



Ordinance No. 4072

An Ordinance Amending the Regulations Contained in Anacortes Municipal Code Section 19.49.040 *Enlargement, Alteration, Reconstruction of Nonconforming Buildings and Structures* to Address Historic Buildings.

Whereas, on July 18, 2016, the City Council adopted Ordinance 2982 adopting a new Comprehensive Plan pursuant to the City's periodic Growth Management Act Comprehensive Plan amendment and update process; and

Whereas, the Anacortes Comprehensive Plan provides guidance for amending the Anacortes Municipal Code (AMC) development regulations and official zoning map to implement its land use, housing, economic development, transportation, environment and conservation, and other goals and policies; and

Whereas, the Anacortes Comprehensive Plan encourages zoning regulations that balance the need to accommodate anticipated growth while preserving the City's historic resources and character, including providing for site design flexibility for preservation and/or reuse of historic structures; and

Whereas, the proposed amendment to AMC Chapter 19.49 is in the best interest of the City of Anacortes residents; and

Whereas, the proposed amendment to the AMC 19.49 set forth herein has been processed, reviewed, considered, and adopted in material compliance with all applicable state and local procedural requirements, standards and requirements, standards, and criteria, including but not limited to the requirements of Chapter 36.70A RCW.

Whereas, a public comment opportunity was provided for the proposed change to AMC Section 19.49.040 at the December 13, 2023 Planning Commission meeting, after which the Planning Commission voted to recommend approval of the amendments; and

Whereas, the City Council considered the Planning Commission recommendation at a meeting on January 22, 2024.

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. Findings. The above recitals are hereby adopted by reference as legislative findings in support of this ordinance.

Section 2. Development Regulation Amendments Adopted. The Anacortes Municipal Code at AMC Section 19.49.040 is hereby amended to read as shown in **Attachment A.**

Section 3. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the State Department of Commerce.

Section 4. Severability. If any section, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 5. Effective Date. Consistent with RCW 35A.12.130, this ordinance takes effect 5 days after publication.

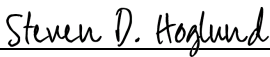
Section 6. PASSED and APPROVED this 22nd day of January 2024.

CITY OF ANACORTES:



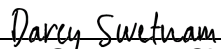
Matt Miller, Mayor

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

AMC Section 19.49.040 is hereby amended to read:

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

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

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

1. A complete application for reconstruction or replacement is submitted within one year of the damage; and
2. That the restoration or replacement must be made to conform to the regulations of the zone in which the building or structure is located, or if such regulations cannot physically be met without reducing the size of the building, the restoration may not extend any nonconformity that existed prior to the damage.

C. Additions to nonconforming structures that meet all applicable zoning dimensional standards will not be considered an enlargement under this section.

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

1. The alteration, addition, repair, restoration, and reconstruction of all such historic buildings and structures must comply with the life safety provisions of the State Building Codes, as adopted in AMC 19.14.

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

3. Definitions.

a. "Addition" means an extension or increase in floor area, number of stories, or height of a building or structure.

b. "Alteration" means any construction or renovation to an existing structure.

c. "Restoration" means restoring an existing building to an appearance or previous use it one had that may be currently deemed as nonconforming.

d. "Reconstruction" means rebuilding an existing building or structure with as nearly the same visual design appearance and materials as is consistent with full compliance with the State Building Codes adopted by AMC 19.14, and consistent with any historic preservation provisions adopted by the city.

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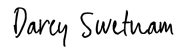
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City Attorney

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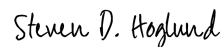
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City Clerk/Treasurer

City of Anacortes

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Matt Miller

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Mayor

City of Anacortes

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| Browsers: | Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only) |

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| PDF Reader: | Acrobat® or similar software may be required to view and print PDF files |
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| Enabled Security Settings: | Allow per session cookies |

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