

Chapter 20.44

SUPPLEMENTAL USE
REGULATIONSSections:**Part I. General Provisions**

- 20.44.010 Solid Waste, Quarrying, Mining, and Similar Uses.
- 20.44.016 Mixed Use Developments.
- 20.44.020 Unit Lot Subdivision (ULSs).
- 20.44.030 Flexible Development Standards (FDSs)
- 20.44.032 ~~Master Planned Neighborhood Developments (MPND)~~. Subarea Plans
- 20.44.034 Wireless Communications Facilities.
- 20.44.035 Administrative Conditional Use Permits for Homeless Encampments
- 20.44.037 Administrative Conditional Use Permits for Temporary / Seasonal Use or Special Event
- 20.44.040 Temporary Emergency, Construction, or Repair Residences.
- 20.44.042 Accessory Dwelling Units (ADU).
- 20.44.044 Recreational Vehicles as Temporary Dwelling Units.
- 20.44.048 Temporary Public Structures.
- 20.44.060 Minimum Parcel Sizes for Manufactured or Mobile Homes.
- 20.44.062 Mobile Home Parks.
- 20.44.064 Trade or Vocational Schools in the OTBD-1.
- 20.44.066 Storage for Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards, Automobile Recycling Facilities, Construction Yards, and Industrial or Manufacturing Uses.
- 20.44.068 Adult Family Home
- 20.44.070 Homes Emphasizing Special Services, Treatment, or Supervision.
- 20.44.072 Reasonable Accommodation.
- 20.44.080 Administrative Conditional Use Permit for Mobile Sales and Delivery.
- 20.44.082 Home Occupations.
- 20.44.084 Stand Alone Office Uses in the General Industrial Zone.
- 20.44.090 Outdoor Storage or Display of Retail Items.
- 20.44.094 Adult Entertainment Facilities.
- 20.44.096 Penal and Correctional Facilities.
- 20.44.098 Electric Vehicle Infrastructure.

20.44.032 Master Planned Neighborhood Development (MPND):

- ~~(a) In any Master Planned Neighborhood district (§20.36.054, Master Planned Neighborhood Overlay District Established) no development may be permitted until the developer has prepared and received approval of a master plan for the entire area included in the MPN district.~~
- ~~(b) Since the approval of a master plan affects the zoning, and thus use of the property, said master plan shall be processed as an amendment to this Title (Chapter 20.96).~~
- ~~(c) No area of less than twenty contiguous acres may be planned through a MPN approval process, and then only (i) upon the request of the owner or majority of owners of all the property intended to be covered by such an overlay zone, or (ii) by the City Council in implementing the MPN land use designation pursuant to subsection (d). Approval of MPNs is achieved through a rezone process.~~
- ~~(d) The MPN district shall be used on any land with a Master Planned Neighborhood land use designation as shown on the Comprehensive Plan Land Use Map. If property is placed in an MPN district by the Council prior to a master plan being developed (§20.44.032 (Master Planned Neighborhood Developments), it shall not show the individual elements until the master plan is approved.~~
- ~~(e) For areas designated Master Planned Neighborhood in the Comprehensive Plan, MPND approval may be sought prior to or after annexation to the City. However, in the case where MPND approval is not approved prior to or concurrent with annexation the entire annexation area shall be zoned Suburban Residential until such time that an MPND is approved.~~
- ~~(f) At a minimum the master plan shall identify:
 - ~~(1) The locations and sizes of the districts as follows:
 - ~~(i) One element of each MPN district shall be the low density residential element. Here there is one possibility, using the Residential Ultra Low Capacity district described in §20.36.010 (Residential Districts Established). Within that portion of the MPN zone that is developed for low density residential purposes, all development must be in accordance with the regulations applicable to the Residential Ultra Low Capacity district. Within any MPND, not less than fifty percent of the total area may be developed for lower density residential (Residential Ultra Low Capacity) purposes.~~
 - ~~(ii) A second element of each MPN district may be the medium to higher density residential element. Here there are four possibilities, each one corresponding either to the Residential Low Capacity, the Residential Moderate Capacity, Residential Medium, or the Residential High Capacity zoning districts described in Subsection 20.36.010 (Residential Districts Established). Within that portion of the MPN district that is developed for medium or higher density residential purposes, all development must be in accordance with the regulations applicable to the residential district to which the particular MPN zoning district corresponds.~~
 - ~~(iii) A third element of each MPN district may be the commercial element. Here there is one possibility, corresponding to the Neighborhood Commercial district identified in §20.36.020 (Commercial Districts Established). Within that portion of a MPN district that is developed for purposes permissible in a NC district, all development must be in accordance with the regulations applicable to the NC district.~~
 - ~~(iv) A public services/facilities element may be a fourth element of any MPN district. Here uses permitted within the Public/Semi-Public district would be permitted within the MPN district. If a P/SP element is included, then within that portion of the MPN district that is developed for purposes permissible in a P/SP district, all development must be in accordance with the regulations applicable to the P/SP district.~~~~
 - ~~(2) The approximate locations, types, and sizes of public facilities and amenity areas~~~~

- (e.g., parks, schools, open space, common landscaped areas, etc.);
- ~~(3) Conceptual infrastructure plans (e.g., location, types, and sizes of streets, sewer, water, stormwater, etc.);~~
- ~~(4) Compliance with those portions of the City's Development Design Standards having to do with neighborhood design pursuant to Chapter 20.46, Design;~~
- ~~(5) Public infrastructure financing strategies (including any improvements to existing on- or off-site facilities necessary to support the MPND); and~~
- ~~(6) An anticipated phasing and/or build-out schedule, subject to an analysis of service capacity by the City.~~
- ~~(g) Unless the City's SEPA Responsible Official determines otherwise, the applicant shall develop a programmatic Environmental Impact Statement for the MPN permit. Subsequent development permits may then rely on this EIS to the extent feasible to minimize additional SEPA review. It shall be the intent of the City that during subsequent permitting no additional SEPA review would be required for any action or impact analyzed in the programmatic EIS, unless unforeseen or extraordinary environmental issues arise.~~
- ~~(h) In a Master Planned Neighborhood Development, once the master plan is approved and zoning districts assigned per (f)(1), the developer may make use of the land for any purpose authorized in those particular districts, subject to the provisions of the master plan and this title.~~
- ~~(i) In those areas of the MPND assigned to the Residential Ultra Low Capacity, lots **adjacent to critical areas** may be reduced in size and width **to a minimum of six thousand square feet and a width of sixty feet** so long as the standard of §20.48.030(a) (Lot Shape and Minimum Lot Widths) is met and so long as a gross density of four dwelling units per acre is **not exceeded**.~~
- ~~(j) As indicated in the Tables of Permissible Uses a Master Planned Neighborhood Development is the only permissible use of a MPN district, and Master Planned Neighborhoods are permissible only in such zones.~~
- ~~(k) In approving the MPND the Council may require that the MPND comply with any site specific development regulations that the City may develop.~~

20.44.032 Subarea Plans

- (a) The Comprehensive Plan designates fourteen subareas that distinguish specific geographical areas and existing neighborhoods within the community. The intent of creating subareas is to develop a subarea plan for each area of the city that contains specific policies and criteria to guide land development, incorporate missing middle housing options, transportation facilities, community facilities, infrastructure and capital improvement decisions that provide for a more coordinated, efficient, and effective structure for predictable neighborhood planning. The subarea plans encompass both newly created subareas and those that work with existing neighborhoods to provide criteria for infill and redevelopment purposes.
- (b) The subarea plans are to be produced by the city, with the exception of two areas designated on the City's Zoning Map and Future Land Use Map with the Master Planned Neighborhood (MPN) Overlay. These two areas are known as East Hill and Lindsay Annexation (portion of Hilltop). The list of subareas is listed below:
- (1) Arlington Terrace
 - (2) Cascade Industrial Center
 - (3) Crown Ridge
 - (4) East Hill
 - (5) Edgecomb
 - (6) Gateway
 - (7) Gleneagle
 - (8) Haller City
 - (9) Hilltop
 - (10) Island Crossing
 - (11) Kent Prairie
 - (12) Old Town
 - (13) Smokey Point
 - (14) West Bluff
- (c) A subarea plan is typically developed to encompass the entire subarea, however under certain circumstances it may be developed to include only specific neighborhoods, corridors, downtown, or other types of special districts that show cohesive characteristics. The East Hill and Lindsay Annexation subareas shall be developed in their entirety.
- (d) As subarea plans are created, elements of form based code are proposed to be included to provide the community with a predictable design and development pattern that is customized for the specific area.
- (e) Subarea plans are to be processed in conjunction with a Planned Action Environmental Impact Statement (EIS). A planned action is a development project whose impacts have been identified and addressed through an EIS associated with the subarea plan for the specific geographical area before individual projects are proposed. A planned action involves detailed State Environmental Policy Act (SEPA) review and preparation of EIS documents in conjunction with subarea plans, consistent with RCW 43.21C.031 and WAC 197-11-164 through WAC 197-11-172. The up front analysis of impacts and mitigation measures then facilitates environmental review of subsequent individual development projects.
- (f) A subarea plan application under the Master Planned Neighborhood (MPN) Overlay shall include the following information:
- (1) A land use application and submittal checklist with all required documents.
 - (2) Permit fee, as shown on the most current fee schedule.

- (3) The subarea plan shall include the following elements:
- i. One element shall be small lot detached single-family residential or cottage housing, with a minimum lot size of 3,600 square feet and a maximum of 4,500 square feet and consists of seventy (70) percent of the total lots.
 - ii. Second element shall be attached residential, such as townhomes, row houses, or duplexes, and shall be developed as fee simple lots through a unit lot subdivision (subject to §20.44.020 Unit Lot Subdivisions) and consists of twenty (20) percent of the total lots.
 - iii. Third element shall be one of the below options and consist of ten (10) percent of the total lots.
 - (A) Accessory Dwelling Unit (constructed with residence)
 - (B) Mixed-Use Development (vertical)
 - (C) Multi-Family Apartments
 - (D) Multi-Family Fourplex
 - (E) Multi-Family Garden Apartments
 - (F) Small Commercial
 - iv. Forth element shall be the location of Recreational Facilities, Open Space, and Trail System that consists of ten (10) percent of the total area of land, minus areas to be preserved as Native Growth Protection Areas (NGPA).
 - (A) This designation shall include areas proposed to be dedicated to the city as public spaces. All dedicated parks shall be a minimum of two (2) acres in size and coordinated with the city prior to approval.
 - (B) The trail system shall consist of a paved trail that connects the required sidewalk system and to all recreation facilities and open spaces.
- (4) The subarea plan shall show the location of each housing type listed above in the way of a subdivision layout.
- (5) The architectural design of the structures shall comply with the Development Design Standards pursuant to §20.46 Design.
- (6) The subarea plan shall show the conceptual infrastructure plans that include location, types, and sizes of streets, sewer, water, stormwater, etc.
- (7) Public infrastructure impacts and financing strategies including any improvements to existing on or off-site facilities necessary to support the proposed subarea plan.
- (8) Transportation impact analysis and financing strategies including any improvements to existing on or off-site facilities necessary to support the proposed subarea plan. The analysis shall also include all current and future designated multi-model plans.
- (9) The subarea plan shall adhere to the Arlington Complete Streets Program.
- (10) The subarea plan shall provide anticipated phasing or sector lines on the subarea map.
- (g) The subarea plan for the East Hill and Lindsay Annexation area serves as the typical preliminary plat document for development and shall follow the process of a conditional use permit (§20.16.225 Special Use Permits and Conditional Use Permits).
- (h) The subarea plan is subject to a Public Hearing before the Hearing Examiner and shall follow the hearing procedures of §20.24 (Hearing and Pre-Hearing Procedures and Appeals and Applications).
- (i) In approving a subarea plan, the city may require the plan to comply with site specific development regulations that the city deems appropriate and approved by the hearing examiner.
- (j) The approved subarea plan is required to be recorded with the Snohomish County Auditor Office.
- (k) After recording, subsequent land use permits (final plats or unit lot subdivisions), civil permits, and building permits are required to be submitted and approved prior to development on any lots. Procedures for these permits are found in the Arlington Municipal Code.

20.44.042 Accessory Dwelling Units (ADU).

- ~~(a) An ADU may be either attached or detached to a primary residence.~~
- ~~(b) Only one detached ADU per single family residence is allowed.~~
- ~~(c) Two detached ADUs per two family residence (duplex) is allowed, one per each side.~~
- ~~(d) One attached ADU and one detached ADU may be located on a lot of 4,500 square feet or more in a zone that allows for single family homes~~
- ~~(e) The ADU shall not be more than 850 square feet on a lot with 4,500 square feet or less.~~
- ~~(f) The ADU shall not be more than 1,350 square feet combined between an attached and detached accessory dwelling unit on a lot with 4,500 square feet or more, except that an attached ADU may be limited to half the size of the principal residence, and public health, safety, building code, and environmental permitting requirements applicable to the primary residence may be required of the accessory dwelling unit.~~
- ~~(g) The primary entrance to the ADU shall be subordinated to the main home entry and located in such a manner as to be unobtrusive from the street.~~
- ~~(h) Any additions should be consistent with the architectural character of the home and comply with the design standards for the zone in which the ADU is located. Materials, roof forms, and window proportions shall match that of the existing building.~~
- ~~(i) Any major exterior additions or alterations should be located to the rear of the home. Any necessary fire egress stairs shall be located so that they are not visible from the street.~~
- ~~(j) The required off street parking shall be located to avoid negative impacts to neighbors and community character.~~
- ~~(k) The required off street parking is exempt if the ADU is located within a quarter mile of a major transit center.~~

(a) An ADU is defined as a residential living unit providing independent living facilities and permanent provisions for sleeping, cooking, sanitation, and living on the same lot as a single-family home, duplex, triplex, townhome, or other housing unit. An attached ADU is a dwelling unit located within or attached to another housing unit. A detached ADU is separate and detached from the primary housing unit.

(b) All ADUs require the property owner to apply for building permit in order to ensure that the structure meets the requirements of the Arlington Municipal Code and the International Residential Code.

(c) An ADU is required to meet the following criteria and be in compliance with RCW 36.70A, RCW 43.21C, and RCW 64.32, 64.34, 64.38, 64.90:

(1) ADUs are allowed on the same lot as a single family residence or where the property is owned by the same person that owns the housing unit (fee simple lot) and can meet the criteria of this code section.

(2) ADUs are allowed in any zoning district that allows for single family residences.

(3) Two ADUs on all lots that are located in all zoning districts that allow for single-family homes in the following configurations:

i. One attached ADU and one detached ADU unit; or

ii. Two attached ADUs; or

iii. Two detached ADUs, which may be comprised of either one or two detached structures.

(4) ADUs are allowed on any lot that meets the minimum lot size required for the principal residence.

(5) The maximum gross floor area for each ADU is 1,000 square feet.

- (6) The minimum roof height of an ADU is 24 feet, unless the height limitation that applies to the principal unit is less than 24 feet. The ADU height limitation shall not exceed the allowable height for the zone and shall not be greater than the principal residence on the property.
- (7) The ADU setback requirements shall meet the density and dimensional standards of the underlying zoning of the property and be in compliance with AMC Chapter 20.48, except ADUs abutting and served by an alley are allowed a zero lot line setback.
- (8) An ADU is required to meet any governing documents associated with the protection of public health and safety, ground and surface waters, and critical areas.
- (9) An ADU is required to be consistent with the architectural character of the principal residence and comply with the Development Design Standards for the zone in which the ADU is located. Materials, roof forms, and window proportions shall match that of the principal unit/building.
- (10) Any major exterior additions or alterations shall be located to the side or rear of the principal residence.
- (11) ADU Parking Requirements:
 - i. One parking space per ADU is required on lots less than 6,000 square feet.
 - ii. Two parking spaces per ADU is required on lots greater than 6,000 square feet.
 - iii. If located within one-half mile of a major transit stop, then no parking spaces are required.
- (12) An ADU is required to connect to both city water and wastewater systems. The ADU shall meet the utility connection criteria of AMC Title 13.
- (13) A detached ADU is allowed to be sold through the conveyance of a condominium unit independently of the principal residence, however if this occurs then a separate water and wastewater connection to the ADU, per AMC Title 13, is required and full connection charges are to be paid per the city's current fee schedule at the time of the creation of the condominium. A 60% AMI affordable housing restriction on the property is required to be recorded with the Snohomish County Auditor's Office and submitted to the Community Development Department.
- (14) An ADU is exempt from all city impact fees for parks, traffic, and schools as long as the ADU is primarily used for long-term housing.