

Title 17

LAND USE

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Chapter 17.04**GENERAL PROVISIONS**

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17.04.010 Purpose.

The purposes of this title are:

A. To establish the land use ordinance in such a manner as to make land use regulation consistent with the comprehensive plan;

B. To provide for the public health, safety and general welfare;

C. To implement the vision statement contained in the comprehensive plan;

D. To secure for the citizens of the town the social and economic advantages from an orderly planned use of the land resources within the town in accordance with a comprehensive plan;

E. To regulate the location and use of buildings, structures, and land for residence, business, commercial and other uses and purposes; the height, size and construction of buildings and other structures; the size of yards, courts and other open spaces on the tract or lot; the density of population; the setback of buildings along streets, parks or public water frontages;

F. To provide an official land use plan to guide, control and regulate the general growth of the town and developments on and of public and private property within the town; to encourage the most appropriate use of land throughout the town; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of unbuilt area; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all of the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision

of transportation, water, sewage, and other public uses and requirements. (Ord. 1189 § 1, 2002; Ord. 1172 § 1, 2001)

17.04.020 Title.

This title shall be known as the land use ordinance and may be cited as such. (Ord. 1172 § 2, 2001)

17.04.030 Applicability.

A. The standards and criteria expressed in this title shall be interpreted as minimum standards and when two requirements of this title conflict, the one imposing the greater restriction shall apply.

B. Whenever state law precludes local government from prohibiting or regulating certain uses in particular zoning districts, nothing in this title shall be construed to contradict such law. It shall be the responsibility of the property owner or applicant to identify any such state law.

C. The provisions of this title shall not abrogate easements, covenants, or other restrictions of record imposed on properties in the town.

D. The general requirements as defined in Chapter 17.56 FHMC shall apply to all areas within the corporate boundary and to all non-contiguous areas annexed into the town.

E. SEPA Authority. This title may constitute the basis for the exercise of substantive authority under the State Environmental Policy Act (Chapter 43.21C RCW). (Ord. 1172 § 3, 2001)

17.04.040 Administration.

The town council has the overall authority to adopt reasonable rules and regulations, in addition to those set forth in this title, for the implementation and enforcement of the land use ordinance. Applications for conditional use permits, variances, zoning redesignations, amendments to the ordinance, and amendments to the comprehensive plan shall be filed with the land use administrator on forms provided by the town. (Ord. 1189 § 2, 2002; Ord. 1172 § 4, 2001)

17.04.050 Land use ratios.

A. The town shall monitor the dwelling unit ratio of parcels zoned single-family residential to parcels zoned multifamily residential.

B. The town shall, through the biennial plan amendment process, maintain the existing residential land use ratio of 70 percent of residential land zoned single-family residential to 30 percent of residential land zoned multifamily residential. (Ord. 1189 § 3, 2002; Ord. 1172 § 5, 2001)

Chapter 17.08**DEFINITIONS**

Sections:

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- 17.08.020 Accessory building.
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- 17.08.040 Affordable housing.
- 17.08.045 Affordable income levels.
- 17.08.050 Alley.
- 17.08.060 Ancillary dwelling unit.
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- 17.08.660 Yard.
- 17.08.670 Yard, front.
- 17.08.680 Yard, rear.
- 17.08.690 Yard, side.
- 17.08.700 Zone.

17.08.010 Generally.

For the purpose of this title, the terms set out in this chapter shall have the meanings indicated. (Ord. 1172 § 6, 2001)

17.08.020 Accessory building.

“Accessory building” means a subordinate building which houses an accessory use. (Ord. 1172 § 6(A), 2001)

17.08.030 Accessory use.

“Accessory use” means a use customarily incidental and related to the principal use on the same lot. (Ord. 1172 § 6(B), 2001)

17.08.040 Affordable housing.

“Affordable housing” is housing where the occupants pay no more than 30 percent of gross monthly income for total housing costs, including the cost of property taxes and insurance for homeowners and monthly utilities,

excluding telephone, for owners and renters. Except where further specified in the comprehensive plan and this code, “affordable housing” refers to such housing serving as the primary residence for very low-, low-, moderate-, and middle-income households. (Ord. 1372 § 1, 2008; Ord. 1189 § 4, 2002; Ord. 1172 § 6(C), 2001)

17.08.045 Affordable income levels.

“Affordable income levels” means income thresholds used to develop eligibility standards for the housing programs run by the housing bank conform to Federal HUD standards for Section I programs as follows:

A. Very low-income: zero to 50 percent of median income in San Juan County.

B. Low-income: greater than 50 percent and up to 80 percent of median income in San Juan County.

C. Moderate-income: greater than 80 percent and up to 95 percent of median income in San Juan County.

D. Middle-income: greater than 95 percent and up to 120 percent of median income in San Juan County. (Ord. 1372 § 2, 2008)

17.08.050 Alley.

“Alley” means a public thoroughfare or private way which is not a direct access, but serving as a secondary means of ingress and egress to abutting property. (Ord. 1172 § 6(D), 2001)

17.08.060 Ancillary dwelling unit.

“Ancillary dwelling unit” means a dwelling unit that is subordinate to the principal use of the property where that principal use is nonresidential. (Ord. 1172 § 6(E), 2001)

17.08.070 Bed and breakfast.

“Bed and breakfast” means a business which provides nightly lodging accommodations for transient guests in a dwelling which shall at the same time serve as the primary residence of the owners or operators of said business. No business shall be so defined which offers more than five sleeping rooms for transient accommodation. No business which is so defined shall offer food or beverage for compensation to any persons other than the tran-

sient guests being accommodated therein.
(Ord. 1172 § 6(F), 2001)

17.08.080 Buffer or buffer zone.

“Buffer” or “buffer zone” means a neutral area between two areas of concern of sufficient width and quality to ensure that activities on one property do not negatively impact the other. The buffer might consist of open space, landscaped areas, undisturbed areas of natural

vegetation, fences, walls, berms, or any combination thereof. (Ord. 1172 § 6(G), 2001)

17.08.090 Building.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. (Ord. 1172 § 6(H), 2001)

17.08.100 Building area.

“Building area” means the ground area encompassed within the walls of a building. (Ord. 1172 § 6(I), 2001)

17.08.110 Commercial parking lots.

“Commercial parking lots” means any parcel, parcels, or portions thereof used for the short-term parking of vehicles for compensation on a pay per use, rent or lease basis. (Ord. 1172 § 6(L), 2001)

17.08.120 Commercial use.

“Commercial use” means the providing of goods or services for compensation. (Ord. 1172 § 6(J), 2001)

17.08.130 Comprehensive plan.

“Comprehensive plan” means the 2001 Town of Friday Harbor Comprehensive Plan as adopted in FHMC 17.12.010. (Ord. 1172 § 6(K), 2001)

17.08.140 Conditional use.

“Conditional use” means a non-permitted use listed among those in a zone which may be allowed only if a permit specifying the terms and conditions of the use is issued. (Ord. 1172 § 6(M), 2001)

17.08.150 Density.

“Density” means a measure of the intensity of development, generally expressed in terms of dwelling units per acre. Density can also be expressed in terms of population (i.e., people per acre). (Ord. 1172 § 6(N), 2001)

17.08.160 Development.

“Development” means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure, and any mining, excavation, filling, or

other associated land disturbance. (Ord. 1172 § 6(O), 2001)

17.08.170 Development regulations.

“Development regulations” means controls placed on development or land use activities by the provisions of FHMC Titles 15 through 19. (Ord. 1172 § 6(P), 2001)

17.08.180 Downtown core area.

“Downtown core area” means the area, as platted in 1979, bounded by the following streets plus the lots or parcels abutting the boundary streets: From the tidal water on the extension of Court Street, via Court Street to Second Street; thence to Spring Street; thence to Argyle Avenue; thence to Nichols Avenue; thence to A Street; thence to East Street and to tidal water. The downtown core is depicted in the downtown core map which is attached to the ordinance codified in this title as Exhibit C. (Ord. 1172 § 6(Q), 2001)

17.08.190 Dwelling.

“Dwelling” means a building or portion thereof designed or used as a dwelling unit. (Ord. 1172 § 6(R), 2001)

17.08.200 Dwelling, multifamily.

“Multifamily dwelling” means a building designed or used as a residence for two or more families. (Ord. 1172 § 6(S), 2001)

17.08.210 Dwelling, single-family.

“Single-family dwelling” means a building designed or used as a residence for only one family. (Ord. 1172 § 6(T), 2001)

17.08.220 Dwelling unit.

“Dwelling unit” means a suite of one or more rooms containing living, sleeping, bathing and cooking facilities for occupancy by one family. (Ord. 1172 § 6(U), 2001)

17.08.230 Excavation.

“Excavation” means the removal of natural earth material from its original or established location. (Ord. 1172 § 6(V), 2001)

17.08.240 Facilities.

“Facilities” means the physical structure or structures in which a service is provided. (Ord. 1172 § 6(W), 2001)

17.08.250 Factory-built structure.

“Factory-built structure” means a structure that is designed for occupation, or use, or is occupied or used by persons, and that complies with the Uniform Building Code. Factory-built structures include factory-built housing and commercial structures. (Ord. 1172 § 6(X), 2001)

17.08.260 Family.

“Family” means one or more persons who live in one dwelling unit and maintain one household. Any number of such persons, related by kinship or marriage, constitutes a family. A group of more than five persons not related by kinship or marriage shall not constitute a family. (Ord. 1172 § 6(Y), 2001)

17.08.265 Fence.

“Fence” means a structure serving as an enclosure, a barrier, or a boundary, usually made of posts or stakes joined together by boards, wire, or rails, and serving no other purpose other than defining a boundary. (Ord. 1372 § 3, 2008)

17.08.270 Filling.

“Filling” means the deposition of any material on a site which raises the surface elevation above its original natural elevation. (Ord. 1172 § 6(Z), 2001)

17.08.280 Floor area.

“Floor area” means the total area of all floors within the walls of a building. (Ord. 1172 § 6(AA), 2001)

17.08.290 Friday Harbor urban growth area.

“Friday Harbor urban growth area” means the area designated by San Juan County pursuant to RCW 36.70A.110. (Ord. 1172 § 6(BB), 2001)

17.08.300 Garage.

“Garage” means a building or portion of a building designed or used for the shelter of motor vehicles approved for travel on state highways, and enclosed on at least three sides. (Ord. 1172 § 6(CC), 2001)

17.08.310 Governmental services.

“Governmental services” means those activities of governmental agencies which primarily involve information processing, record keeping, or direct interaction with members of the public in a manner and setting that is comparable to either commercial or professional/personal service activities, including fire stations. (Ord. 1372 § 4, 2008; Ord. 1172 § 6(EE), 2001)

17.08.320 Grade level, average.

“Average grade level” means 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; provided, that in the case of structures to be built over water, the average grade level shall be the elevation of ordinary high water. (Ord. 1172 § 6(DD), 2001)

17.08.330 Health care facility.

“Health care facility” means a building or buildings used for human health care. (Ord. 1172 § 6(FF), 2001)

17.08.340 Height.

“Height” shall be measured from average grade level, as defined in FHMC 17.08.320, to the highest point of a structure; provided, that appurtenances such as television antennas, chimneys, required elevator overruns, and required fire-resistant parapets shall not be used in calculating height, except as provided in FHMC 17.64.070(C) and (E), historical preservation. (Ord. 1372 § 5, 2008; Ord. 1172 § 6(GG), 2001)

17.08.350 Home occupation.

“Home occupation” means any business or commercial use in a dwelling unit, or accessory building, and which activity is not generally or customarily characteristic of activities

for which dwelling units are intended or designed. Such activity shall be incidental and secondary to the residential use of a dwelling unit, and shall be conducted only by persons residing in the dwelling. All business activity must be conducted between the hours of 8:00 a.m. and 9:00 p.m. and shall not generate more than five business related visits per day, except for persons residing in the dwelling. No noise, vibration, emissions, dust, odor, heat or glare

that would exceed what is normally associated with a dwelling shall be produced by the business activity beyond the subject property. No outdoor storage or other exterior indication of the business shall be visible beyond subject property. Signage shall be limited to one exterior/wall sign, as defined in FHMC Title 14, which shall not exceed two square feet in area. (Ord. 1172 § 6(HH), 2001)

17.08.360 Intensity.

“Intensity” means a measure of land use activity based on density, use, mass, size and impact. (Ord. 1172 § 6(II), 2001)

17.08.370 Land use administrator.

“Land use administrator” means the person or persons designated by the town to perform the administrative functions required by this title. (Ord. 1172 § 6(JJ), 2001)

17.08.380 Lot.

“Lot” means a platted or unplatted parcel or tract of land created pursuant to town ordinance or state statute in one ownership. (Ord. 1172 § 6(KK), 2001)

17.08.390 Lot area.

“Lot area” means the total horizontal area within the lot lines, excluding any area seaward of the line of ordinary high water and any easements or rights-of-way, except those required to provide residential utility service. (Ord. 1172 § 6(LL), 2001)

17.08.400 Lot, corner.

“Corner lot” means a lot bounded on two adjacent sides by streets or alleys. (Ord. 1172 § 6(NN), 2001)

17.08.410 Lot coverage.

“Lot coverage” means that portion of the total lot area that may be covered by structures, exclusive of roof eaves. (Ord. 1172 § 6(MM), 2001)

17.08.420 Lot line, front.

“Front lot line” means the lot line separating the lot from any street. (Ord. 1172 § 6(OO), 2001)

17.08.430 Lot line, rear.

“Rear lot line” means the lot line opposite and most distant from the front lot line. When the lot extends to tidal water, the rear lot line is the line of ordinary high water. (Ord. 1172 § 6(PP), 2001)

17.08.440 Lot line, side.

“Side lot line” means any lot line not located at the front or rear of the lot. (Ord. 1172 § 6(QQ), 2001)

17.08.450 Lot, through.

“Through lot” means a lot having frontage on two streets that do not intersect at a lot line. (Ord. 1172 § 6(RR), 2001)

17.08.460 Mobile home.

“Mobile home” means any vehicle designed or used as a dwelling unit except motor homes, campers and travel trailers. (Ord. 1172 § 6(SS), 2001)

17.08.470 Mobile home park.

“Mobile home park” means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. (Ord. 1172 § 6(TT), 2001)

17.08.480 Nonconforming lot.

“Nonconforming lot” means any lot which was lawfully created or existing prior to adoption of this title, or applicable amendments thereto, but which does not conform to the provisions of this title. (Ord. 1172 § 6(UU), 2001)

17.08.490 Nonconforming structure.

“Nonconforming structure” means a structure which was lawfully designed and constructed prior to adoption of this title, or applicable amendments thereto, but which does not conform to the provisions of this title. (Ord. 1172 § 6(VV), 2001)

17.08.500 Nonconforming use.

“Nonconforming use” means a use which lawfully occupied a building, structure, or lot

prior to adoption of this title, or applicable amendments thereto, but which does not conform to the provisions of this title. (Ord. 1172 § 6(WW), 2001)

17.08.510 Open space.

“Open space” means a landscape that is primarily unimproved. Open space may include critical areas, wooded areas, parks, trails, nature reserves, utility corridors, and vacant rights-of-way. (Ord. 1172 § 6(XX), 2001)

17.08.520 Parking lot.

“Parking lot” means an area intended to accommodate three or more parked cars. (Ord. 1172 § 6(YY), 2001)

17.08.530 Parking space.

“Parking space” means a space on a lot within or without a building, exclusive of access drives, intended to accommodate a parked car, except for single-family residence. (Ord. 1172 § 6(ZZ), 2001)

17.08.540 Performance standards.

“Performance standards” means criteria that are established and must be met before a certain use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic. (Ord. 1172 § 6(AAA), 2001)

17.08.545 Permanently affordable housing.

A. “Permanently affordable housing” means that there must be an enforceable legal document in place, such as a ground lease or deed restriction, specifying a resale formula designed to keep homes affordable for a minimum of 99 years to future owners with qualifying incomes that do not exceed a set percentage of the median income (as defined by HUD). There must also be a process in place ensuring that a specified government agency or nonprofit organization be notified prior to any transfer of ownership, and that agency or organization ensures that the new

purchaser meets the income levels established at the time the home was built.

B. “Rental properties” are to be considered permanently affordable. Owners of rental units must agree to limit rental increases to the increase in the Consumer Price Index for the area or to the increase in the average salary income, whichever is lower, for a period of at least 50 years. (Ord. 1372 § 6, 2008)

17.08.550 Principal use.

“Principal use” means the primary or predominant use to which the lot or building is or may be devoted, to which all other uses are accessory or ancillary. (Ord. 1172 § 6(BBB), 2001)

17.08.560 Professional service.

“Professional service” means commercial transactions characterized primarily by the providing of service directly to the customer, patient, or client where any goods provided are incidental to the service provided. (Ord. 1172 § 6(CCC), 2001)

17.08.570 Street.

“Street” means all streets, highways, avenues, lanes, courts, places, squares, curbs, or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state. (Ord. 1172 § 6(DDD), 2001)

17.08.580 Structure.

“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 joined together in some definite manner. This shall not include parking and walking surfaces at or near grade level and shall not include standards or poles for the limited purpose of displaying national, state, or local government flags. (Ord. 1227 § 2, 2003; Ord. 1172 § 6(EEE), 2001)

17.08.590 Structure, utility.

“Utility structure” means any above or below ground structure or building designed to house equipment only, and not intended for

any human occupancy except for maintenance and servicing or occasional monitoring of said equipment. (Ord. 1172 § 6(FFF), 2001)

17.08.600 Technical service.

“Technical service” means commercial transactions characterized primarily by providing of service to the personal property owned by the customer where any goods provided are incidental to the service provided. (Ord. 1172 § 6(GGG), 2001)

17.08.610 Trailer.

“Trailer” means a vehicle designed for highway use and for short-term living, small enough to be towed by a standard automobile or light truck (travel trailer). (Ord. 1172 § 6(HHH), 2001)

17.08.620 Transient accommodations.

“Transient accommodations” means the rental of any building or portion thereof used for the purpose of providing lodging for periods of less than 30 days. For rentals on the first floor or pedestrian levels, there shall be a minimum of four units within the development under the same ownership. (Ord. 1372 § 7, 2008; Ord. 1172 § 6(III), 2001)

17.08.630 Use.

“Use” means the purpose land, buildings, or structures now serve or for which such is occupied, arranged, designed or intended. (Ord. 1172 § 6(JJJ), 2001)

17.08.640 Variance.

“Variance” means the process by which an adjustment is made in the application of the specific performance regulations of this title to a specific piece of property, which, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same zone or vicinity and which adjustment remedies disparity in privileges. (Ord. 1172 § 6(KKK), 2001)

17.08.650 Vessel.

“Vessel” means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with

normal public use of the water (WAC 173-27-030(18)). (Ord. 1172 § 6(LLL), 2001)

17.08.660 Yard.

“Yard” means an open space on a lot or parcel which is required by this chapter to be unoccupied and unobstructed from the ground upward to the sky except for decks, platforms, or walks less than 30 inches above the ground at any point, and except for permitted roof overhangs and fences. (Ord. 1372 § 8, 2008; Ord. 1172 § 6(MMM), 2001)

17.08.670 Yard, front.

“Front yard” means the area extending across the full width of the lot between the principal building and the front lot line measured horizontally from the nearest part of the principal building as required by the section of this title for the zone in which the lot is located, and in the case of a corner lot may be either frontage. (Ord. 1172 § 6(NNN), 2001)

17.08.680 Yard, rear.

“Rear yard” means the area extending across the full width of the lot between the principal building and the rear lot line measured horizontally from the farthest part of the principal building as required by the section of this title for the zone in which the lot is located. Where the lot abuts tidal water the rear yard shall be measured from the line of ordinary high water. (Ord. 1172 § 6(OOO), 2001)

17.08.690 Yard, side.

“Side yard” means the area extending across the full width of the lot between the principal building and the side lot line measured horizontally from the farthest part of the principal building as required by the section of this title for the zone in which the lot is located. (Ord. 1172 § 6(PPP), 2001)

17.08.700 Zone.

“Zone” means distinct geographic areas into which the land area of the town is divided for purposes of regulating land use. (Ord. 1172 § 6(QQQ), 2001)

Chapter 17.12**COMPREHENSIVE PLAN
AND OFFICIAL MAPS**

Sections:

- 17.12.010 *Repealed.*
- 17.12.020 Adoption of official maps.
- 17.12.030 Certification and filing.
- 17.12.040 Planning commission recommendation for changes.
- 17.12.050 Incorporation of shoreline master program and shoreline environments map.
- 17.12.060 Incorporation of critical areas regulations and critical areas map.
- 17.12.070 Avoidance of inconsistencies in application of various laws.

17.12.010 Adoption of comprehensive plan and zoning designation map.

Repealed by Ord. 1194. (Ord. 1172 § 7, 2001)

17.12.020 Adoption of official maps.*

The zoning designation map, circulation map, downtown core map, historic preservation overlay district map, and the view protection overlay district map, copies of which are attached to the ordinance codified in this title as Exhibits A through E, are hereby adopted as official maps of the town of Friday Harbor. (Ord. 1194 § 2, 2002; Ord. 1172 § 8, 2001)

*Code reviser's note: Exhibits A through E are on file in the town clerk's office.

17.12.030 Certification and filing.

The originals of all of the official maps which are part of this title shall be updated as necessary to incorporate any changes approved by the town council and shall be signed by the mayor and certified and dated as to the effective date by the town clerk. The originals of all official maps shall be located in the office of the town clerk. (Ord. 1194 § 3, 2002; Ord. 1172 § 9, 2001)

17.12.040 Planning commission recommendation for changes.

The planning commission shall review and may recommend changes to the comprehensive plan or the land use regulations. (Ord. 1194 § 4, 2002; Ord. 1172 § 10, 2001)

17.12.050 Incorporation of shoreline master program and shoreline environments map.

The shoreline master program, which includes the shoreline designated environments map, and the shoreline view corridor map, set forth in Chapter 19.04 FHMC, are incorporated in this title as if fully set forth. (Ord. 1172 § 11, 2001)

17.12.060 Incorporation of critical areas regulations and critical areas map.

The critical areas regulations, which include the critical areas map, as set forth in Chapter 18.08 FHMC, are incorporated into this title as if fully set forth. (Ord. 1172 § 12, 2001)

17.12.070 Avoidance of inconsistencies in application of various laws.

It is intended that the incorporation of the shoreline master program, shoreline designated environments map, shoreline view corridor map, critical areas ordinance, and critical areas map, as provided in this chapter, will avoid any inconsistencies in the application of the various laws and ordinances of the town. (Ord. 1172 § 13, 2001)

Chapter 17.16**ZONING DISTRICTS GENERALLY**

Sections:

- 17.16.010 Creation of zones.
- 17.16.020 Zoning district boundaries.
- 17.16.030 *Repealed.*
- 17.16.040 Town perimeter zones.

17.16.010 Creation of zones.

To implement the purposes of this title, the town is divided into zones as set forth on the zoning designation map. The zoning designation map can only be modified through the comprehensive plan amendment process. (Ord. 1172 § 14, 2001)

17.16.020 Zoning district boundaries.

Where uncertainty exists as to the boundaries of zoning districts shown on the zoning designation map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following town limits shall be construed as following town limits.

D. Boundaries indicated as approximately following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

E. Any tidelands or shorelands adjacent to the town shall be considered to be within the same zoning district as the adjacent land area as shown on the zoning designation map unless otherwise designated.

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D of this section shall be so construed.

G. Where physical or other features existing on the ground are at variance with those shown on the zoning designation map, or in other circumstances not covered by subsec-

tions A through F of this section, the town council, on appeal of any interested person, shall determine and establish the zoning district boundary. (Ord. 1172 § 15, 2001)

17.16.030 Residential rezone.

Repealed by Ord. 1257. (Ord. 1172 § 16, 2001)

17.16.040 Town perimeter zones.

In the absence of formal zoning outside the corporate boundary, land adjacent to the town limits shall be managed in accordance with Chapter 17.76 FHMC. (Ord. 1172 § 17, 2001)

Chapter 17.20**SINGLE-FAMILY RESIDENTIAL ZONE**

Sections:

- 17.20.010 Purpose.
- 17.20.020 Permitted uses.
- 17.20.030 Conditional uses.
- 17.20.040 Density.
- 17.20.050 Lot coverage.
- 17.20.060 Yards.
- 17.20.070 Access requirements.

17.20.010 Purpose.

The purpose of the single-family residential zone is to provide for single-family residential uses and such other uses as may be compatible. (Ord. 1172 § 18, 2001)

17.20.020 Permitted uses.

Permitted uses in a single-family residential zone shall be as follows:

- A. Single-family dwellings;
- B. Accessory uses and buildings normally incidental to the above permitted residential uses; a detached guesthouse is not a permitted accessory structure;
- C. Home occupations. (Ord. 1172 § 19, 2001)

17.20.030 Conditional uses.

Conditional uses in a single-family residential zone shall be as follows:

- A. Public and private utility structures;
- B. Religious and cultural facilities; and
- C. Community or public park facilities. (Ord. 1172 § 20, 2001)

17.20.040 Density.

There shall be no more than one single-family dwelling per lot. The maximum permitted density in a single-family residential zone is four units per acre. (Ord. 1172 § 21, 2001)

17.20.050 Lot coverage.

The maximum lot area covered by structures in a single-family residential zone shall not exceed 60 percent. (Ord. 1172 § 22, 2001)

17.20.060 Yards.

Yards in a single-family residential zone shall be as follows:

- A. Front yards shall extend a minimum of 20 feet from the right-of-way except for those properties located northeasterly of and abutting Warbass Way.
- B. Side yards shall total not less than 15 feet with no one side yard less than five feet.
- C. Rear yards shall extend a minimum of five feet from the rear property line. (Ord. 1172 § 23, 2001)

17.20.070 Access requirements.

Access requirements for the single-family residential zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 24, 2001)

Chapter 17.24**MULTIFAMILY RESIDENTIAL ZONE**

Sections:

- 17.24.010 Purpose.
- 17.24.020 Permitted uses.
- 17.24.030 Conditional uses.
- 17.24.040 Density.
- 17.24.050 Lot coverage.
- 17.24.060 Yards.
- 17.24.070 Access requirements.

17.24.010 Purpose.

The purpose of the multifamily residential zone is to provide for multifamily residential development allowing a maximum density of 14 units per acre and such other uses as may be compatible. (Ord. 1172 § 25, 2001)

17.24.020 Permitted uses.

Permitted uses in a multifamily residential zone shall be as follows:

- A. Single-family dwellings;
- B. Accessory uses and buildings normally incidental to the above permitted residential uses;
- C. Multifamily dwellings;
- D. Home occupations;
- E. Community or public park and recreation facilities;
- F. Cultural and religious facilities; and
- G. Planned residential development. (Ord. 1245 § 7, 2004; Ord. 1172 § 26, 2001)

17.24.030 Conditional uses.

Conditional uses in a multifamily residential zone shall be as follows:

- A. Public and private utility structures;
- B. Mobile home parks. (Ord. 1172 § 27, 2001)

17.24.040 Density.

The maximum permitted density in a multifamily residential zone is 14 units per acre, except that, where a multifamily lot does not have enough area to accommodate more than one dwelling unit, two dwelling units shall be allowed. (Ord. 1172 § 28, 2001)

17.24.050 Lot coverage.

The maximum lot area covered by structures in a multifamily residential zone shall not exceed 30 percent. (Ord. 1172 § 29, 2001)

17.24.060 Yards.

Yards in a multifamily residential zone shall be as follows:

- A. Front yards shall extend a minimum of 20 feet from the right-of-way;
- B. Side yards shall total not less than 15 feet with no one side yard less than five; and
- C. Rear yards shall extend a minimum of five feet from the rear property line. (Ord. 1172 § 30, 2001)

17.24.070 Access requirements.

Access requirements for a multifamily residential zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 31, 2001)

Chapter 17.28**PROFESSIONAL SERVICE ZONE**

Sections:

- 17.28.010 Purpose.
- 17.28.020 Permitted uses.
- 17.28.030 Conditional uses.
- 17.28.040 Lot coverage.
- 17.28.050 Yards.
- 17.28.060 Access requirements.

17.28.010 Purpose.

The purpose of the professional service zone is to provide for administrative and office facilities for the accommodation of professional services and other such uses as may be compatible. The designation is intended to provide a transition zone between commercial use and residential use. (Ord. 1172 § 32, 2001)

17.28.020 Permitted uses.

Permitted uses in a professional service zone shall be as follows:

- A. Ancillary residential uses on other than ground floor street front areas. Ancillary residential uses are allowed on ground floor away from street front or pedestrian levels if area is less than 50 percent total square footage of business area;
- B. Accessory uses and buildings normally incidental to the above permitted residential uses;
- C. Home occupations;
- D. Bed and breakfast businesses;
- E. Professional services;
- F. Governmental services;
- G. Community or public park and recreation facilities; and
- H. Cultural, religious, or health care facilities. (Ord. 1372 § 9, 2008; Ord. 1172 § 33, 2001)

17.28.030 Conditional uses.

Conditional uses in a professional service zone shall be as follows:

- A. Public and private utility structures. (Ord. 1172 § 34, 2001)

17.28.040 Lot coverage.

The maximum lot area covered by structures in a professional service zone shall not exceed 40 percent. (Ord. 1172 § 35, 2001)

17.28.050 Yards.

A. Yard requirements in a professional service zone shall be as follows: Front, rear and side yards shall not total less than 20 feet.

B. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code. (Ord. 1172 § 36, 2001)

17.28.060 Access requirements.

Access requirements for the professional service zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. Those properties abutting Guard Street between Culver Avenue and Tucker Avenue shall take their access from Jensen Alley. (Ord. 1172 § 37, 2001)

Chapter 17.32**COMMERCIAL ZONE**

Sections:

- 17.32.010 Purpose.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Lot coverage.
- 17.32.050 Yards.
- 17.32.060 View protection overlay district.
- 17.32.070 Access requirements.

17.32.010 Purpose.

The purpose of the commercial zone is to provide retail and professional services and such other uses as may be compatible. (Ord. 1172 § 38, 2001)

17.32.020 Permitted uses.

Permitted uses in a commercial zone shall be as follows:

- A. Retail sales not requiring outdoor storage;
- B. Professional services;
- C. Indoor entertainment and amusement;
- D. Transient accommodations;
- E. Technical services;
- F. Governmental services;
- G. Churches;
- H. Marinas;
- I. Commercial parking lots; and
- J. Community or public park and recreational facilities; and
- K. Ancillary residential uses on other than ground floor street front areas shall be less than 50 percent of the total habitable square footage. (Ord. 1372 § 10, 2008; Ord. 1172 § 39, 2001)

17.32.030 Conditional uses.

Conditional uses in a commercial zone shall be as follows:

- A. Public and private utility structures;
- B. Automobile and other machinery repair services contained within an enclosed building; and
- C. Self-storage rental units. (Ord. 1172 § 40, 2001)

17.32.040 Lot coverage.

A. In the downtown core area, as defined in FHMC 17.08.180, there shall be no limitation on lot area covered by structures.

B. In all other areas of a commercial zone, lot area covered by structures shall not exceed 60 percent; provided, that the 60 percent undeveloped area of any lots, or portion thereof, within the view protection overlay district shall be located, in equal amounts, within the side yards of said lots, unless the proportion is administratively adjusted under the provisions of FHMC 17.32.060(F).

C. In all areas of a commercial zone outside of the downtown core, lot area covered by structures may be up to 70 percent; provided, that 50 percent of the required parking is located within the structure footprint. (Ord. 1372 § 11, 2008; Ord. 1172 § 41, 2001)

17.32.050 Yards.

Yards in a commercial zone shall be as follows:

A. Yards shall not be required in the downtown core area. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code.

B. Lots within or those portions within the view protection overlay district shall have side yards of not less than 10 feet each, but shall not be required to have a front or back yard. This side yard requirement may be administratively adjusted under the provisions of FHMC 17.32.060(F). Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code.

C. In all other areas of the commercial zone, rear and side yards shall total not less than 20 feet. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code. (Ord. 1172 § 42, 2001)

17.32.060 View protection overlay district.

A. Purpose and Goal. The purpose of the view protection overlay district is to fulfill the mandate of Section 34 of the State Shoreline

Management Act of 1971 (RCW 90.58.340) by enacting regulations that apply to certain upland areas, adjacent to the shorelines regulated under the town's shoreline master program (Chapter 19.04 FHMC), as amended from time to time, in order to achieve a use policy for said areas that will have some consistency with the policies of the State Act and the shoreline master program. Public shoreline views should be preserved to the maximum extent consistent with the rights of the owner whose property is proposed for development. Wherever reasonable, existing public shoreline views should be enhanced; provided, that enhancement of views should not be construed to mean excessive removal of vegetation that obstructs or impairs views, and new public shoreline views should be created.

B. District Created. A view protection overlay district is hereby created, consisting of those lands within the area depicted on the view protection overlay district map attached to the ordinance codified in this title as Exhibit E.

C. Definitions. For the purposes of this section, the terms set out in this subsection shall have the meanings indicated.

1. "Public shoreline view" means a view of the local shoreline and all salt water and all territorial views beyond the salt water, or any significant portion thereof, which is consistently available to general members of the public from any street, park, or other publicly owned area, or any such view that is consistently available to substantial numbers of people from privately owned property that is open to use by general members of the public on a regular basis; and

2. "Local shoreline" means the shorelands located within the town of Friday Harbor and all of the salt water areas lying within the town's jurisdiction.

D. Applicability. This section shall apply to all uses and development on any lot or portion thereof lying within the view protection overlay district.

E. Development Requirements.

1. All uses and development within the view protection overlay district shall be located, designed and constructed to minimize

the impact on public shoreline views. The administrative adjustment procedure set forth in subsection F of this section may be used to minimize the amount of view loss that would otherwise result from development within the district.

2. In recognition of the fact that nearly all development projects will include some increase in the extent to which structures will occupy a given site, the amount of acceptable public shoreline view loss, if any, shall be determined by giving due regard to the following factors:

a. The nature, significance, and extent of existing public shoreline views across the property to include:

i. The number of points from which such views exist, and the size and location of each;

ii. The content and quality of the particular view available from each such point, to include any territorial components that may be an integral part of the view; and

iii. The extent to which any such views might be obscured or lost by seasonal or other changes in existing or reasonably anticipated vegetation or by reasonably likely new development on other property, both shoreline and nonshoreline, in the immediate area.

b. The nature, significance, and extent of public shoreline view loss or gain that would likely result from the proposed development, to include:

i. The number of existing view points which would be impacted and the extent of view loss reasonably anticipated for each;

ii. Whether or not any existing views will be enhanced or new view points created by the project; and

iii. Whether or not it appears that there will be a net gain or net loss of public shoreline views.

c. The extent to which public shoreline views are already being preserved or enhanced by the owner's election, for whatever reason, to propose less than the full measure of development rights available to the subject property.

d. The extent to which public shoreline view preservation limitations on the

development, beyond those contained in the proposal, would reduce the value of the subject property.

e. The extent to which development on other properties in the immediate area has already degraded or preserved public shoreline view.

3. In evaluating the significance of existing public shoreline views, under subsection (E)(2)(a) of this section:

a. The public shoreline view corridors identified in the town's shoreline master program shall be conclusively deemed of greater value than other public shoreline view points;

b. Public shoreline views from streets, sidewalks, parks or other public property shall be presumed of greater value than public shoreline views from privately owned property;

c. Public shoreline views from the vehicle lanes of the town's streets shall be presumed of lesser value than those from other public places; and

d. Public shoreline views of greater expanse shall be presumed of more value than those of significantly lesser expanse.

F. View Mitigation Permit.

1. The property owner may request an administrative adjustment to the standards set forth in FHMC 17.32.040(B) and 17.32.050(B); provided, however, that no mitigation adjustment shall allow lot coverage greater than 50 percent. An adjustment may be administratively approved only if it will mitigate the impact to public shoreline views which would result from strict application of the requirements of FHMC 17.32.040(B) and 17.32.050(B).

2. Upon approval, the town shall issue a view mitigation permit, setting forth any conditions attached to the approval, including the providing of a bond to the town if deemed necessary. The view mitigation permit shall be valid only for the specific development being proposed and shall expire if that development project has not been substantially completed within two years of the time all development permits for the project have been approved. (Ord. 1172 § 43, 2001)

17.32.070 Access requirements.

Access requirements for a commercial zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 44, 2001)

Chapter 17.36**UTILITY ZONE**

Sections:

17.36.010 Purposes and uses.

17.36.020 Development standards.

17.36.010 Purposes and uses.

A. Purpose. The purpose of the utility zone is to provide areas for development and for regulations of both land located within the corporate limits and noncontiguous land annexed into the town that are used for municipal utility purposes. Such uses shall be compatible with the uses of adjoining zones, and shall protect the natural environment from potential air, water, noise, visual, or other forms of pollution.

B. Permitted Uses. Permitted uses within a utility zone shall be as follows:

1. Watersheds and reservoirs to supply potable water;
2. Water treatment facilities;
3. Water storage tanks;
4. Wastewater treatment and solids handling facilities;
5. Town public works yards and offices;
6. Solid waste transfer facilities;
7. Town maintenance facilities, including repairs performed outdoors and outdoor storage; and
8. Accessory buildings associated with the above uses.

C. Conditional Uses. Conditional uses in a utility zone shall be as follows:

1. Any municipal use not expressly permitted in subsection B of this section. (Ord. 1257 § 3, 2004; Ord. 1172 § 45, 2001)

17.36.020 Development standards.

A. Lot Coverage. The maximum lot area covered by structures in a utility zone shall not exceed 60 percent.

B. Yards. Yard requirements in a utility zone shall be as follows:

1. Front yards and side yards abutting rights-of-way and road easements shall be not less than five feet, exclusive of parking areas;

2. Side yards shall total not less than 15 feet. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted town building codes;

3. No rear yard shall be required; providing, that the rear wall is of fire resistant construction, pursuant to the most recently adopted town building codes, and has no windows or other openings; and

4. In addition to the above yard requirements, whenever a property which is zoned utility directly abuts a property which is zoned by the town for residential use, there shall be installed along all property lines which abut property zoned for residential use a barrier designed to substantially mitigate sights and sounds.

C. Access Requirements. Access requirements for a utility zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC.

D. Height Limitation. Structures that are associated with essential public facilities, as defined in Appendix B (San Juan County and Town of Friday Harbor Joint Planning Policy) to the Town of Friday Harbor 2002 Comprehensive Plan, as amended from time to time, shall not be subject to any specific height limitation; provided, however, that any such structure which exceeds 27 feet in height shall not exceed the minimum height that is reasonably necessary for the structure to function efficiently for its intended purpose. (Ord. 1406 § 1, 2009; Ord. 1257 § 3, 2004; Ord. 1172 § 46, 2001)

Chapter 17.40**PUBLIC SERVICE ZONE**

Sections:

- 17.40.010 Purpose.
- 17.40.020 Permitted uses.
- 17.40.030 Conditional uses.
- 17.40.040 Lot coverage.
- 17.40.050 Performance standards.
- 17.40.060 Yards.
- 17.40.070 Access requirements.

17.40.010 Purpose.

The purpose of the public service zone is to provide for siting of existing and future public schools and to protect existing publicly owned general aviation airports. (Ord. 1172 § 47, 2001)

17.40.020 Permitted uses.

Permitted uses within a public service zone shall be as follows:

- A. Public schools;
- B. Playgrounds associated with public schools, to include lighting structures over 27 feet, provided they meet the requirements of FHMC 17.68.060(A)(12);
- C. Parking lots associated with public schools;
- D. Existing public general aviation airports;
- E. Aviation related uses directly connected with existing public general aviation airports; and
- F. Parking lots associated with publicly owned general aviation airports. (Ord. 1172 § 48, 2001)

17.40.030 Conditional uses.

Conditional uses within a public service zone shall be as follows:

- A. Public and private utility structures. (Ord. 1172 § 49, 2001)

17.40.040 Lot coverage.

The maximum lot area covered by structures in a public service zone shall not exceed 20 percent. (Ord. 1172 § 50, 2001)

17.40.050 Performance standards.

Performance standards within a public service zone shall be as follows:

A. At least 60 percent open space shall be provided. (Ord. 1172 § 51, 2001)

17.40.060 Yards.

Along all property lines which directly abut single-family residential zoned property or multifamily residential zoned property there shall be a sight-and-sound-obscuring barrier designed to substantially mitigate sights and sounds which would be incompatible with residential uses. (Ord. 1172 § 52, 2001)

17.40.070 Access requirements.

Access requirements for a public service zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 53, 2001)

Chapter 17.44**SHORELINE PUBLIC
ACCOMMODATION ZONE**

Sections:

- 17.44.010 Purpose.
- 17.44.020 Permitted uses.
- 17.44.030 Conditional uses.
- 17.44.040 Density.
- 17.44.050 Lot coverage.
- 17.44.060 Yards.
- 17.44.070 Access requirements.

17.44.010 Purpose.

The purpose of the shoreline public accommodation zone is to provide specific areas where high intensity tourist and marine activities can be served within the shoreline, but without creating large scale commercial centers providing basic goods and services to the entire community. (Ord. 1172 § 54, 2001)

17.44.020 Permitted uses.

Permitted uses within a shoreline public accommodation zone shall be as follows:

A. Resorts, hotels, motels, inns, and bed and breakfast establishments; and

B. The following uses; provided, that they shall be permitted only if accessory to a shoreline public accommodation use set forth in subsection A of this section:

1. Specialty retail sales not requiring outside storage;
2. Indoor and outdoor public and private recreation facilities;
3. Meeting rooms;
4. Art galleries;
5. Boat moorage; and
6. Public and private marinas. (Ord. 1172 § 55, 2001)

17.44.030 Conditional uses.

Conditional uses within a shoreline public accommodation zone shall be as follows:

- A. Single-family dwellings;
- B. Multifamily dwellings;
- C. Public and private marinas, boat moorage, and water-oriented indoor and outdoor

public and private recreation facilities, not accessory to a public accommodation use;

D. Maritime museums; and

E. Public and private utility structures.

(Ord. 1172 § 56, 2001)

17.44.040 Density.

Density limitations shall be as follows:

A. Public accommodation uses shall be limited only by the development standards that are applicable to the particular proposal set forth in an application;

B. For single-family uses, not more than four dwelling units per acre; and

C. For multifamily uses, not more than 14 dwelling units per acre. (Ord. 1372 § 12, 2008; Ord. 1257 § 4, 2004; Ord. 1172 § 57, 2001)

17.44.050 Lot coverage.

The maximum lot area covered by structures in the shoreline public accommodation zone shall not exceed 50 percent. (Ord. 1172 § 58, 2001)

17.44.060 Yards.

In shoreline public accommodation zone areas, rear and side yards shall total not less than 20 feet. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code. (Ord. 1172 § 59, 2001)

17.44.070 Access requirements.

Access requirements for the shoreline public accommodation zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 60, 2001)

Chapter 17.48

LIGHT MANUFACTURING ZONE

Sections:

17.48.010 Purpose.

17.48.020 Permitted uses.

17.48.030 Conditional uses.

17.48.040 Lot coverage.

17.48.050 Yards.

17.48.060 Access requirements.

17.48.010 Purpose.

The purpose of the light manufacturing zone is to provide for research and development, light manufacturing and related commercial activities. (Ord. 1172 § 61, 2001)

17.48.020 Permitted uses.

Permitted uses in a light manufacturing zone shall be as follows:

A. Ancillary single-family residential uses;

B. Retail and wholesale sales of products not requiring outdoor storage;

C. Light manufacturing conducted indoors;

D. Professional services;

E. Technical services;

F. Governmental services;

G. Assembly, warehousing, and distribution operations not requiring outdoor storage;

H. General repair services conducted indoors;

I. Administrative and research and development facilities for high technology and science related activities; and

J. Self-storage rental units. (Ord. 1172 § 62, 2001)

17.48.030 Conditional uses.

Conditional uses in a light manufacturing zone shall be as follows:

A. Public and private utility structures. (Ord. 1172 § 63, 2001)

17.48.040 Lot coverage.

The maximum lot area covered by structures in a light manufacturing zone shall not exceed 50 percent. (Ord. 1172 § 64, 2001)

17.48.050 Yards.

Yard requirements in a light manufacturing zone shall be as follows:

A. Front yards and side yards abutting rights-of-way and road easements shall be not less than five feet, exclusive of parking areas;

B. Side yards shall total not less than 15 feet. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code;

C. No rear yard shall be required providing that the rear wall is of fire resistant construction, pursuant to the Uniform Building Code, and has no windows or other openings;

D. In addition to the above yard requirements, whenever a property which is zoned light manufacturing directly abuts a property which is zoned for residential use, there shall be installed along all property lines which abut property zoned for residential use a barrier designed to substantially mitigate sights and sounds. (Ord. 1172 § 65, 2001)

17.48.060 Access requirements.

Access requirements for a light manufacturing zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 66, 2001)

Chapter 17.52**LIGHT INDUSTRIAL ZONE**

Sections:

17.52.010 Purpose.

17.52.020 Permitted uses.

17.52.030 Conditional uses.

17.52.040 Lot coverage.

17.52.050 Yards.

17.52.060 Access requirements.

17.52.010 Purpose.

The purpose of the light industrial zone is to provide areas for the development of commercial and industrial facilities, and such other uses as may be compatible to protect the uses of adjoining zones, and to protect the natural environment from potential air, water, noise, visual or other forms of pollution. (Ord. 1172 § 67, 2001)

17.52.020 Permitted uses.

Permitted uses in a light industrial zone shall be as follows:

- A. Ancillary single-family uses;
- B. Wholesale and retail commercial uses to include outdoor storage;
- C. Light manufacturing uses;
- D. Automobile sales, service and repair;
- E. Commercial parking lots;
- F. Community or public park and recreational facilities;
- G. Indoor entertainment and amusement facilities;
- H. Outdoor storage;
- I. Accessory buildings associated with the above uses;
- J. Self-storage rental units;
- K. Professional services; and
- L. Cultural, religious, and health care facilities. (Ord. 1172 § 68, 2001)

17.52.030 Conditional uses.

Conditional uses in a light industrial zone shall be as follows:

- A. Public and private utility structures;
- B. Equipment maintenance and repair performed outdoors; and

C. Any use not expressly permitted in another zone or allowed by conditional use in another zone. (Ord. 1172 § 69, 2001)

17.52.040 Lot coverage.

The maximum lot area covered by structures in a light industrial zone shall not exceed 50 percent. (Ord. 1172 § 70, 2001)

17.52.050 Yards.

Yard requirements in a light industrial zone shall be as follows:

A. Front yards and side yards abutting rights-of-way and road easements shall be not less than five feet, exclusive of parking areas;

B. Side yards shall total not less than 15 feet. Exterior walls of buildings shall be constructed in accordance with the fire resistive requirements of the most recently adopted edition of the Uniform Building Code;

C. No rear yard shall be required providing that the rear wall is of fire resistant construction, pursuant to the Uniform Building Code, and has no windows or other openings; and

D. In addition to the above yard requirements, whenever a property which is zoned light industrial directly abuts a property which is zoned for residential use, there shall be installed along all property lines which abut property zoned for residential use a barrier designed to substantially mitigate sights and sounds. (Ord. 1172 § 71, 2001)

17.52.060 Access requirements.

Access requirements for a light industrial zone shall be as defined in the street and storm drainage standards as defined in Chapter 12.02 FHMC. (Ord. 1172 § 72, 2001)

Chapter 17.56

GENERAL REQUIREMENTS

Sections:

17.56.010 Land use certificate required.

17.56.020 Height.

17.56.030 Landscaping.

17.56.040 Sight clearance.

17.56.050 Fences.

17.56.010 Land use certificate required.

Any land use or development allowed pursuant to the requirements of this code shall require a land use certificate as defined in FHMC Title 20. (Ord. 1172 § 73, 2001)

17.56.020 Height.

Except as otherwise provided in FHMC 17.36.020(D), 17.40.020, and 17.64.070, no structure shall be permitted which exceeds a height of 27 feet unless authorized pursuant to the provisions of the variance procedures set forth in Chapter 17.84 FHMC. (Ord. 1406 § 2, 2009; Ord. 1189 § 5, 2002; Ord. 1172 § 74, 2001)

17.56.030 Landscaping.

A. Purpose. This section applies to all development except single-family owner-occupied residences. The purpose of this section is to achieve the following:

1. Provide an opportunity for preservation and development of a pleasing visual environment in the town from the viewpoint of residents and visitors;

2. Preserve land values of properties;

3. Avoid and reduce visual blight; and

4. Provide for the health, safety, and general welfare of the citizens by minimizing discordant and unsightly surroundings, assuring vehicular visibility at intersections, and providing for the beauty and balance of the town, as are the proper and necessary concerns of the town council.

B. Landscape improvement shall be carried out to screen exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and utility structures, and shall be of such plant materials

as will be suitable and practical in such locations.

C. Landscape standards, where applicable, are described in FHMC 17.68.070. (Ord. 1172 § 75, 2001)

17.56.040 Sight clearance.

With the exception of structures in the downtown core area and any structure which is constructed above the ground floor, no sight-obscuring fence, hedge, or structure over 42 inches higher than the grade of adjacent street shall be permitted on corner lots in the yard area formed by a line from the lot corner at the street intersection along the front yard line 15 feet and side yard line 15 feet and a line connecting the two lot lines at the points 15 feet from the intersection corner. (Ord. 1172 § 76, 2001)

17.56.050 Fences.

Any fence within the town higher than eight feet shall require a conditional use permit. (Ord. 1189 § 6, 2002; Ord. 1172 § 77, 2001)

Chapter 17.60

NONCONFORMITY

Sections:

17.60.010 Nonconforming use of land.

17.60.020 Nonconforming structure.

17.60.030 Nonconforming use of structure.

17.60.040 Nonconforming lot.

17.60.010 Nonconforming use of land.

A nonconforming use of land may be continued provided that:

A. The use is not enlarged, increased, or extended to occupy a greater area of land than was occupied on the date the use became nonconforming; and

B. If the use is superseded by a conforming use, the nonconforming use may not thereafter be resumed; and

C. If the use ceases for a period of more than 12 months, the subsequent use of the land shall be conforming. (Ord. 1172 § 78, 2001)

17.60.020 Nonconforming structure.

A nonconforming structure may remain and be used provided that:

A. The structure is not enlarged or altered so as to increase its nonconformity;

B. If damaged, it is reconstructed only to pre-existing size and height; and

C. If moved, it is made to conform to regulations of this title. (Ord. 1172 § 79, 2001)

17.60.030 Nonconforming use of structure.

A nonconforming use of a structure may be continued provided that:

A. The structure is not enlarged or extended;

B. If the use is superseded by a conforming use, the nonconforming use may not thereafter be resumed; and

C. If the use ceases for a period of more than 12 months, the subsequent use of the structure shall be conforming. (Ord. 1172 § 80, 2001)

17.60.040 Nonconforming lot.

A nonconforming lot may be used; provided, that any structure or building erected

subsequent to the date of adoption of this title shall meet all other provisions of this title except minimum lot size. (Ord. 1172 § 81, 2001)

Chapter 17.64

HISTORIC PRESERVATION

Sections:

- 17.64.010 Purpose.
- 17.64.020 Review board created.
- 17.64.030 Overlay district created.
- 17.64.040 Definitions.
- 17.64.050 Applicability.
- 17.64.060 Review required.
- 17.64.070 Incentive program.
- 17.64.080 Criteria for register of historic places.

17.64.010 Purpose.

The purpose of this chapter is to implement the goals and policies of the comprehensive plan including:

- A. Creation of an historic preservation review board;
- B. Creation of an inventory of historic sites;
- C. Creation of an historic preservation overlay district;
- D. Creation of an historic preservation technical manual; and
- E. Establishment of incentive programs to encourage historic preservation. (Ord. 1189 § 7, 2002; Ord. 1172 § 82, 2001)

17.64.020 Review board created.

An historic preservation review board shall be appointed pursuant to the provisions of Chapter 2.58 FHMC. (Ord. 1172 § 83, 2001)

17.64.030 Overlay district created.

An historic preservation overlay district as depicted on the map entitled the Historic Preservation Overlay District Map, attached to the ordinance codified in this chapter as Exhibit D, is hereby created. (Ord. 1172 § 84, 2001)

17.64.040 Definitions.

For the purposes of this chapter, the terms set out in this section shall have the meanings indicated:

- A. "Historic site" means any lot or portion of a lot which has been listed on the Friday Harbor register of historic places or which is eligible for such listing;

B. "Historic structure" means any structure which has been listed on the Friday Harbor register of historic places or which is eligible for such listing;

C. "Historic district" means the area depicted on the map created by FHMC 17.64.030;

D. "Historic preservation" means the process of designating and protecting historic structures, sites, or districts;

E. "Historic review" means the process, conducted by the historic preservation review board, of ascertaining that proposed actions meet established measures for protection and preservation of historic structures and the goals and policies of the comprehensive plan; and

F. "Historic preservation review board" means the board created by FHMC 2.58.020. (Ord. 1189 § 8, 2002; Ord. 1172 § 85, 2001)

17.64.050 Applicability.

The provisions of this chapter shall apply to all new construction and to the alteration, modification, rehabilitation, or restoration or preservation of all structures located within the historic district. (Ord. 1189 § 9, 2002; Ord. 1172 § 86, 2001)

17.64.060 Review required.

No permit for exterior construction or alteration, modification, rehabilitation, or restoration of an existing or new structure or site within the historic district shall be issued until the applicant has met with the historic preservation review board for review of the development application, for consistency with the goals and policies of the historic and cultural resources section of the land use element of the comprehensive plan. (Ord. 1189 § 10, 2002; Ord. 1172 § 87, 2001)

17.64.070 Incentive program.

A. Purpose. The purpose of the incentive program is to encourage property owners and developers to rehabilitate historic buildings and to construct new buildings that are compatible with the predominant character of the historic district. In order to provide visual interest and variety as well as to make it easier

for property owners to construct buildings with gable or hipped roofs, the town is offering a building height incentive in the historic district. Greater height may allow new buildings to be more compatible with historic structures and thus more in keeping with the predominant character-defining features of the historic district. In order to encourage the rehabilitation, adaptive reuse, and preservation of historic structures and the construction of new structures which are compatible with the predominant character of the historic district, as well as to promote foot traffic instead of vehicular congestion, the town is also offering a financial incentive in the form of reduced parking requirements.

B. Eligibility. The following persons are eligible to apply for the incentives set forth in subsection E of this section:

1. The owners of historic structures in the historic district on which alterations are being proposed;

2. The owners of nonhistoric structures in the historic district on which alterations are being proposed;

3. The owners of property in the historic district on which new construction is being proposed.

C. Qualification. In order to qualify for the incentives, an eligible property owner must demonstrate that the proposed project is designed in a way that fully complies with all of the applicable considerations and guidelines set forth in the adopted historic preservation manual of the town. The owner shall submit such information as may be necessary for the historic preservation board to review the proposed project for such compliance. After completing its review the board shall issue written findings and make a recommendation to the land use administrator. Said recommendation may be for approval, approval subject to specified conditions, or denial. The administrator shall then make a determination as to whether or not the project qualifies for the incentives.

If the administrator's determination that a project qualifies for the incentives is based on anything other than a completed set of building plans, sufficient for plan review purposes, the determination shall constitute preliminary

approval only. In such cases, final approval may be given only after a completed set of building plans, substantially consistent with the preliminarily approved plans, has been submitted by the applicant. If the completed building plans differ substantially from the preliminarily approved plans, the project shall be returned to the board for its review and recommendation before the administrator makes a final determination.

D. Covenant. If a project qualifies for the incentives the owner may incorporate the incentives in the project so long as the exterior appearance of the project is not altered from the design determined by the administrator to be in compliance with the manual; provided, however, that before a building permit is issued, authorizing construction that relies upon the incentives, the owner must submit a declaration of restrictive covenant, signed by all persons or entities having an ownership interest in the subject property, to include all mortgage holders and deed of trust beneficiaries, said document to be suitable for recording and binding upon subsequent owners of the subject property, by which all parties signing the document covenant and agree that the exterior appearance of the structure may not be in any way altered for a period of 20 years unless the proposed alteration has been reviewed by the board and found by the administrator to be in full compliance with the manual in effect at that time.

E. Incentives.

1. Height Incentive. The height of a qualified single-family structure may be increased to a maximum of 30 feet and the height of any other qualified structure may be increased to 35 feet if the pitch of all roofs on the structure which are located above 27 feet, other than as excepted below, have a pitch of 8:12 or greater.

a. On structures that are qualified to exceed the normal height limitation of 27 feet, dormers may be added to the roof only if they meet the following requirements:

- i. Dormers may not occupy more than 60 percent of any given roof plane;
- ii. Shed dormers must have a minimum roof pitch of 4:12 or greater; and

iii. Gable dormers must have the same roof pitch as the roof on which they are located.

b. On structures that are qualified to exceed the normal height limitation of 27 feet, towers or other similar roof elements may have a roof above 27 feet without meeting the 8:12 pitch requirement only if the roof element meets the following requirements:

- i. The element is higher than its width;
- ii. The roof on the element has a pitch of 4:12 or greater; and
- iii. The roof area on the element is less than 20 percent of the area of the roof from which the element projects, or the roof area is less than 400 square feet, whichever is smaller.

c. On structures that are qualified to exceed the normal height limitation of 27 feet, false fronts, as defined in the adopted historic preservation manual of the town, that project above the normal height limitation of 27 feet are allowed only if the portion above 27 feet does not cover more than 50 percent of the area of a rectangle formed by the width of the structure and the vertical distance between the normal height limit of 27 feet and the allowed incentive height limit of 30 feet or 35 feet, whichever is applicable.

2. Parking Incentive. Qualified historic structures may be exempted from the off-street parking requirements of Chapter 17.68 FHMC. For qualified new construction and for the alteration of qualified nonhistoric structures, the off-street parking requirements of Chapter 17.68 FHMC may be reduced by 50 percent. (Ord. 1244 § 1, 2004; Ord. 1232 §§ 1, 2, 3, 2003; Ord. 1189 § 11, 2002; Ord. 1172 § 88, 2001)

17.64.080 Criteria for register of historic places.

A. Eligibility. To be eligible for listing in the Friday Harbor register of historic places a building, structure or object must be at least 50 years old.

B. Qualification. In order to qualify for listing on the Friday Harbor register of historic places, an eligible building, structure or object

or any site must meet two or more of the following criteria:

1. Is identified with events, persons, or families that significantly contributed to the history and broad patterns of development of Friday Harbor;
2. Reflects the identifiable elements of the character of Friday Harbor (as identified in the adopted historic preservation manual): the particular combination of features that define our community's cultural, economic, social, political, and aesthetic or architectural heritage;
3. Is located in a unique or prominent setting or is an established and familiar visual feature;
4. Contributes to the continuity or character of the streetscape, neighborhood, or historic district;
5. Embodies, singly or in combination, the distinguishing original features of Friday Harbor's vernacular architecture, as identified in the adopted historic preservation manual;
6. Demonstrates integrity by remaining in its original location and retaining significant original features, materials, workmanship, feeling, and association;
7. Has been removed from its original location, but has significant architectural value, or is the only surviving structure associated with an historic event or person important to the heritage of our community. (Ord. 1189 § 12, 2002)

Chapter 17.66

PLANNED RESIDENTIAL DEVELOPMENTS

Sections:

- 17.66.010 Purpose.
- 17.66.020 Districts where permitted.
- 17.66.030 Permitted developments.
- 17.66.040 Development standards for PRD sites.
- 17.66.050 Development standards for lots within PRD.
- 17.66.060 Approval procedure.

17.66.010 Purpose.

It is the purpose of this chapter to encourage imaginative site and building design, promote urban infilling, and create open space in residential developments by permitting greater flexibility in zoning requirements than is otherwise permitted by this title. Furthermore, it is the purpose of this chapter to:

- A. Promote the retention of significant features of the natural environment, including trees and views;
- B. Encourage a variety of mixture of housing types;
- C. Encourage maximum efficiency in the layout of streets, utility networks and other public improvements;
- D. Create and/or preserve usable open space for the enjoyment of the occupants and the general public. (Ord. 1245 § 1, 2004)

17.66.020 Districts where permitted.

Planned residential development (PRD) is permitted only in the following zoning districts:

- A. Single-family residential zone.
- B. Multifamily residential zone. (Ord. 1406 § 3, 2009; Ord. 1245 § 2, 2004)

17.66.030 Permitted developments.

The following types of development are allowed in planned residential developments:

- A. Except for mobile home parks, residential development of all types is permitted in a PRD, regardless of the type of building in which such residences are located, including,

but not necessarily limited to, single-family residences, duplexes, triplexes, fourplexes, townhouses, condominiums or apartments, subject to applicable regulations for the zone in which the development occurs. Hotels, motels, bed and breakfasts and transient rentals of any type are not considered residential uses.

B. Accessory buildings and development specifically designed to meet the needs of the residents of the PRD, such as garages and recreation facilities of a noncommercial nature. (Ord. 1406 § 4, 2009; Ord. 1245 § 3, 2004)

17.66.040 Development standards for PRD sites.

A. Design and Layout. The design and layout of a PRD shall take into account the relationship of the site to the surrounding areas. The perimeter of the PRD shall be so designed as to minimize any undesirable impact of the PRD on adjacent properties.

B. Acreage Minimum. The minimum site for a PRD shall be one acre.

C. Density Standards. The number of dwelling units per acre permitted in the underlying zone shall serve as the criteria to determine basic PRD density.

D. Unit Limitations. A minimum of five dwelling units per acre shall be required for a PRD in a multifamily residential zone. Four dwelling units per acre shall be required for a PRD in a single-family residential zone.

E. Setbacks. Setbacks from the property line of a PRD shall be 20 feet.

F. Perimeter Landscaping.

1. Perimeter landscaping shall be required in order to provide a “filtered screen” that functions as a visual separator between PRD and other developments. Protection and enhancement of existing views shall be considered in determining the design of perimeter landscaping.

2. Landscaping shall consist of:

a. A mix of evergreen and deciduous trees and shrubs spaced to create a filtered screen;

b. At least 50 percent deciduous trees and at least 30 percent evergreen trees;

c. Evergreen trees (minimum eight-foot height) spaced no more than 15 feet on center;

d. Deciduous trees (minimum two-inch caliper) spaced no more than 20 feet on center;

e. A mix of evergreen and deciduous shrubs (minimum two-foot height) that achieve a height of six feet within three years spaced no more than five feet apart; and

f. Living ground cover planted to achieve full coverage of the ground surface within three years.

G. Open Space. Each PRD shall provide not less than 20 percent of the gross site area for common open space which shall be:

1. Concentrated in large usable areas and designed to provide either passive or active recreation;

2. If under one ownership, owned and maintained by the ownership; or

3. Held in common ownership by all the owners of the development by means of a homeowners’ or similar association. Such association shall be responsible for maintenance of the common open space;

4. Dedicated for public use, if acceptable to the town and/or other appropriate public agency.

Parking areas and above ground utilities shall not qualify as part of the common open space.

H. Roads.

1. All roads shall be a minimum of 22 feet wide and shall be constructed with asphalt or concrete surface.

2. All private roadways shall have a dedicated 30-foot easement.

3. All public roads shall be allowed to use the town standard for low impact development roadways.

I. Utilities.

1. All common wall structures greater than 4,000 square feet, regardless of the location of property lines, shall be required to provide a minimum fire flow of 750 gallons per minute for 60 minutes.

2. All dwelling units in a PRD that is located in a single-family residential zone shall have an individual metered water con-

nection and an individual side sewer connection. (Ord. 1406 §§ 5, 6, 8, 9, 2009; Ord. 1245 § 4, 2004)

17.66.050 Development standards for lots within PRD.

All individual lots within a PRD shall meet the following standards:

A. **Minimum Lot Size Requirements.** There shall be no minimum lot size.

B. **Minimum Setbacks.** Front yard setbacks shall be 20 feet from approved access, or 10 feet from common space separate from access. Rear yard setbacks shall be 10 feet. There are no side yard setbacks.

C. **Lot Coverage.** The maximum lot area covered by structures shall not exceed 70 percent.

D. **Off-Street Parking.** Off-street parking shall be provided in the same ratio for type of buildings and uses as required in the town's regulations for off-street parking requirements.

E. **Lot Frontage.** Where lots in a PRD abut approved access, the minimum lot frontage shall be 40 feet. (Ord. 1406 § 7, 2009; Ord. 1245 § 5, 2004)

17.66.060 Approval procedure.

A. **Application.** Applications for PRD approval shall be made on forms provided by the town, shall include a preliminary site plan, and shall require payment of the fee established for such purpose by the town council.

B. **Preliminary Site Plan.** Every PRD application shall include a preliminary site plan that meets the standards set forth in FHMC 16.04.060.

C. *Repealed by Ord. 1406.*

D. **Preliminary Approval.**

1. All PRD applications shall be submitted to the planning commission for a public hearing on the proposal. Within 14 days after completing its review, the planning commission shall forward the application to the town council with a recommendation.

2. The town council shall consider the application and the planning commission's recommendation at a public meeting and shall adopt, modify, or reject the planning commis-

sion's recommendation, based on the record established at the planning commission's public hearing.

3. A proposed PRD shall not be approved unless the council makes written findings that:

a. Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, and other public ways, transit stops, potable water supplies, sanitary waste, parks and recreation, playgrounds, schools and school grounds and all other relevant acts, including sidewalks and other planning features that will assure safe walking conditions for students who only walk to and from school; and

b. The public use and interest will be served by approval of the PRD.

E. **Dedications.** Dedication of land to any public body, provision of public improvements to serve the PRD, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of approval. Dedication shall be clearly shown on the final site plan. No dedication, provision of public improvements, or impact fees shall be allowed that constitute an unconstitutional taking of property. The council shall not, as a condition to the approval of any PRD, require a release from damages to be procured from other property owners.

F. **Final Site Plan.** Every final PRD site plan shall meet the standards set forth in FHMC 16.04.150.

G. **Final Approval.**

1. A final PRD site plan, conforming to all of the terms and conditions of the preliminary approval, must be submitted to the town council for approval within five years of the date of final approval.

2. Final approval shall not be given unless the requirements of FHMC 16.04.160 concerning final plat approval have been met.

H. **Alteration of PRD.** (Reserved.) (Ord. 1406 § 10, 2009; Ord. 1372 § 13, 2008; Ord. 1245 § 6, 2004)

Chapter 17.68**OFF-STREET PARKING
REQUIREMENTS**

Sections:

- 17.68.010 General.
- 17.68.020 Applicability.
- 17.68.030 Space requirements.
- 17.68.040 Joint use.
- 17.68.050 Waiver of requirements.
- 17.68.060 Plan required.
- 17.68.070 Landscaping.
- 17.68.080 Loading and queuing spaces.

17.68.010 General.

A. The purpose of this chapter is to prevent or minimize congestion in the streets, to promote and protect property values and to provide for the health, safety, welfare, prosperity and enjoyment of the town's residents and visitors;

B. Reduced or waived parking requirements are provided for in certain portions of the commercially zoned areas of town, referred to herein as the downtown core area, as defined in FHMC 17.08.180, because of the relative scarcity of available and more efficient use of available parking in such densely used areas; and

C. Parking provisions are set forth as minimum standards in order to preserve land for other uses. (Ord. 1172 § 89, 2001)

17.68.020 Applicability.

A. General Applicability.

1. All parking surfaces, whether required or not, shall comply with the surface requirements of FHMC 17.68.060(E);

2. Except as otherwise provided in FHMC 17.64.070, parking and loading areas shall be provided in accordance with the minimum requirements provided hereinbelow whenever any structure is constructed, erected, relocated or expanded or whenever any outdoor use is expanded in activity area;

3. Whenever any structure is expanded in floor area or whenever an outdoor use is expanded in activity area, off-street parking

shall be required only for the uses to be accommodated in such expansion;

4. Parking and loading areas shall be constructed and completed in accordance with approved plans and specifications pursuant to FHMC 17.68.060 through 17.68.080 prior to the issuance of a building permit for the construction, erection, relocation or expansion of any structure and prior to the use of any outdoor use expanded in activity area; provided, that the administrator shall have authority to authorize issuance of a building permit prior to installation upon posting of a bond or other security to ensure compliance;

5. The provision of off-street parking and loading in the manner and extent required herein shall be a continuing obligation of the owner of a given property/structure; provided, however, that any owner granted a waiver pursuant to FHMC 17.68.050 shall be relieved of such requirements after all required fees have been paid. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use, except as may be provided in FHMC 17.68.040;

6. Except as otherwise provided herein, required parking areas shall be used for motor vehicle parking only, with no sales, storage, repair work or dismantling of any kind. Removal, discontinuance or reduction of such required parking and loading facilities from practical use by obstruction, erection of structures or other actions which reduce the parking or loading capacity or usefulness thereof is prohibited unless replacement facilities are established which meet the requirements of this chapter.

B. Mixed Occupancy. In the case of two or more uses for the same structure, the total off-street parking requirements for the various uses shall be the sum of the requirements for each of the uses computed separately. (Ord. 1372 § 14, 2008; Ord. 1189 § 13, 2002; Ord. 1172 § 90, 2001)

17.68.030 Space requirements.

A. Definition. Unless otherwise provided in this chapter, the required number of off-street parking spaces shall be in conformance

with the table set out in subsection B of this section.

B. Use Space Table. For purposes of this chapter, gross floor area shall not include elevator shafts, stairwells, storage or mechanical equipment rooms. Where alternative requirements result in conflicting computations, the greater shall apply.

| Use | Space Requirements |
|-----------------------------------|---------------------------------------|
| Health and physical fitness clubs | 1 per 200 sq. ft. of gross floor area |
| Libraries and museums | 1 per 300 sq. ft. of gross floor area |

| Use | Space Requirements |
|--|--|
| Banks and other financial offices with customer service on premises | 1 per each 200 sq. ft. of gross floor area |
| Bed and breakfast inns, tourist homes and rooming houses | 2 plus 1 per sleeping room |
| Boat building/repair | 1 per 1,500 sq. ft. of gross floor area |
| Child day care and preschool | 1 plus 1 loading space if serving 12 or fewer children, otherwise 1 parking space per employee plus 2 loading spaces |
| Churches, mortuaries, auditoriums and similar places of assembly | 1 per 4 seats or 60 lineal inches of pew or 40 sq. ft. of gross floor area used for assembly purposes |
| Convalescent homes for the aged | 1 per each 5 beds |
| Dance halls, skating rinks, and similar recreation uses | 1 per 200 sq. ft. of floor area used for recreation uses |
| Dry cleaners, appliance and shoe repair shops, bakeries without customer seating, similar front counter uses | 1 per 450 sq. ft. of gross floor area |
| Furniture, major appliance, floor covering, hardware stores: | |
| If less than 1,500 sq. ft. of floor area | 1 per 500 sq. ft. of gross floor area |
| If more than 1,500 sq. ft. of floor area | 3 spaces plus 1 per each 600 sq. ft. in excess of 1,500 sq. ft. |

| Use | Space Requirements |
|--|--|
| Manufacturing uses, research testing and processing, assembling, all industries except boat building/ repair | 1 per each 2 employees on maximum shift and not less than 1 per 800 sq. ft. of gross floor area |
| Medical, dental or veterinary offices | 1 per each 200 sq. ft. of gross floor area |
| Moorage facility other than those reserved for exclusive use of adjacent residence | 1 per each 2 mooring spaces, excluding mooring spaces used only for transient moorage |
| Motels, hotels, motor hotels | 1 per sleeping unit |
| Motor vehicle, machinery, plumbing, heating, ventilating, building supply stores and service | 1 per 1,000 sq. ft. of gross floor area or 1 per each 3 employees |
| Motor vehicle, motorcycle and small engine repair | 1 per 400 sq. ft. of gross floor area |
| Offices, business and professional (other than banks, medical, dental or veterinary offices) with on-site customer service | 1 per 300 sq. ft. of gross floor area |
| Offices not providing on-site customer service | 1 per 300 sq. ft. of gross floor area |
| Playing fields | 25 per acre |
| Recreational, commercial center | 4 per each bowling alley, tennis or racquetball court, pool or billiard table; or 1 per each miniature golf hole or each 3 video games |
| Residential, single-family; mobile home parks | 2 per dwelling unit or mobile home space |
| Residential, duplex or multifamily | 1.5 per dwelling unit. 1 for ancillary in commercial. |
| Restaurant or tavern | 1 per 130 sq. ft. of gross floor area |

| Use | Space Requirements |
|--|--|
| Retail, not otherwise listed: If less than 5,000 sq. ft. of floor area If over 5,000 sq. ft. of floor area | 1 per 300 sq. ft. of gross floor area 17 plus 1 per each 500 sq. ft. in excess of 5,000 sq. ft. |
| Schools, elementary and junior high | 2 per classroom, plus two loading spaces |
| Schools, senior high | 6 per classroom |
| Schools, adult education | 1 per each 4 fixed seats or 1 per 50 sq. ft. of gross floor area used for classrooms, exercise, dance or rehearsal |
| Stadiums, sports arenas and similar open assemblies | 1 per 8 fixed seats and 1 per 100 sq. ft. of assembly space without fixed seats |
| Storage areas which are incidental and subordinate to the principal use which otherwise conforms to this chapter | No requirement |
| Theaters | 1 per 4 seats |
| Warehouse, storage and wholesale business | 1 per each 2 employees on maximum working shift |

C. Fractional Spaces. If the provisions of this chapter result in a parking requirement which includes a fractional parking space, any fraction less than one-half shall be disregarded, and any fraction of one-half or greater shall require one parking space.

D. Uses Not Specified. In the case of a use not specifically mentioned in subsection B of this section, the requirements for off-street parking facilities shall be determined by the land use administrator, based on the most similar uses for which requirements are specified.

E. Location. Off-street parking facilities shall be located as hereinafter specified. Where a distance is specified, such distance shall be the distance measured along the shortest safe public pedestrian way, from the nearest point of the parking facility to the nearest portion of the downtown core area for uses in

subsection (E)(1) of this section or to the nearest entrance to the structure which the facility is required to serve, for uses in subsection (E)(2) of this section.

1. For all uses in the downtown core area the parking facility must be within 200 feet.

2. For marinas the parking facility must be within 400 feet.

3. Ancillary residential uses, as defined in FHMC 17.08.060, in the downtown core area as defined in FHMC 17.08.180, are subject to the provisions of this chapter and shall have one space per dwelling unit.

4. For all uses outside the downtown core area the parking area must be within 100 feet.

5. For all residential dwelling units the parking facility must be on the same lot which the parking spaces are to serve.

F. On-Street Parking Spaces.

1. If the proposed parking area plan submitted pursuant to FHMC 17.68.060 would require elimination of one or more existing on-street parking spaces within the downtown core area, the parking requirements prescribed in subsection B of this section are increased by two off-street parking spaces for each on-street space to be eliminated;

2. If, however, such parking area plan would restore one or more existing on-street parking spaces within the downtown core area, by reducing existing curb cuts or other conflicts, the off-street parking requirements prescribed in subsection B of this section are reduced by two off-street parking spaces for each on-street parking space restored by said plan. (Ord. 1172 § 91, 2001)

17.68.040 Joint use.

A. The land use administrator may authorize the joint use of parking facilities, in order to meet the requirements of this chapter, through a joint use agreement between the owners of a use which required parking primarily during one time period and a use which required parking primarily during a substantially different time period.

B. No more than one joint use parking agreement may be applied to any portion of

any parking facility, and no more than two uses may share any portion of any parking facility.

C. The applicant shall clearly demonstrate that there is no substantial conflict between the operating hours of the uses for which joint use of off-street parking facilities is proposed.

D. The applicant shall present a binding legal agreement, executed by the parties holding an ownership interest in the properties subject to the proposed joint use parking agreement. The agreement shall provide that it may be enforced by the town and shall be irrevocable for the term of the proposed joint use parking. Further, it shall provide that in the event the joint use parking becomes unavailable, adequate replacement off-street parking shall be provided or that one or both uses shall be discontinued. Such instrument, after being approved as to form and manner of execution by the town attorney, shall be approved by the land use administrator, recorded with the county auditor, and filed with the town building official prior to the issuance of a building permit. (Ord. 1172 § 92, 2001)

17.68.050 Waiver of requirements.

A. Fee in Lieu of Parking Spaces.

1. Within the downtown core area only, the land use administrator may waive all or part of the on-site parking requirements prescribed in FHMC 17.68.030 upon written request by the applicant to pay a fee into the parking improvement fund created pursuant to subsection B of this section, said payment to be in lieu of furnishing the required parking spaces. In making a determination on the request, the land use administrator shall consider:

a. The extent to which the parking requirements which apply to the proposed development impose a particular hardship upon the applicant;

b. Whether granting the request would be unreasonably burdensome to other property owners in the downtown core area; and

c. Whether granting the request would lead to a better overall result than would strict adherence to the parking requirements of

this chapter for the purposes of encouraging appropriate land uses, improving pedestrian circulation and achieving better parking design.

2. The fee to be paid in lieu of providing the required parking spaces shall be \$13,500 per space required, or such other amount as the town council shall hereafter set by ordinance, based on current values for the purchase of land and construction of off-street parking spaces, or on a rental fee for each required space.

3. The fee in lieu of parking spaces shall be paid in full to the town prior to the issuance of a building permit.

B. Parking Improvement Fund.

1. There is hereby created in the town treasury a special fund designated the "parking improvement fund," into which all in-lieu parking fees shall be deposited, to be expended only for public improvements listed in a parking improvement plan to be adopted by the town council. The town council may from time to time direct that other moneys be transferred into the fund to be used for the purposes of the fund;

2. The fund shall be used exclusively for planning, acquisition, design, development, construction and financing of parking facilities for use by the downtown core area, all consistent with the specific project priorities set forth in the parking improvement plan, as adopted or thereafter amended by the town council. (Ord. 1372 § 15, 2008; Ord. 1172 § 93, 2001)

17.68.060 Plan required.

A. General Plan. The applicant shall submit a plan of the proposed parking facilities at the time of the application for the building or occupancy permit which the parking facilities will serve. The plan shall include the following:

1. North point and scale;
2. All adjacent streets, alleys, sidewalks and curbs;
3. Storm drainage facilities, designed and approved in accordance with Chapter 12.02 FHMC as amended;
4. Ownership of entire lot or parcel to be developed;

5. Existing and proposed land contours;

6. Existing trees which have a trunk diameter of six inches or greater measured four feet above grade;

7. Outline of all existing and proposed structures;

8. Completely dimensioned parking layouts, clearly showing all parking stalls, driveways and aisles, with parking stalls sequentially numbered;

9. All traffic-control devices such as parking stripes designating car stalls, directional arrows or signs, bull rails, curbs, and other developments;

10. Parking stalls, aisles and driveways shall be clearly marked as follows:

Hard-surfaced parking areas shall use white paint or equivalent material to delineate stalls, zones for persons of disability, and directional arrows; and each stall developed to compact car dimensions shall be clearly labeled "COMPACT" on the parking surface;

11. Landscaping shall be shown pursuant to FHMC 17.68.070; and

12. Lighting of areas provided for off-street parking shall be designed and arranged to prevent a nuisance or hazard to passing traffic, and where a parking facility shares a common boundary with any residentially zoned property, the lighting devices shall be shaped and directed to shield the light from such neighboring property.

B. Minimum Dimensions.

1. Preliminary Parking Plans. Preliminary parking plans which do not show each parking space, access aisle and driveway pursuant to subsection A of this section, or acres reserved for future parking on a gross area basis, shall allow 300 square feet per vehicle.

2. Standard Sized Parking Spaces.

a. Standard sized parking spaces placed parallel to the access driveway or aisle shall be a minimum of nine feet wide and 23 feet long. Driveways or aisles serving standard sized parallel spaces shall be a minimum of 22 feet wide for two-way traffic or 12 feet wide for one-way traffic.

b. Standard sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimen-

sional requirements for standard sized cars set forth in subsection C of this section.

3. Compact Sized Parking Spaces.

a. When more than 10 parking spaces are required for a particular use, one-half of the parking spaces may be designated as “COMPACT” spaces and be developed in conformance with the minimum dimensional requirements for compact sized cars set forth in subsection C of this section.

b. Compact car sized parking placed parallel to the access driveway or aisle shall be a minimum of eight feet wide and 20 feet long. Driveways or aisles exclusively serving compact sized parallel parking spaces shall be a minimum of 20 feet wide for two-way traffic or 11 feet wide for one-way traffic.

c. Compact sized parking spaces placed at an angle to the access driveway or aisle shall conform to the minimum dimensional requirements for compact sized cars set forth in subsection C of this section.

d. Every compact sized parking space developed pursuant to this chapter shall be clearly identified as such by painting the word “COMPACT” in upper case, block letters on the pavement within the space or, in the case of unpaved parking stalls, on the bull rails or wheel stops of each such stall.

4. Tandem parking spaces (allows forward car to be blocked by second car immediately behind) are permitted as follows:

a. One per single- or two-family dwelling;

b. One per each four multifamily dwelling units;

c. Otherwise, one per each four employees.

5. Disability Parking Spaces. The minimum number and dimensions of parking spaces for persons of disability shall be provided pursuant to applicable state laws and regulations.

C. Parking Space Table.

Minimum Parking Dimensions

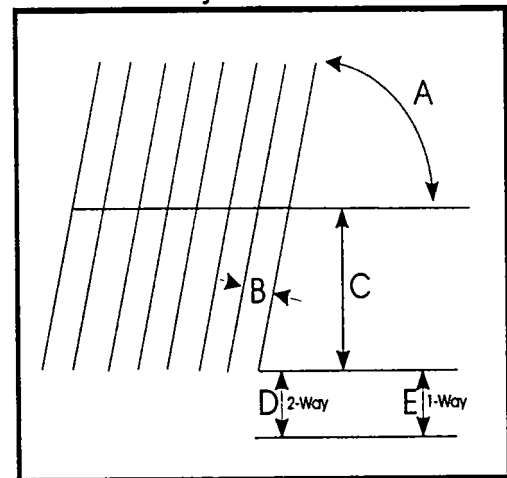
Standard Sized Spaces

| A | B | C | D | E |
|-----|----|-------|-----|-----|
| 30° | 9' | 17.3' | 12' | 12' |
| 45° | 9' | 19.8' | 15' | 12' |
| 60° | 9' | 21.0' | 18' | 17' |
| 90° | 9' | 19.0' | 24' | 19' |

Compact Sized Spaces

| A | B | C | D | E |
|-----|----|-------|-----|-----|
| 30° | 8' | 14.9' | 12' | 12' |
| 45° | 8' | 17.0' | 13' | 12' |
| 60° | 8' | 17.9' | 16' | 15' |
| 90° | 8' | 16.0' | 22' | 18' |

Key to Tables



D. Curb Cuts. Width of curb cuts shall be determined by the street and storm drainage standards, as defined in Chapter 12.02 FHMC, but in no case shall be wider than 30 feet. For parking lots with fewer than 10 parking spaces, a single curb cut which is no wider than 12 feet is allowed. Parking lots with separate points of ingress and egress shall have curb cuts of maximum width of 12 feet separated by a distance of at least 20 feet.

E. Surface Requirements. Off-street parking and access areas serving single-family residential uses in single-family residential zones shall be paved or surfaced so as to eliminate

dust or mud. All other off-street parking and access areas shall be paved with asphalt, constructed of concrete, or other approved surfaces, and maintained at all times. (Ord. 1372 § 16, 2008; Ord. 1172 § 94, 2001)

17.68.070 Landscaping.

A. General Landscaping.

1. Purpose. The purpose of this section is to achieve the following:

- a. Provide an opportunity for preservation and development of a pleasing visual environment in the commercial, industrial and multifamily residential districts of the town from the viewpoint of residents and visitors;
- b. Preserve land values of properties surrounding off-street parking facilities;
- c. Avoid and reduce visual blight which may be created by large expanses of barren asphalt which often make up parking lots; and
- d. Provide for the health, safety, and general welfare of the citizens by minimizing discordant and unsightly surroundings, assuring vehicular visibility at intersections, and providing for the beauty and balance of the town, as are the proper and necessary concerns of the town council.

2. Applicability. This section applies to all surfaced off-street parking lots in the town excluding those which are accessory to single- or two-family dwellings.

3. Performance Standards. The applicant shall submit a parking landscaping plan as required by FHMC 17.68.060 in accordance with the following standards:

- a. Provide separation and screening of parking areas from public streets, pedestrian areas and surrounding uses;
- b. Preserve and protect existing significant trees;
- c. Plant species which:
 - i. Fulfill the screening, shading and appearance purposes of the landscaping in all seasons;
 - ii. Will be comparable in scale to surrounding existing and anticipated uses when plants reach maturity;

iii. Will be comparable in scale to surrounding existing and anticipated uses when plants reach maturity;

iv. Are native to the regional environment or readily adaptable to local conditions;

v. Will not create particularly burdensome maintenance or damage problems such as large leaf debris, dripping sap, or pavement damage; and

vi. Will not require regular irrigation under normal local weather conditions after three years of growth.

d. Planting methods which follow accepted nursery standards and practices suited to the particular conditions of the site;

e. Provide protection of trees from vehicular damage;

f. Provide adequate watering systems and unpaved areas around plantings;

g. Preserve necessary sight triangles at intersections so vegetation will not create a vehicular sight hazard.

4. Minimum Standards. Excepting the downtown core area, or where otherwise authorized pursuant to subsection (A)(5) of this section, each parking lot landscaping plan shall provide for the following minimum landscaping installations:

a. Perimeter Landscaping. Off-street parking lots shall provide perimeter landscaping in accordance with the following minimum requirements:

i. A three-foot-wide planting strip along the entire lot perimeter, excluding driveways;

ii. One tree for each 20 lineal feet of lot perimeter or fraction thereof, excluding driveways;

iii. Each tree shall be healthy “balled and burlapped” stock and carefully planted;

iv. Each deciduous tree shall measure a minimum of two inches in diameter at time of planting;

v. Each evergreen tree shall have a minimum height of eight feet at time of planting;

vi. The remaining planting strip area shall be planted with shrubs and ground cover;

vii. Shrubs shall be a minimum height of two feet at time of planting; and

viii. All property other than the designated parking area shall be landscaped with at least grass or other ground cover.

b. Parking Lot Interior Landscaping. Each parking area which has 40 or more parking spaces shall provide interior landscaping in accordance with the following minimum standards:

i. At least four percent of such parking area shall be used for interior landscaping; and

ii. Each landscaping area shall contain at least one deciduous tree or acceptable substitute which measures a minimum of two inches in diameter at time of planting.

5. Alternate Plans. Alternate parking lot landscaping plans may be approved by the land use administrator upon a satisfactory showing that: (a) due to the physical characteristics of the site or those of abutting properties, strict adherence to the minimum standards set forth in subsection (A)(4) of this section would be unsafe or unnecessary to achieve the purposes of this chapter; and (b) the alternative plan proposed would satisfy the performance standards set forth in subsection (A)(3) of this section.

B. Maintenance. It shall be the responsibility of the property owner to maintain all off-street parking, pedestrian and landscaping facilities and any abutting public sidewalks. Such maintenance shall include removal and replacement of dead and dying trees, grass and shrubs; removal of trash and weeds; and within the off-street parking facilities, repair of traffic-control devices, signs, light standards, fences, walls, surfacing material, curbs and railings. (Ord. 1172 § 95, 2001)

17.68.080 Loading and queuing spaces.

A. Loading and Queuing Spaces – Number Required and Location.

1. Each department store, freight terminal, hospital, sanitarium, industrial or manufacturing establishment, retail or wholesale

store, supply house, laundry, dry cleaning establishment, storage warehouse or similar use where large amounts of goods are received or shipped shall provide the minimum number of truck loading spaces indicated by the following table and locate said spaces on the same premises as the use:

| Aggregate Gross Floor Area (in square feet) | Minimum Number of Spaces |
|---|--------------------------|
| Less than 999 | None |
| 1,000 to 14,999 | 1 |
| 15,000 to 29,999 | 2 |
| each additional 20,000 | 1 additional |

2. Each auditorium, convention or exhibit hall, sports arena, hotel, office building, restaurant, or similar use shall provide the minimum number of truck loading spaces indicated by the following table and locate said spaces adjacent to the premises of the use:

| Aggregate Gross Floor Area (in square feet) | Minimum Number of Spaces |
|---|--------------------------|
| Less than 1,999 | None |
| 2,000 to 14,999 | 1 |
| 15,000 to 49,999 | 2 |
| each additional 40,000 | 1 additional |

3. Each loading space shall not be less than 10 feet in width and 25 feet in length, and shall have a vertical clearance of at least 14 feet in height;

4. All banks, savings and loan associations, restaurants, and any other businesses which maintain drive-in facilities shall provide sufficient vehicular queuing space to prevent obstruction of public rights-of-way or private driveways or aisles during peak business hours. (Ord. 1172 § 96, 2001)

Chapter 17.72**CONCURRENCY**

Sections:

- 17.72.010 Intent.
- 17.72.020 Definitions.
- 17.72.030 Concurrency test.
- 17.72.040 Certificate of capacity.
- 17.72.050 Exemptions.

17.72.010 Intent.

Pursuant to the State Growth Management Act, Chapter 36.70A RCW, after the adoption of its comprehensive plan, the town of Friday Harbor is required by RCW 36.70A.070(6)(e) to ensure that transportation improvements or strategies to accommodate the impacts of development are provided concurrent with development. In the same vein the town is bound by the planning goals of RCW 36.70A.020(12) to ensure that those public facilities and public services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current levels of service below locally established minimum standards, hereinafter “concurrency”.

The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development, occupancy or use. Concurrency facilities are streets, potable water, sanitary sewer, solid waste, storm water, law enforcement, fire, emergency medical service, schools, and parks. This chapter furthers the goals, policies, implementation strategies and objectives of the comprehensive plan.

The concurrency management system provides the necessary regulatory mechanism for evaluating requests for development to ensure that adequate concurrency facilities can be provided within a reasonable time of the development impact. The concurrency management system also provides a framework for determining facilities and services needs and pro-

vides a basis for meeting those needs through capital facilities planning. (Ord. 1172 § 97, 2001)

17.72.020 Definitions.

For the purposes of this chapter, the terms set out in this section shall have the meanings indicated:

A. “Adequate” means at or above the level of service standards specified in the current adopted comprehensive plan.

B. “Applicant” means a person or entity who has applied for a development permit.

C. “Capacity” means the ability of a concurrency facility to provide an adequate level of service.

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

2. “Planned capacity” means capacity for a concurrency facility that does not exist but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan and scheduled to be completed within six years.

D. “Certificate of capacity” means a document issued by the administrator indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

E. “Concurrency” means adequate public facilities are available when the impacts of development occur. This definition includes the two concepts of “adequate public facilities” and of “available public facilities” as defined in this section. (WAC 365-195-210)

F. “Concurrency facilities” means public facilities and public services for which concurrency is required in accordance with the provisions of this chapter.

G. “Concurrency test” means the comparison of the demand on concurrency facilities to the capacity of the concurrency facilities.

H. “Current annual revolving demand” means the quantity of load placed upon any individual concurrency facility during the 12

calendar months prior to the date of the completed permit application.

I. "Development permit" means any permit or approval required by the provisions of FHMC Titles 15 through 19. Development permits are classified as exempt, final, or preliminary. Exempt permits are set out in FHMC 17.72.050.

J. "Development permit, final" means building permit.

K. "Development permit, preliminary" means preliminary short plat application, preliminary long plat application, rezone, shoreline substantial development permit, and conditional use permits.

L. "Facility and service provider" means the department, district or agency responsible for providing the specific concurrency facility.

M. "Level of service standard (LOS)" means the number of units of capacity per unit of demand. The level of service standards used in concurrency tests are those standards specified in the current adopted comprehensive plan.

N. "Public facilities" means streets, potable water, sanitary sewer, solid waste, storm water, schools and parks.

O. "Public services" means law enforcement, fire protection, public health, and emergency medical services.

P. "Vested" means the right to develop or continue development in accordance with the laws, rules and other regulations in effect at the time vesting is achieved. (Ord. 1172 § 98, 2001)

17.72.030 Concurrency test.

A. Application. All development permit applications are subject to a concurrency test. If a concurrency test is conducted for the preliminary plat application and has not expired, no concurrency test shall be required for the final plat application.

B. Procedures. The concurrency test will be performed in the processing of the development permit and conducted by the permit coordinator.

1. The permit coordinator shall perform the concurrency test by comparing the current

revolving annual demand to current capacity, notifying the applicant of the test results.

2. The town of Friday Harbor shall be responsible for maintaining and monitoring the available and planned capacity.

3. Facility and service providers not controlled and operated by the town of Friday Harbor shall be responsible for annually reporting to the town of Friday Harbor the total available and planned capacity of their facility or service as of the end of each calendar year. Such reporting shall be made before February 28th for inclusion in the amendment process of the comprehensive plan. At such time as such facility or service provider notifies the town that there is a lack of planned capacity to serve new development or redevelopment within the corporate boundary, the town of Friday Harbor shall not issue a certificate of capacity.

C. Test. Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For potable water, sanitary sewer, solid waste and storm water, only available capacity will be used in conducting the concurrency test. For streets, law enforcement, fire, emergency medical service, schools, and parks, available and planned capacity will be used in conducting the concurrency test.

1. For potable water service, if the annual revolving demand exceeds the available supply, the concurrency test is failed.

2. For sanitary sewer service, if the terms of the NPDES discharge permit are exceeded, the concurrency test is failed.

3. If the capacity of concurrency facilities, other than potable water and sanitary sewer, is equal to or greater than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of FHMC 17.72.040.

4. If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. (Ord. 1172 § 99, 2001)

17.72.040 Certificate of capacity.

A. Issuance. A certificate of capacity shall be placed on the completed development application.

B. A certificate of capacity shall only apply to the specific land uses, densities, intensities and development projects described in the application.

C. A certificate of capacity shall be issued for a specific parcel of land, shall run with title to that parcel of land, and is not transferable to another parcel of land.

D. A certificate of capacity shall expire:

1. If the accompanying development permit application is withdrawn or abandoned;

2. For all preliminary development permits when the notice of decision as defined in FHMC Title 20 is issued for that permit; and

3. For all final development permits when the development permit expires or is revoked.

E. Any capacity that is not used because the certificate of capacity expires shall be returned to the pool of available capacity. (Ord. 1172 § 100, 2001)

J. Final plats (if a concurrency test was conducted for the corresponding preliminary plat permit);

K. Temporary use permit; and

L. Variance. (Ord. 1172 § 101, 2001)

17.72.050 Exemptions.

Permit applications for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter including but not limited to:

A. Any addition or accessory structure to a residence with no change or increase in the number of dwelling units;

B. Interior renovations with no change in use or increase in number of dwelling units;

C. Interior completion of a structure for use(s) with the same or less intensity as the existing use or a previously approved use;

D. Replacement structure with no change in use or increase in number of dwelling units;

E. Temporary construction trailers;

F. Resurfacing of driveways and parking lots;

G. Reroofing of structures;

H. Demolitions;

I. Boundary line adjustment;

Chapter 17.76**FRIDAY HARBOR URBAN GROWTH
AREA ADMINISTRATION**

Sections:

- 17.76.010 Purpose.
- 17.76.020 Applicability.
- 17.76.030 Geographic area.
- 17.76.040 Urban services.

17.76.010 Purpose.

The purpose of this chapter is to provide the town with a process for administration and management of the Friday Harbor urban growth area as defined in the Friday Harbor Unincorporated Urban Growth Area Management Agreement (hereinafter “management agreement”), adopted jointly by the San Juan County board of county commissioners and the Friday Harbor town council and set forth in Appendix C of the comprehensive plan. (Ord. 1194 § 5, 2002; Ord. 1172 § 102, 2001)

17.76.020 Applicability.

Any and all land use and/or development occurring in the Friday Harbor urban growth area shall be subject to the provisions of the management agreement as amended unless the management agreement is terminated as defined in Section 10 of the management agreement. (Ord. 1172 § 103, 2001)

17.76.030 Geographic area.

The boundaries of the Friday Harbor urban growth area shall be as defined in Section 3 of the management agreement. (Ord. 1172 § 104, 2001)

17.76.040 Urban services.

Water and sewer services shall not be provided outside the corporate boundary, including the Friday Harbor urban growth area, until it has been annexed into the town, except where the town has a contractual obligation to provide, or is providing, such services. (Ord. 1172 § 105, 2001)

Chapter 17.80**CONDITIONAL USE PERMITS**

Sections:

- 17.80.010 Purpose.
- 17.80.020 Authority.
- 17.80.030 Criteria.
- 17.80.040 Conditions.
- 17.80.050 Time limits.

17.80.010 Purpose.

The conditional use permit procedure is intended to provide an opportunity for flexibility in applying the use regulations of this title by allowing for a greater range of uses. (Ord. 1172 § 106, 2001)

17.80.020 Authority.

The town council shall have the authority to grant or deny conditional use permits, except that conditional use permits shall not be granted to allow uses which are not listed as conditional uses for the zone nor to allow the expansion of nonconforming uses. (Ord. 1172 § 107, 2001)

17.80.030 Criteria.

Uses which are expressly classified as conditional uses shall not be approved unless the applicant clearly establishes that each of the following criteria are met or can be met through the imposition of appropriate conditions:

A. The proposed use will not be contrary to the applicable goals or policies of Chapter 3 of the comprehensive plan;

B. The location, design, and function of the proposed use will be compatible with permitted uses in the same zone;

C. The proposed use will not cause significant adverse impacts on the human or natural environments; and

D. The proposed use will not impose demands upon public utilities or services that exceed those normally made by other users of the same utility classification. (Ord. 1172 § 108, 2001)

17.80.040 Conditions.

The town council may impose reasonable conditions to ensure that the use, if granted, will meet the criteria set forth above, limit the term of the use, and require such bonds or other security devices as may be reasonably necessary to ensure continued compliance with the conditions of the use permit. (Ord. 1172 § 109, 2001)

17.80.050 Time limits.

A. The use activity approved by a conditional use permit must begin to occur on the subject property within two years from the date the permit is granted, failing which the permit is void and the use activity, if thereafter occurring, will be illegal.

B. In the event the use activity approved by a conditional use permit should become removed from the list of conditional uses allowed in the zoning district where the subject property is located, continuation of that activity shall be considered a legal nonconforming use, subject to the land use regulations pertaining to nonconforming uses.

C. In the event the use activity approved by a conditional use shall become a permitted use in the zoning district where the subject property is located, the use shall be deemed a permitted use and any conditions set forth in the permit shall no longer be enforceable by the town. (Ord. 1372 § 17, 2008)

Chapter 17.84**VARIANCES**

Sections:

17.84.010 Purpose.

17.84.020 Authority.

17.84.030 Criteria.

17.84.040 Conditions.

17.84.010 Purpose.

A. General. The purpose of a variance is to ensure that all persons and their property are guaranteed equal rights and opportunities under equal circumstances. Its use is to be strictly limited to granting relief from specific bulk, dimensional and performance standards where strict application of the same would deny an owner those equal rights and opportunities.

B. Limitation.

1. A variance shall not be granted if it will provide the applicant with special privileges denied to all others similarly situated.

2. A variance shall not be granted if it will allow a use not otherwise permitted for the zone. (Ord. 1172 § 110, 2001)

17.84.020 Authority.

Except as limited in FHMC 17.84.010(B), the town council shall have the authority to grant or deny variances. (Ord. 1172 § 111, 2001)

17.84.030 Criteria.

The applicant shall have the burden of clearly establishing that each of the following criteria are met:

A. The strict application of the performance standards set forth in this title would deprive the applicant of a substantial property right commonly enjoyed by other properties in the same zone;

B. The need for a variance is a result of special circumstances that are solely related to the property, such as irregular shape or size, or natural features not generally existing within the same zone (deed restrictions, needs personal to the applicant, financial circumstances, or property alterations by the applicant or a

predecessor shall not be proper considerations);

C. The requested variance will provide the minimum variation from the standards necessary to afford relief; and

D. The granting of the variance will not:

1. Provide the applicant with a special privilege not already enjoyed by or available to other property owners in the zone; or

2. Cause significant injury to the rights of other property owners in the zone; or

3. Be materially detrimental to the public welfare; or

4. Allow an incompatible structure or use to be located within the zone. (Ord. 1172 § 112, 2001)

17.84.040 Conditions.

The town council may impose reasonable conditions to ensure that the variance, if granted, will meet the criteria set forth above, and require such bonds or other security devices as may be reasonably necessary to ensure continued compliance with the conditions of the variance. (Ord. 1172 § 113, 2001)

Chapter 17.88

VIOLATION AND ENFORCEMENT

Sections:

17.88.010 Violation and enforcement.

17.88.010 Violation and enforcement.

It shall be a violation of this title for any person to use or occupancy any land, building or other structure in any manner which would be contrary to the provisions of this title. It shall also be a violation of this title for any person to publicly offer to allow another person to use or occupy any land, building or other structure in any manner which would be contrary to the provisions of this title. Any violation of this title shall be and hereby is declared both a public nuisance and a Class 1 civil infraction, as defined in Chapter 1.18 FHMC. Each day that a violation of this title exists may be treated as a separate infraction. (Ord. 1194 § 6, 2002; Ord. 1172 § 114, 2001)