

ORDINANCE NO. 2024-015

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.46
OF THE ARLINGTON MUNICIPAL CODE REGARDING DESIGN
UNDER CITY PLANNING NO. PLN 1177

WHEREAS, the city has proposed an update to the Design regulations in the City's 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 20.46.005 shall be and hereby is amended to read as follows:

20.46.005 Standards Adopted

The city adopts and incorporates by reference herein certain development design standards known as the "City of Arlington Development Design Standards" dated June, 2018, ~~and~~ the "City of Arlington Old Town Residential Design Standards" dated May 2022 and "Olympic Avenue Design Guidelines" dated June 2007. A true copy of said documents shall be on file with the city clerk, Community and Economic Development Department, and posted on the city website.

Section 2. Arlington Municipal Code section 20.46.010 shall be and hereby is amended to read as follows:

20.46.010 Conformance with Design Standards.

(a) Structures within the following subsection (1) are subject to the relevant design standards adopted in this chapter and the Development Design Standards; within subsection (2) are subject to the relevant design standards adopted in this chapter, the Development Design Standards, and the Olympic Avenue Design Guidelines; within subsection (3) are subject to the relevant design standards adopted in this chapter and the Old Town Residential Design Standards, and within subsection (4) are subject to the Mixed-Use Development Regulations and additional design requirements. No building or land use permit shall be issued for structures or uses that do not conform to the applicable guidelines or standards except as allowed under Subsection (b).

(1) Zones

- (A) Old Town Business District 2 (except 5th Street to Division Street)
- (B) Old Town Business District 3
- (C) Neighborhood Commercial
- (D) General Commercial
- (E) Highway Commercial
- (F) Business Park
- (G) Light Industrial
- (H) General Industrial (those sides of buildings fronting on and noticeably visible from public streets only)
- (I) Residential High Capacity
- (J) Residential Medium Capacity
- (K) Residential Moderate Capacity
- (L) Residential Low Capacity
- (M) Residential Ultra Low Capacity
- (N) Medical Services
- (O) Aviation Flightline
- (P) Public / Semi-Public

(2) Zones

- (A) Old Town Business District 1
- (B) Old Town Business District 2 (5th Street to Division Street)

(3) Zones

- (A) Old Town Residential District

(4) Zones

- (A) Commercial Corridor
- (B) Mixed Use Overlay

(b) A building or land use permit may be issued for a structure or use that does not comply with subsection (a) if any one of the following findings can be made by the decision-making authority:

1. The structure is of a temporary nature that, in all likelihood, will be replaced by a permanent structure within two years.
2. The structure is minor to the overall use of the property and will not be noticeably visible from a public right-of-way.
3. The development or structure is within an area of the city where design requirements have been established through an adopted Subarea Plan and complies with the subarea criteria and follows the appropriate design review process of this chapter.

Section 3. A new Arlington Municipal Code section 20.46.015 shall be and hereby is amended to read as follows:

20.46.015 Design Review Requirements and Restrictions.

- (a) For purposes of this section, “design review” means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance
 - (1) The City of Arlington has designated the Planning Commission through ordinance as the Design Review Board.
- (b) Except as provided in subsection (c) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:
 - (1) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and
 - (2) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.
- (c) The provisions of subsection (b) of this section do not apply to development regulations that apply only to designated landmarks or historic districts established under a local preservation ordinance.
- (d) Any design review process must be conducted concurrently, or otherwise logically integrated, with the consolidated review and decision process for project permits set forth in RCW 36.70B.120(3), and no design review process may include more than one public meeting.

Section 4. Arlington Municipal Code section 20.46.020 shall be and hereby is amended to read as follows:

20.46.020 Design Review Process.

Review of permit applications for conformance with the development design standards shall be as follows:

- (a) For an Administrative Design Review decision, the Community and Economic Development Director and/or his or her designee shall review exterior modifications. Exterior Modifications include changes to existing structures, landscaping, site design, minor new structures, or signs.
- (b) For a Design Review Board recommendation, the review shall be performed by the Design Review Board in a public meeting (not a public hearing).. The Design Review Board recommendation shall be forwarded to the permit-issuing authority for its consideration with the permit application.
- (c) Any modifications or revisions to an approved design review decision is subject to a new application submittal and shall go back through either the administrative design review process or the design review board process as described in (a) and (b) above.
- (d) Appeals shall be pursuant to [Chapter 20.20](#) (Appeals, Variances, Interpretations).
- (e) Fees for design review shall be as set by resolution.

Section 5. A new Arlington Municipal Code section 20.46.025 shall be and hereby is added to read as follows:

20.46.025 Design Review Administrative

- (a) The following developments or projects that are 12 units or less, mixed-use developments (following the mixed-use development regulations), or are commercial / industrial change of uses are subject to administrative design review:
 - (1) Single Family Residences
 - (2) Duplexes
 - (3) Multi-Family
 - (4) Mixed-Use Developments following the Mixed-Use Development Regulations
 - (5) Commercial or Industrial Change of Use without exterior modifications to the building.

Section 6. Arlington Municipal Code section 20.46.030 shall be and hereby is amended to read as follows:

20.46.030 Design Review Board Recommendation.

- (a) The following developments or projects that are over 12 units or more, new mixed-use developments (not part of the mixed-use development regulations), new commercial, or new industrial structures are subject to design review board:
 - (1) Single Family Residences

- (2) Duplexes
- (3) Multi-Family
- (4) Mixed-Use not part of the Mixed-Use Development Regulations
- (5) Commercial
- (6) Industrial

Section 7. Arlington Municipal Code section 20.46.035 shall be and hereby is amended to read as follows:

20.46.035 Design Review Approval Requirements

- (a) In order to approve a project as consistent with the development design standards, the design review authority must make the following findings:
 - (1) The proposal complies with the applicable design requirements and standards of the applicable design standards, regulations, or guidelines through findings made for each requirement.
 - (2) If the proposal is for minor exterior modifications only, that the proposal demonstrates that the proposed improvements are consistent with the design requirements and standards.
- (b) The city shall issue a final decision on an administrative design review or Design Review Board permit within 65 days of the determination of complete application.

Section 8. Arlington Municipal Code section 20.46.075(b) shall be and hereby is amended to read as follows:

20.46.075 Building Setbacks.

- (b) Setbacks from Public Rights-of-Way.
 - (1) Front yard setbacks of buildings from public rights-of-way shall be as specified in Chapter 20.48 (Density and Dimensional Regulations), or equal to the average of the two immediately adjacent primary buildings, whichever is less. Where averaging is used, the new building may be averaged in a stepping pattern between the front yards of the adjacent buildings, or the new building's entire frontage may be built on the average setback line. The front yard is defined as being that side of the building facing the street on which the building is addressed and has its primary entrance.
 - (2) On a corner lot the exterior side yard setback may be reduced to ten feet. The exterior side yard is defined as that side of the building adjacent to a public right-of-way but from which the building is not addressed and does not have its primary entrance.

Section 9. 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 10. 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.

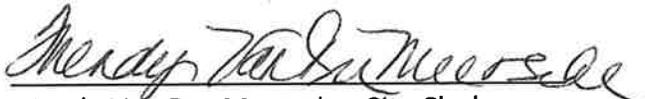
PASSED by the City Council of the City of Arlington and APPROVED by the Mayor this 15th day of July, 2024.

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. 2024-015 was approved at the July 15, 2024 City Council meeting.

ORDINANCE NO. 2024-015

“AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.46 OF THE ARLINGTON MUNICIPAL CODE REGARDING DESIGN UNDER CITY PLANNING NO. PLN 1177”

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

Dated this 16th day of July, 2024



A handwritten signature in black ink, reading "Wendy Van Der Meersche", written over a horizontal line.

Wendy Van Der Meersche
City Clerk for the City of Arlington