

## Chapter 20.04

## GENERAL PROVISIONS

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**Commented [AR1]:** Added the word standards to include the documents that have been adopted by Ordinance by City Council.

20.04.010 Short Title.

This title shall be known and may be cited as the Arlington Land Use Code.

20.04.014 Purpose and Intent.

- (a) The purpose of the Land Use Code is to minimize or preclude public nuisances by establishing standards, procedures, and minimum requirements to achieve the following general intentions and purposes for the City of Arlington:
- (1) To establish regulatory procedures and standards for review and decision-making of all proposed development in the City.
  - (2) To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the City, in accordance with the Comprehensive Plan.
  - (3) To adopt a development review process that is:
    - (A) Efficient, in terms of time and expense;
    - (B) Effective, in terms of addressing the natural, historic, and aesthetic resources and public facility implications of any proposed development, while also protecting and improving the quality of life in the City; and,
    - (C) Equitable, in terms of consistency with established regulations and procedures, respect for the rights of all property owners, and consideration of the interests of the citizens and residents of the City.
  - (4) To prohibit or condition incompatible land uses or certain aspects of land uses, by regulating density and dimensional aspects of development, ensuring that new development(s) install all private and public infrastructure necessary to serve said new development and protecting environmentally critical areas.
  - (5) To implement the Comprehensive Plan of the City by:

- (A) Establishing regulations and conditions governing the erection and use of building and other structures and the uses of land planned for the future as specified in the Comprehensive Plan;
  - (B) Securing safety from fire, panic, and other dangers;
  - (C) Lessening automobile congestion of the streets;
  - (D) Providing for adequate light and air;
  - (E) Preventing the overcrowding of land;
  - (F) Avoiding undue congestion of population and facilitating the adequate provision of transportation, potable water, wastewater disposal, schools, parks, and other public requirements of the City;
  - (G) Dividing the City into Zoning Districts, defining certain terms, designating the uses and intensities thereof that are permitted in the different districts, and providing lot size and other density and dimensional requirements;
  - (H) Establishing performance standards that apply to all new development as well as the redevelopment of all lands in the City;
  - (I) Defining the functions of the Planning Department, Hearing Examiner, Design Review Board, Planning Commission, and City Council and other relevant agencies with respect to the administration and enforcement of this Land Use Code.
- (6) To regulate the subdivision of land to:
- (A) Ensure that adequate drainage facilities are provided in developing portions of the City;
  - (B) Promote coordinated land development; and,
  - (C) Require uniform monumenting of land subdivisions and conveyance by accurate legal description.
- (7) To be consistent with the City of Arlington' Comprehensive Plan by ensuring that all development in the City will be served by adequate public facilities;
- (8) To require that all new land development activity contribute its proportionate share of the funds, land, and/or public facilities necessary to accommodate the impacts that such new development has on public facilities and services having a rational nexus to the proposed development and for which the need is reasonably attributable to the proposed development.
- (9) To provide for a penalty for the violation of this Land Use Code.
- (b) Development within the zoning districts established in [Chapter 20.36](#) (Zoning Districts and Zoning Map) is conditional, based on there being adequate public infrastructure and facilities provided concurrently (as defined by state law) with the development of the individual properties within that district and/or when they are used in a manner consistent with the uses allowed in that zoning district.

#### 20.04.020 Authority.

- (a) This title is adopted pursuant to the authority contained in RCW 35A.63 (Planning and Zoning in Code Cities), RCW 35A.58 (Boundaries and Plats), RCW 36.70A (Growth Management Act), RCW 86.16 (Flood Prevention), RCW Title 58 (Boundaries and Plats), and any other appropriate state regulations.
- (b) Whenever any provision of this title refers to or cites a section of the Revised Code of Washington (RCW) or Washington Administrative Code (WAC) and that section is later amended or superseded, the title shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

20.04.030 Jurisdiction.

- (a) This title shall be effective throughout the city’s planning jurisdiction. The city’s planning jurisdiction comprises the area within the corporate boundaries of the city, and as extended per subsection (b) or (c).
- (b) The City of Arlington and Snohomish County may enter into an interlocal agreement granting partial or full planning jurisdiction to the City within any or all portions of the Arlington Urban Growth Area (as established in both jurisdictions’ comprehensive plans).
- (c) In addition, the City may pre-zone areas outside of its City limits and require compliance with the requirements of that zone in exchange for providing utility services.
- (d) In addition to other locations required by law, a copy of a map showing the boundaries of the city’s planning jurisdiction shall be available for public inspection in the planning department.

20.04.040 Effective Date.

The provisions in this title were originally adopted on 15 September 2003, and became effective on 22 September 2003.

20.04.050 Relationship to Existing Zoning, Subdivision, Utility, and Flood Control Codes.

To the extent that the provisions of this title are the same in substance as the previously adopted provisions that they replace in the city’s zoning, subdivision, streets and sidewalks, parking, landscaping, flood control, building and construction, sign, shoreline management, drainage, sewer, water, or fee ordinances and/or titles, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful nonconforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this title merely by the repeal of the zoning ordinance.

20.04.060 Relationship to the Comprehensive Plan.

It is the intention of the council that this title implement the planning policies adopted by the council for the city and its Urban Growth Area, as reflected in the Comprehensive Plan, utility plans, airport plan, and other planning documents. While the council reaffirms its commitment that this title and any amendment to it be in conformity with adopted planning policies, the council hereby expresses its intent that neither this title nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

20.04.070 No Use or Sale of Land or Buildings Except in Conformity With Title Provisions.

- (a) Subject to [Chapter 20.32](#) of this title (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this title.
- (b) For purposes of this section, the “use” or “occupancy” of a building or land relates to anything and everything that is done to, on, or in that building or land.

20.04.080 Fees.

- (a) Reasonable fees sufficient to cover the costs of administration (including consultant review), inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, subdivision plat approval,

zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the city's budget or as established by resolution of the council filed in the office of the city clerk.

- (b) Fees established in accordance with Subsection (a) shall be paid upon submission of a signed application or notice of appeal, or as otherwise provided by said fee resolution.

#### 20.04.090 Severability.

It is hereby declared to be the intention of the council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

#### 20.04.100 Computation of Time.

- (a) Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday that day shall be excluded. When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded.
- (b) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served by mail, three days shall be added to the prescribed period.

#### 20.04.104 Project Boundaries

Project boundaries shall include all property of a parcel or parcels (where development activity is proposed on more than one parcel) unless the size of the proposed development is relatively small compared to the overall size of the parcel or parcels and sufficient land remains on which an additional permissible use could be developed. In such a case, project boundaries shall be drawn rectangular, or nearly so, so as to intersect and include the property boundary. In no instance shall an applicant be able to draw "project boundaries" simply to avoid required improvements on portions of the property.

#### 20.04.110 Miscellaneous.

- (a) As used in this ordinance, words importing the masculine gender include the feminine and neuter.
- (b) Words used in the singular in this title include the plural and words used in the plural include the singular.

#### 20.04.120 Adoption of Supporting Administrative Guidelines and Standards.

- (a) City departments may administratively adopt guidelines, standards, reference materials, forms, or other documents that aid the public, applicant, staff, or decision-maker in interpreting and administering this document.
- (b) The titles of those documents administratively adopted per Subsection (a) shall be herein listed to be considered adopted. This list may not be complete, since new guidelines or standards may be adopted or existing ones amended. Guidelines and standards administratively adopted or amended but not listed herein are equally valid as those listed;

Commented [AR2]: Added Standards.

however, each department shall make all reasonable efforts to keep this list current. These documents are:

- (1) Information Required with Applications
- (2) Public Works' Construction Standards and Specifications
- ~~(3)~~ Guide of Landscaping City Tree List
- ~~(3)~~(4) City Shrub List
- ~~(4)~~(5) Guide for Noise Levels
- (6) Traffic Impact Analysis Guidelines (TIAG)
- (7) Development Design Standards
- (8) Olympic Avenue Design Guidelines
- (9) Old Town Residential Design Standards
- (10) Complete Streets Policy
- (11) Shoreline Master Program
- ~~(5)~~
- (12) Cascade Industrial Center Planned Action
- (13) Housing Action Plan

**Commented [AR3]:** Added to the list of reference standards.

#### 20.04.130 Exemptions from Certain State Requirements.

(a) The following permits are exempt from the provisions of RCW 36.70A.440, 36.70A.065, and sections 407, 413, and 415-417 of ESHB 1724 unless otherwise required by this Title:

- (1) Landmark designations;
- (2) Vacations of rights-of-way or other easements;
- (3) Right-of-way permits;
- (4) Park use permits;
- (5) Side sewer permits;
- (6) Boundary line adjustments;
- (7) Public Infrastructure Construction plan approval by the Department of Public Works;
- ~~(7)~~(8) Private Development Construction plan approval by Department of Community and Economic Development;
- ~~(8)~~(9) Building permits;
- ~~(9)~~(10) Business licenses;
- ~~(10)~~(11) Hydrant use and bulk water permits; and,
- ~~(11)~~(12) Other permits, whether administrative or quasi-judicial, that the Community and Economic Development Director has determined present special circumstances that warrant a review process different from that provided in RCW 36.70A.440, 36.70A.065, and sections 407, 413, and 415-417 of ESHB 1724.

**Commented [AR4]:** Public Works approves public infrastructure projects and Community and Economic Development approves private development projects.

(b) The following permits are exempt from sections 407, 413, and 415-417 of ESHB 1724 unless otherwise required by this Title:

- (1) Administratively approved permits that are categorically exempt from environmental review under chapter 43.21C RCW;
- (2) Administratively approved permits for which environmental review has been completed in connection with other project permits.