

ORDINANCE NO. 2023-016

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING
ARLINGTON MUNICIPAL CODE SECTIONS 20.44.032 REGARDING MASTER PLANNED
NEIGHBORHOOD DEVELOPMENT AND 20.44.042 REGARDING ACCESSORY DWELLING UNITS
UNDER CITY PLANNING NO. PLN 1038

WHEREAS, the city has proposed an update to regulations to change Master Planned Neighborhood Development to Subarea Plans; and

WHEREAS, the city has proposed an update to regulations regarding Accessory Dwelling Units; and

WHEREAS, the Arlington Planning Commission considered the revisions at docketing meetings on March 7, 2023 and March 21, 2023, and then on September 5, 2023, October 3, 2023 and at a public hearing conducted on October 17, 2023; 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 April 10, 2023 and April 17, 2023; and

WHEREAS, the City Council considered the same at a workshop held on November 13, 2023, and their regular meeting on November 20, 2023, 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 20.44 shall be and hereby is amended to read as follows:

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 consisting 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 consisting of twenty (20) percent of the total lots.

iii. Third element shall be one of the below options and shall 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. Fourth 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.

Section 2. Arlington Municipal Code section 20.44.042 shall be and hereby is amended to read as follows:

20.44.042 Accessory Dwelling Units (ADU).

(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 a 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 primary housing unit (fee simple lot) and can meet the criteria of this code section.

(2) The owner of the property shall not be required to reside in or occupy the primary housing unit or the ADU on the same lot.

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

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

1. One attached ADU and one detached ADU unit; or
2. Two attached ADUs; or
3. Two detached ADUs, which may be comprised of either one or two detached structures.

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

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

(7) The roof height of an ADU is required to meet the underlying zone height limitation, unless the height of the principal unit is less than 24 feet, in which case, the maximum height of an ADU shall be 24 feet.

(8) 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.

(9) 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.

(10) The number of ADUs on a property may be limited or restricted if the site contains unsuitable physical characteristics, such as critical areas, designated as wetlands, fish and wildlife habitat, flood plains, or geologically hazardous areas. The property shall be in compliance with AMC Chapter 20.93 – Critical Area Ordinance.

(11) 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. The review of the design will be conducted administratively with the building permit.

(12) Any major exterior additions or alterations for an attached ADU shall be located to the side or rear of the principal residence.

(13) A detached ADU is not allowed in the required front or side setback of the existing primary residence on the site unless the side setback abuts an alley.

(14) The construction of an ADU shall not require new public street improvements.

(15) ADU Parking Requirements:

1. One parking space per ADU is required on lots less than 6,000 square feet.
2. Two parking spaces per ADU is required on lots greater than 6,000 square feet.
3. If located within one-half mile of a major transit stop, then no parking spaces are required.

(16) 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.

(17) An ADU shall pay fifty percent (50%) of the city transportation impact fee and community park impact fee for a single-family dwelling unit. Fees are regulated by AMC Chapter 20.90.

(18) An ADU is exempt from city transportation impact fees, park impact fees, and off-street parking requirements (only if parking is available on an abutting public street), but only if a restrictive covenant is recorded on the property stating the ADU shall be rented at an affordable rate of 60% AMI or less for a duration of 50 years. The restrictive covenant shall be reviewed and approved by the city, recorded with the Snohomish County Auditor's Office, and a conformed copy returned to the Community and Economic Development Department.

(19) A detached ADU is allowed to be sold separately through the conveyance of a condominium unit of the principal residence. To complete the conveyance of a condominium unit the detached ADU shall meet the utility connection regulations of AMC Chapter 13.04 and 13.08. The declaration of condominium documents are required to be submitted to the city for review and approval. Once approved by the city the document shall be recorded with the Snohomish County Auditor's Office and a conformed copy returned to the Community and Economic Development Department.

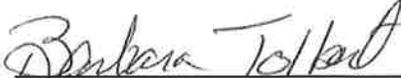
(20) The land on which the ADU is located shall not be subdivided from the land on which the primary dwelling unit is located.

Section 3. 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 4. 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 20th day of November, 2023.

CITY OF ARLINGTON



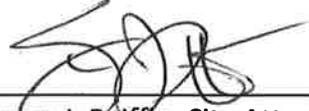
Barbara Tolbert, Mayor

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. 2023-016 was approved at the November 20, 2023 City Council meeting.

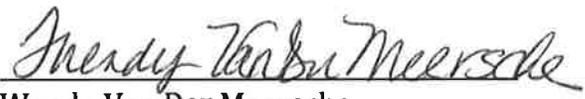
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A true and correct copy of the original ordinance is attached.

Dated this 20th day of November, 2023




Wendy Van Der Meersche
City Clerk for the City of Arlington