

ORDINANCE NO. 2024-016

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.52
OF THE ARLINGTON MUNICIPAL CODE REGARDING RECREATIONAL FACILITIES
AND OPEN SPACE UNDER CITY PLANNING NO. PLN 1039

WHEREAS, the city has proposed an update to the Recreational Facilities and Open Space regulations in the City zoning code; and

WHEREAS, the Arlington Planning Commission considered the revisions at docketing meetings on February 6, 2024 and February 22, 2024, and then on June 4, 2024 and at a public hearing conducted on June 18, 2024; and

WHEREAS, the Planning Commission made findings and provided its recommendations to the City Council concerning the proposed changes; and

WHEREAS, the City Council considered the revisions at docketing meetings on March 11, 2024 and March 18, 2024; and

WHEREAS, the City Council considered the same at a workshop held on July 8, 2024, their regular meeting on July 15, 2024, and considered them along with the Planning Commission recommendations; and the City Council having determined approving said amendment was in the best interest of the City; and

WHEREAS, the amendments were presented to the Department of Commerce for comment and said Department had no comments on the ordinance; and

WHEREAS, the City Council has considered the proposed amendment to the municipal code and finds it to be consistent with city and state law and in the best interests of the citizens; and

NOW, THEREFORE, the City Council of the City of Arlington does hereby ordain as follows:

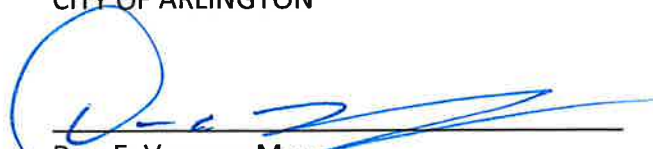
Section 1. Arlington Municipal Code section 20.52 shall be amended as shown in **Exhibit A** attached to this Ordinance:

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. The title of this ordinance which summarizes the contents shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication as provided by law.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor this 15th day of July, 2024.

CITY OF ARLINGTON



Don E. Vanney, Mayor

ATTEST:



Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:



Steven J. Peiffle, City Attorney

CERTIFICATION OF ORDINANCE

I, Wendy Van Der Meersche, being the duly appointed City Clerk of the City of Arlington, Washington, a municipal corporation, do hereby certify that the following Ordinance No. 2024-016 was approved at the July 15, 2024 City Council meeting.

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"AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.52 OF THE ARLINGTON MUNICIPAL CODE REGARDING RECREATIONAL FACILITIES AND OPEN SPACE UNDER CITY PLANNING NO. PLN 1039"

A true and correct copy of the original ordinance is attached.

Dated this 16th day of July, 2024




Wendy Van Der Meersche
City Clerk for the City of Arlington

Chapter 20.52

RECREATIONAL FACILITIES AND OPEN SPACE

Sections:

- 20.52.010 Residential Mini-Parks Required.
- 20.52.020 Residential Mini-Parks: Purpose and Standards.
- 20.52.024 Residential Community Parks Impact Fee.
- 20.52.030 Residential Usable Open Space.
- 20.52.034 Industrial Zone Recreational Facilities Required
- 20.52.036 Industrial Zone Recreational Facilities: Purpose and Standards
- 20.52.040 Dedication, Ownership, and Maintenance of Recreational Areas and Open Space.
- 20.52.060 Homeowners Associations.
- 20.52.070 Flexibility in Administration Authorized.

20.52.010 Residential Mini-Parks Required.

- (a) All residential developments that create 25 or more units shall provide (through dedication or reservation; see [§20.52.040, Dedication, Ownership, and Maintenance of Recreational Areas and Open Space](#)) recreational areas in the form of mini-parks (as described in [§20.52.020 \(Mini-Parks: Purpose and Standards\)](#)) in an amount that is equal to sixty-five square feet per person expected to reside in that development (as determined in accordance with Subsection (b)). Such recreational areas shall be provided in addition to the open space areas required by [§20.52.030 \(Usable Open Space\)](#).
- (b) For purposes of this section, the following table depicts the average persons per unit type and required square footage per unit: one-bedroom dwelling units shall be deemed to house an average of 1.4 persons, two-bedroom units 2.2 persons, three-bedroom units 3.2 persons, and units with four or more bedrooms 4.0 persons. In residential subdivisions each lot that is large enough for only a single dwelling unit shall be deemed to house an average of 3.2 persons. Each lot that is large enough to accommodate more than one dwelling unit shall be deemed to house 2.2 persons for each dwelling unit that can be accommodated.

Residential Dwelling Type	Average Persons Per Unit Type	Square Footage Per Person	Required Square Footage per Unit
Studio or 1-Bedroom	1.4	65 sf	91 sf
2-Bedroom	2.2	65 sf	143 sf
3-Bedroom	3.2	65 sf	208 sf
4 or More Bedrooms	4.0	65 sf	260 sf

- (c) If mini-parks are not provided or cannot meet the required square footage, then the residential development may choose to pay additional community park fees as shown in Table 1 of §20.90.400 (Community Park Impact Fee).

20.52.020 Residential Mini-Parks: Purpose and Standards.

- (a) The purpose of the mini-park is to provide adequate active recreational facilities to serve the residents of the immediately surrounding neighborhood within the development. The following are illustrative of the types of facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the mini-park requirements of this chapter: playground, picnic area, landscaped courtyards, gardens, asphalt/paved trails, multi-purpose courts, tennis courts, pickleball courts, basketball courts, swimming pool, athletic fields, exercise course, or historical/cultural site with interpretation signage. Each mini-park facility type shall include the following criteria:
- (1) Shall be large enough to provide functional recreational activity for the facility type; and
 - (2) Shall feature paths, plantings, seating, lighting, and other pedestrian amenities; and
 - (3) Shall be oriented to receive sunlight, facing east, west, or south (preferred), when possible.
- (b) Each development shall satisfy its mini-park requirement by installing the types of recreational facilities that are most likely to be suited to and used by the age bracket of persons likely to reside in that development. However, unless it appears that less than five percent of the residents of any development are likely to be children under twelve, then at least fifteen percent of the mini-park must be satisfied by the construction of "tot lots" (i.e., areas equipped with imaginative play apparatus oriented to younger children as well as seating accommodations for parents).
- (c) For developments of twenty-five to fifty dwelling units, at least two such recreation facilities, as listed in Subsection (a), shall be provided. For developments of more than fifty dwelling units, at least one additional recreation facility shall be provided for every twenty-five dwelling units or fraction thereof. Facility as used herein does not mean the whole park, but the recreational element found therein. More than one facility may be developed in any one location.
- (d) The total acreage of mini-parks required by [§20.52.010 \(Mini-Parks Required\)](#) shall be divided into mini-parks of not less than two thousand square feet, nor more than thirty thousand square feet.
- (e) All the required mini-park acreage shall be located in one designated area, unless the permit-issuing authority determines that multiple mini-parks, each having their own recreation facilities, would better serve residents of larger projects.
- (f) If the mini-park exceeds five thousand square feet in size, then a public street and/or parking area shall front on at least ten percent of its perimeter.
- (g) Mini-parks shall be attractively landscaped and shall be provided with sufficient natural or man-made screening or buffer areas to minimize any negative impacts upon adjacent residences.
- (h) Each mini-park shall be centrally located and easily accessible so that it can be conveniently and safely reached and used by those persons in the surrounding neighborhood it is designed to serve as well as public safety personnel.
- (i) Each mini-park shall be constructed on land that is relatively flat (maximum five percent slope), dry, and capable of serving the purposes intended by this chapter.
- (j) Mini-parks shall not be placed in or near utility easements for major transmission lines (e.g., power, natural gas, etc.)

- (k) Mini-parks shall be roughly square or rectangular, and in no instance have a dimension less than thirty feet or a length to width ratio greater than 2:1.
- (l) Each mini park shall be constructed in compliance with the City's Mini-Park Standards, and include water and electric services. A park plan shall be submitted as part of the permit application and contain the requirements specified in the submittal checklist.
- (m) An applicant may propose a mini-park that differs from the above requirements provided that the intent of the requirements is met. As part of the land use permit application, the applicant shall submit a letter documenting the reason(s) for the proposed deviation(s) and how the intent of the requirement has been satisfied.
- (n) Active indoor recreation facilities may be provided instead of mini-parks, subject to the following:
 - (1) Active indoor recreation facilities may include, but are not limited to, exercise rooms, game rooms, community rooms/centers, or similar; and
 - (2) Indoor recreation areas may be credited towards the total recreation space requirement, when the director determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.

20.52.024 Residential Community Parks Impact Fee.

In addition to the requirements of [§20.52.010 \(Mini-Parks Required\)](#) each residential development shall pay a Community Park Impact Fee pursuant to [§20.90.400 \(Community Parks Impact Fee\)](#).

20.52.030 Residential Usable Open Space.

- (a) Every residential development shall be developed so that at least ten percent (10%) of the total area of the development remains permanently as usable open space (minus critical areas as defined in §20.93 Critical Areas Ordinance, unless a portion of the open space is proposed under (b)(6) of this subsection).
- (b) For purposes of this section, usable open space means an area that:
 - (1) Is not encumbered with any substantial structure or utility easement for distribution lines,
 - (2) Is not devoted to use as a roadway, parking area, or sidewalk,
 - (3) Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in section (4),
 - (4) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation,
 - (5) Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required pursuant to [§20.52.040 \(Dedication, Ownership, and Maintenance of Recreational Areas and Open Space\)](#),
 - (6) Consists of land no more than twenty-five percent of which lies within a floodplain or floodway as those terms are defined in [§20.08.010 \(Definitions of Basic Terms\)](#) or of slopes greater than five percent, or a critical area buffer,
 - (7) The length of the area shall be no more than twice its width, and

- (8) Those environmentally critical areas protected pursuant to [Chapter 20.93](#) (Critical Areas Ordinance) shall not be counted toward the project's usable open space requirement.
- (c) Under certain circumstances ten percent (10%) open space may not be able to be achieved on a development site. In cases like this, the property owner or applicant is required to submit a written request to the Community and Economic Development Director, as provided in §20.52.070 (Flexibility in Administration Authorized).

20.52.034 Industrial Zone Recreation Facilities Required.

- (a) All industrial zone developments shall provide the following on site:
 - (1) Multi-Modal Trail connections per the Transportation Plan and/or Parks & Recreation Master Plan, with required amenities such as benches, landscaping, lookouts, interpretive signage, artwork, or similar; and
 - (2) Install park-like grounds with landscaping, courtyard, covered shelters, patio, benches, picnic tables, or similar features for employees; and
 - (3) Install public pocket parks along trail sections, where feasible; and
 - (4) Install critical area corridors, improvements, and dedication, where required.

20.52.036 Industrial Zone Recreation Facilities: Purpose and Standards

- (a) The purpose of multi-modal trails and recreational facilities within the industrial zones of the city is to serve the employment base of the Cascade Industrial Center and provide connections to existing trails, such as the Centennial Trail and Airport Trail that provide enjoyable and safe options for alternative modes of transportation that make connections from residential neighborhoods to employment and retail opportunities.
- (b) Multi-modal trails allow for the increase in commerce, support and create jobs, increase property values, reduce commuter costs, and provide low-cost health benefits.
- (c) The development shall make paved or concrete connections from the building(s) on the site to the trail, this can be completed with a sidewalk or pathway.
- (d) Pocket parks, if installed, shall be no less than one-half (0.5) acre, no more than two (2) acres in size, and roughly square or rectangular, and in no instance have a dimension less than thirty feet or a length to width ratio greater than 2:1.
- (e) Pocket parks shall be appropriately landscaped and provide benches, picnic tables, covered shelter area, or patio.
- (f) Critical Area corridors established on the site shall meet the requirements of §20.93 (Critical Areas Ordinance) and be approved by the City of Arlington, Department of Ecology, and local Tribal Governments.

20.52.040 Dedication, Ownership, and Maintenance of Recreational Areas and Open Space.

- (a) Unless otherwise agreed to by Council, all park and recreation facilities and other open space to be provided by the developer in accordance with this chapter shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in [§20.52.060 \(Homeowners Associations\)](#).
- (b) If any portion of any lot proposed for residential development lies within an area designated on the officially adopted recreation master plan as a neighborhood park or part of the greenway system or bikeway system, the area so designated (not exceeding ten percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of

§20.52.030 (Usable Open Space). This area shall be dedicated to public use through a developers agreement.

- (c) If more than ten percent of a lot proposed for residential development lies within an area designated as provided in Subsection (b), the city may attempt to acquire the additional land in the following manner:
 - 1. The city may purchase or condemn the land.
- (d) The person or entity identified in Subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

20.52.060 Homeowners Associations.

- (a) Homeowners associations or similar legal entities that, pursuant to §20.52.040 (Dedication, Ownership, and Maintenance of Recreational Areas and Open Space), are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that: Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (b) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- (c) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities.

20.52.070 Flexibility in Administration Authorized.

- (a) The requirements set forth in this chapter concerning the amount, size, location, and nature of recreational facilities and open space to be provided in connection with residential developments are established by the council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted city plans. The council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this chapter may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit-issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- (b) A reduction in required open space shall require a payment of an open space mitigation fee as set by ordinance.
- (c) Whenever the permit-issuing authority authorizes some deviation from the standards set forth in this chapter pursuant to Subsection (a) and (b), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.