of existing value of real property improvements, then such sign must be brought into conformity with this chapter.
- E. When a business or activity containing a nonconforming sign changes the type of the business, then such sign must be brought into conformance with this chapter.
- ~~F. Violations. Any violation of this chapter must terminate immediately the right to maintain a nonconforming sign.~~
- F. **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 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. (17.40.030.L)

19.67.140 - 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~~~~director~~ must notify in writing the owner or lessee thereof to alter such sign so as to comply with this title. Failure to comply with any of the provisions of this chapter must be deemed a violation and must be punishable under AMC Title 20.

Signs on public property and in public right-of-way deemed to be in violation of this title may be removed by the city upon notice of the violation.

19.67.150 - Severability. (NEW)

- A. If any section, sentence, clause, phrase, word, portion, or provision of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, such decision must not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid provision.
- B. The invalidation of the application of any section, sentence, clause, phrase, word, portion, or provision of this chapter to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction must not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

~~**19.67.080 – 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)~~

~~**19.67.070 – 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.~~
- ~~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.~~

~~19.67.090~~19.67 – 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.~~
- 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.~~
- ~~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.~~
 - ~~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 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.~~

~~19.67.10019.67 – 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.~~

~~19.67.120 – 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.~~

~~19.67.140 – 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.~~

~~19.67.150 – 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.~~

~~19.67.150 – 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.~~

- ~~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.~~

~~19.67.160 – 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.~~

~~**19.67.170 – 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.~~

Chapter 19.68 - STANDARDS, GENERALLY (17.54)

Sections:

19.68.010 - Purpose of this division and adoption by reference

19.68.020 - Noise

19.68.030 – Air pollution

19.68.040 - Exterior lighting

19.68.050 - Glare or heat

19.68.060 - Special standards for the LM and AZ zones

19.68.070 - Special standards for the I and HM zones

19.68.010 - Purpose of this division and adoption by reference. (17.54.015)

The following sections of Chapter [173-60](#) of the Washington Administrative Code as they now exist or may hereafter be amended or recodified are hereby adopted by reference as a part of the Anacortes Municipal Code which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein must not affect the validity of the adoption by reference of the section so adopted:

WAC

[173-60-010](#) Authority and purpose.

[173-60-020](#) Definitions.

[173-60-030](#) Identification of environments.

[173-60-040](#) Maximum permissible environmental noise levels.

[173-60-050](#) Exemptions.

[173-60-060](#) Nuisance regulations not prohibited.

[173-60-070](#) Reserved.

[173-60-080](#) Variances and implementation schedules.

[173-60-090](#) Enforcement policy.

[173-60-100](#) Appeals.

[173-60-110](#) Cooperation with local government.

[173-60-120](#) Effective date.

19.68.020 - Noise. (17.54.010)

Noise levels are not to exceed those standards as established by the state pursuant to Chapter [70.107](#) RCW, and contained in Chapter [173-60](#) Washington Administrative Code (WAC).

19.68.030 - Air pollution. (17.54.020)

The following types of air pollutants must be subject to the provisions of applicable Northwest Air Pollution Authority regulations, regulating:

- A. Smoke and gas.
- B. Dust, dirt, or fly ash.
- C. Noxious and odorous matter.

D. Other pollutants that may subsequently be added by state law.

19.68.040 - Exterior lighting. (17.54.030)

Exterior lighting in all zones must be installed so that the light is directed downward onto the property upon which it is located, and the surface of the source of light must be shielded so that it does not cast a direct glare upon residential windows on other properties, and must be so arranged to direct light away from residential uses.

19.68.050 - Glare or heat. (17.54.040)

Any operation producing intense glare or heat must be performed within an enclosure so as to completely obscure such operation from view from adjacent residential property, except during the period of construction of the facility.

19.68.060 – Special standards for the LM and AZ zones. [17.18.020 and 17.39.020(A)]

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.

19.68.070 – Special standards for the I and HM zones. (17.16.020 and 17.15.020)

Any use in the I and HM zones must not inflict upon neighboring zones smoke, dirt, noise, vibrations, odor, glare, or other nuisances or hazards detrimental to the health, welfare, and safety of persons occupying or visiting the zone or adjacent zones.

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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.

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Chapter 19.80 - DEVELOPMENT AGREEMENTS

Reserved.

Chapter 19.82 - DEVELOPMENT AGREEMENT WITH PORT

AMC Chapter 17.74 is recodified as AMC Chapter 19.82. The code reviser is directed to include the date of adoption of the development agreement, March 29, 2005, in recodified AMC 17.17.250, and to update the cross-references in existing AMC 17.74.060.C to new AMC Chapter 19.38 Variances and new AMC Chapter 19.20 Application Procedures.