City of Arlington Council Agenda Bill

Item: WS #1 Attachment A

COUNCIL MEETING DATE:	
November 28, 2016	
SUBJECT:	
Land Use Code Amendment and Zoning Map Amendment – AMC Title 20	
ATTACHMENTS:	
Ordinance, Overlay Map and Proposed OLUM, Findings of Fact	
DEPARTMENT OF ORIGIN	
Department of Community & Economic Development	
EXPENDITURES REQUESTED:	-0-
BUDGET CATEGORY:	N/A
LEGAL REVIEW:	
DESCRIPTION:	
AMC Chapter 20.36 amendments that include; Adding Section 20.36.110 regarding the Horizontal Mixed Use Overlay District Section 20.36.120 – Official Land Use Map (OLUM) Change	
HISTORY:	
The Horizontal Mixed Use Overlay was part of a city-initiated docket proposal, which was passed by Council Resolution in May 2016. The reasoning for the Horizontal Mixed Use Overlay and the eventual regulating plan was a result of the city's request to withdraw County Docket XVII, known as ARL3. The Snohomish County Council officially adopted Motion No. 16-388 which removed ARL3 from the final docket, thus leaving the buildable lands requirement of the Comprehensive Plan in a non-compliant status. City and County staff discussed the Horizontal Mixed Use concept as part of its reasonable measures to meet our buildable lands requirement, which was successful. The HMU Overlay and OLUM is Phase I of the HMU Plan, whereas, Phase II (regulating plan) will be completed as part of the 2017 Docket.	
ALTERNATIVES	
Approve staff's recommendation with modifications Table staff's recommendation Deny staff's recommendation	
RECOMMENDED MOTION:	
Workshop; discussion only.	

ORDINANCE NO. - 2016-XXX

AN ORDINANCE RELATING TO LAND USE AND ZONING; AMENDING CHAPTER 20.36 OF THE ARLINGTON MUNICIPAL CODE TO ESTABLISH A HORIZONTAL MIXED USE OVERLAY DISTRICT

WHEREAS, the City of Arlington has been studying amendments to its zoning ordinance as a result of changes in the 2015 Comprehensive Plan; and

WHEREAS, the concept of a Horizontal Mixed Use Overlay was part of a city-initiated docket proposal, which was passed by City Council Resolution in May 2016; and

WHEREAS, the Snohomish County Council officially adopted its Motion No. 16-388 which removed the proposed area "ARL3" from the final docket; and

WHEREAS, the removal of ARL3 left the City's Comprehensive Plan non-compliant with the requirements of the Growth Management Act regarding the buildable lands requirement of the Comprehensive Plan; and

WHEREAS, both prior to and following the removal of ARL3, City and County staff discussed the reasonable measures needed to meet the City's buildable lands requirement; and

WHEREAS, the City had been considering the adoption of a horizontal mixed use overlay and had created a Horizontal Mixed Use committee to review issues and help provide input to the Planning Commission

WHEREAS, the establishment of a horizontal mixed use overlay and revisions to the Official Land Use Map of the City will be the first phase of revisions to make the comprehensive plan compliant, to be followed by amendments to the Comprehensive Plan itself; and

WHEREAS, the Arlington Planning Commission ("Planning Commission") discussed revisions to the zoning ordinance regarding the horizontal mixed use overlay at its regular meetings of December 15, 2015, February 18, 2016, August 2, 2016, and October 18, 2016; and held a public hearing on November 15, 2016 and thereafter recommended passage of this ordinance to the City Council; and

WHEREAS, the City Council was briefed on the issue on November 28, 2016 and on December 5, 2016, the City Council considered public comments and the entire record related to the proposal contained in this ordinance; and

WHEREAS, following the public hearing, the City Council deliberated on the code amendments contained in this ordinance; and

WHEREAS, the City has completed State Environmental Policy Act (SEPA) review of these proposed amendments and all due notice has been given to the Department of Commerce prior to their adoption;

NOW, THEREFORE, the City Council of the City of Arlington, Washington, do here ordain as follows:

Section 1. A new Arlington Municipal Code Section 20.36.090 shall be and hereby is amended to read as follows:

20.36.090 – Horizontal Mixed Use Overlay District Established

The Horizontal Mixed Use Overlay District is hereby established as an "overlay" district, meaning that the underlying zoning applicable within each commercial zone remains as the primary or principle zoning designation. The overlay allows for a mix of diversified, high-density residential development to co-exist within a proportionate share of the commercially zoned areas of Highway Commercial (HC), General Commercial (GC), and Neighborhood Commercial (NC) zones where typical retail and other support services would be located, thus creating an Urban Village concept. The performance standards/design guidelines set forth in Part I of Chapter 20.44 place limitations on the characteristics of uses located in these districts.

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance; *provided, however*, that if any section, sentence, clause, or phrase of this ordinance, is held to be invalid by a court of competent jurisdiction, or by the Growth Management Hearings Board, then the section, sentence, clause, phrase, or land use designation in effect prior to the effective date of this ordinance, shall be in full force and effect for that invalidated section, sentence, clause, phrase, or land use designation, as if this ordinance had never been adopted.

Section 3. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days of the date of publication.

Section 4. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF DECEMBER, 2016.

CITY OF ARLINGTON:

_____

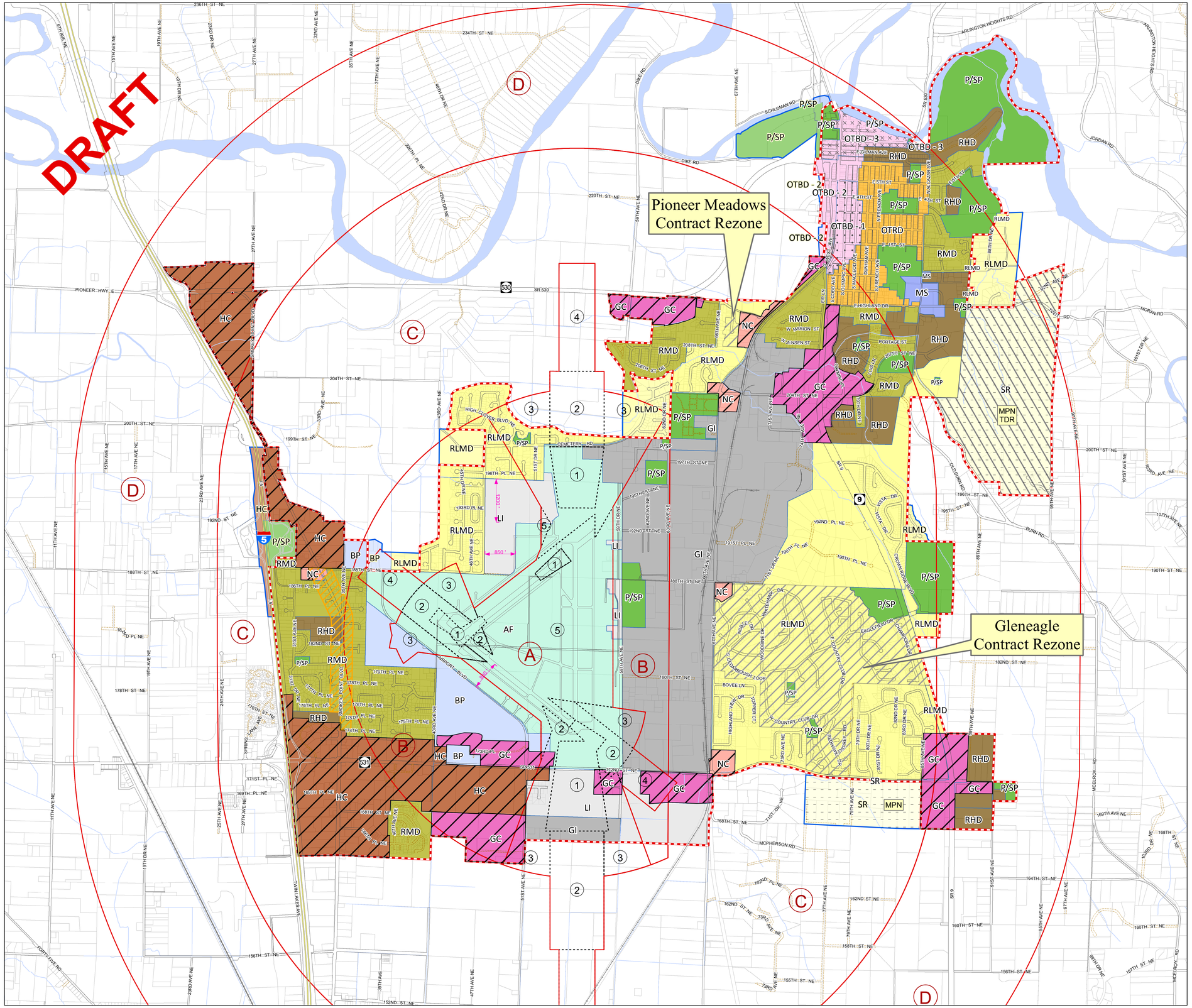
Barbara Tolbert, Mayor

ATTEST:

_____
Kristin Banfield, City Clerk

APPROVED AS TO FORM:

_____
Steven J. Peiffle, City Attorney



City Limits
Urban Growth Area
ROW
Private Roads
I-5
Rail-line
APD Subdistricts
APD Safety Zones

A B C D

THIS IS A COPY OF THE OFFICIAL ZONING MAP OF THE CITY OF ARLINGTON, PURSUANT TO AMC §20.36.100, WHICH WAS ADOPTED BY THE CITY COUNCIL ON 20 MARCH 2006 PURSUANT TO ORDINANCE NO. 1389 AND BECAME EFFECTIVE 27 MARCH 2006.

Barbara Tolbert
Mayor

Kristin Banfield
City Clerk

ZONING

- SR = Suburban Residential
- RLMD = Low to Moderate Density Residential
- RMD = Moderate Density Residential
- RHD = High Density Residential
- OTRD = Old Town Residential District
- NC = Neighborhood Commercial
- OTBD - 1 = Old Town Business District 1
- OTBD - 2 = Old Town Business District 2
- OTBD - 3 = Old Town Business District 3
- GC = General Commercial
- HC = Highway Commercial
- BP = Business Park
- LI = Light Industrial
- GI = General Industrial
- P/SP = Public/Semi-Public
- MS = Medical Services
- AF = Aviation Flightline
- Contract Rezone
- MPN - Master Planned Neighborhood Overlay Zone
- TDR Overlay Zone

Proposed Overlays

- Proposed commercial corridor rezone *"Main Street"*
- Horizontal mixed use overlay *On commercial zoning*

City of Arlington Zoning Map

Scale:
0 800 1,600 3,200 Feet

File:
DraftZoningReg_24x36_16.mxd

REV	REVISION	DATE
CS	Cote Annexation	09/29/2004
CS	Newman Annexation	08/01/2005
CS	Crawford Annexation	12/12/2005
CS	Heartland Annexation	02/27/2006
BC	Mulligan Annexation	09/13/2006
BC	Foster Annexation	02/15/2007
BC	Brekhus/Beach Annexation	05/19/2007
BC	Johnston Annexation	06/13/2007
DK	Bertrand Annexation	06/30/2008
DK	Island Crossing Annexation	11/26/2008
DK	Scrivener's Error	09/25/2010
DK	Zoning Revision	02/14/2011
DK	Comp Plan Amendment	04/22/2011
DK	Thompson Annexation	07/08/2011
DK	Hilltop Sports Annexation	07/08/2011
DK	Comp Plan Amendment	05/20/2012
DK	Star Annexation	06/27/2012
PE	Country Charm Annexation	08/28/2013
CY	Comp Plan Adoption	7/06/2015
CY	Comp Plan Amendment	7/13/2015

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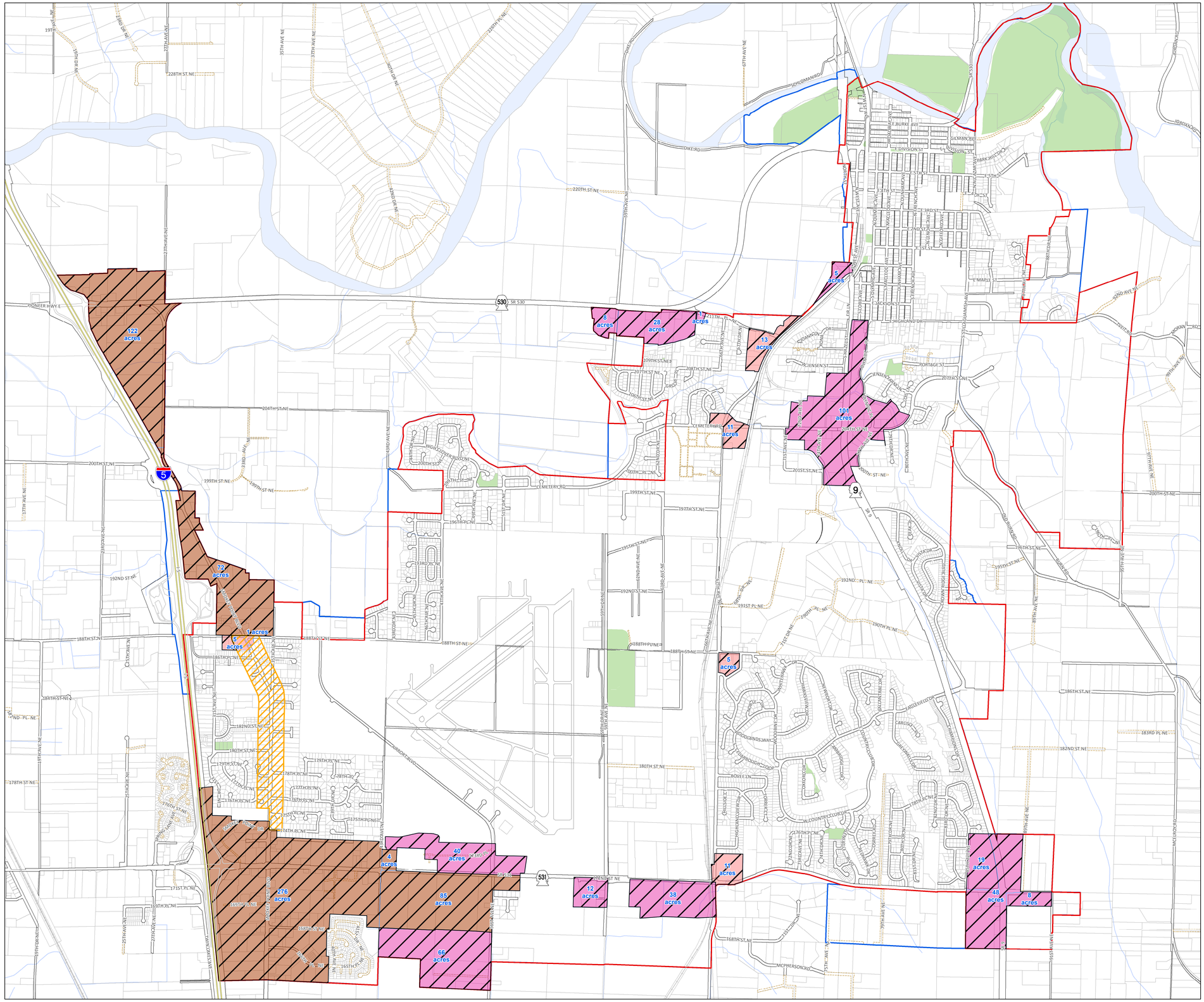

City of Arlington

Proposed Horizonal Mixed Use (HMU) Overlay

Legend

- UGA
- City Limits
- Assessor Parcels
- Public ROW
- Private Road
- City Parks

Zoning

- GC = General Commercial
- HC = Highway Commercial
- NC = Neighborhood Commercial

Proposed Overlays

- Proposed commercial corridor rezone
- Horizontal mixed use overlay

"Main Street"

On commercial zoning

Waterbodies and streams provided by Snohomish County Department of Information Systems, June 2009 via CD.

N W E S

Scale:

1 inch = 1,050 feet

Date:

9/2/2016

File:

ProposedHMU24x36_16

Cartographer:

kdh

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CITY OF ARLINGTON

Community & Economic Development

PLANNING COMMISSION

Bruce Angell, Chair 238 N. Olympic Avenue 360-403-3551

Regarding:

Arlington Municipal Code Update – Chapter 20.36 Zoning Districts and Zoning Map.

Summary:

The Planning Commission held a Public Hearing on November 15, 2016 and transmits the following findings and recommendation to the City Council:

Findings:

1. The State requires that each jurisdiction planning under the Growth Management Act have in place a legally compliant Comprehensive Plan.

2. In June, 2015, Council passed a Comprehensive Plan Update which contained several land use assumptions, including the passage by County Council of ARL3 annexing certain properties into the City.

3. In its August, 2016 Motion No.16-388, at Arlington's request, County Council removed ARL3 from further consideration.

4. Without the passage of ARL3, Arlington's Comprehensive Plan Update is no longer compliant with the buildable lands and resultant population absorption requirements of the Growth Management Act.

5. Discussions of alternatives to ARL3 have been ongoing with Staff and Planning Commission since late 2015, anticipating the possible loss of planned annexed properties.

6. In early 2016, Staff and Planning Commission formed a Horizontal Mixed Use Focus Group to review issues and formulate Land Use change recommendations to accommodate population projections and thereby bring the Comprehensive Plan back into compliance.

7. The first phase of the plan to accommodate population growth and modify the Comprehensive Plan is to establish a Horizontal Mixed Use Overlay District and modify the City's zoning map to reflect that change.

8. After discussions of this topic in 2015 and three meetings in 2016, the Planning Commission held an open record public hearing regarding this matter on November 15, 2016.

Conclusion and Recommendation:

Based on the foregoing findings and testimony received at the hearing, the Planning Commission herby recommends that the City Council approve the proposed AMC Chapter 20.36 Zoning Districts and Zoning Map Update.

Respectfully submitted through the Department of Community and Economic Development to the City Council this 22nd day of November, 2016 by:

Bruce Angell
Arlington City Planning Commission Chair