

ORDINANCE NO. 2022-020

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING CHAPTER 20.46 OF THE ARLINGTON
MUNICIPAL CODE REGARDING ZONING DESIGN

WHEREAS, the City staff has engaged in a comprehensive review and has proposed an update containing numerous revisions to the Arlington Municipal Code (AMC); and

WHEREAS, the Arlington Planning Commission held numerous meetings concerning the revisions, including discussions occurring at the following meetings of the commission:

- January 4, 2022
- March 1, 2022
- March 15, 2022
- April 5, 2022
- April 19, 2022
- May 3, 2022
- May 17, 2022
- June 7, 2022
- June 23, 2022
- July 25, 2022
- August 2, 2022
- September 6, 2022
- September 20, 2022; and

WHEREAS, the Arlington Planning Commission provided notice of and took public testimony concerning the changes at public hearings which occurred on September 20, 2022; 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 initially with docketing meetings on March 28, 2022 and April 4, 2022, and also at a joint meeting with the Planning Commission on July 25, 2022, and then on October 10, 2022 and at a public hearing conducted on October 17, 2022; and

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

WHEREAS, review under the State Environmental Policy Act (SEPA) occurred with limited comments from state agencies, all of which were addressed by the City; and

WHEREAS, having considered the public testimony, the input from the Planning Commission and state agencies, the Council deems the adoption of these amendments to be in the best interests of the City and citizens;

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

Section 1. Arlington Municipal Code Chapter 20.46 shall be and hereby is amended to read as set forth on the attached Exhibit "A".

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 17th day of October, 2022.

CITY OF ARLINGTON

Barbara Tolbert, Mayor

ATTEST:

Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:

Steven J. Peiffle, City Attorney

EXHIBIT “A”

Chapter 20.46

DESIGN

Sections:

Section I. General Development Design Standards

- 20.46.005 Standards Adopted
- 20.46.010 Conformance with Design Standards.
- 20.46.020 Design Review Process.
- 20.46.030 Required Findings for Design Review Approval.
- 20.46.060 Drive-Through Windows.
- 20.46.070 Location of Parking in Multi-Family Structures.
- 20.46.075 Building Setbacks.
- 20.46.080 Walls and Fences.
- 20.46.085 Building Orientation, Entries, and Porches.
- 20.46.090 Additions.
- 20.46.095 Accessory Buildings.
- 20.46.100 Deviations-

Section II. Old Town Residential and Old Town Business Districts Design Standards

- 20.46.110 Purpose and Intent.
- 20.46.114 Old Town Residential Districts.
- 20.46.120 [Old Town Business Districts](#).

Section III. Commercial Corridor and Mixed-Use Overlay Design Standards.

- 20.46.200 Conformance with Mixed-Use Development Regulations.

Section I. General Development Design Standards

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. 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.

20.46.010 Conformance with Design Standards.

- (a) Structures within the following zones subsection (1) are subject to the relevant design standards adopted in this chapter. Structures within the zones listed in subsection (2) 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 1
- (B) Old Town Business District 2 & 3
- (C) Old Town Residential
- (D) Neighborhood Commercial
- (E) General Commercial
- (F) Highway Commercial
- (G) Business Park
- (H) Light Industrial
- (I) General Industrial (those sides of buildings fronting on and noticeably visible from public streets only)
- (J) Residential High Capacity
- (K) Residential Medium Capacity
- (L) Residential Moderate Capacity
- (M) Residential Low Capacity
- (N) Residential Ultra Low Capacity
- (O) Medical Services
- (P) Aviation Flightline
- (Q) Public / Semi-Public

(2) 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.

20.46.020 Design Review Process.

Review of permit applications for conformance with the development design standards shall be as follows: For an Administrative Design Review decision, the Community and Economic Development Director and/or his designee shall review exterior modifications. Exterior Modifications include changes to existing structures, landscaping, site design, minor new structures, or signs with a construction value less than one hundred thousand dollars.

- (a) All other design review with a construction value exceeding one hundred thousand dollars shall be performed by the design review board in a public meeting (not a public hearing). On building permits for which there is no land use permit required their decision is final (subject to appeal, see subsection (3)). Otherwise, their recommendation shall be forwarded to the permit-issuing authority for its consideration with the permit application.
- (b) 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.

- (c) Appeals shall be pursuant to [Chapter 20.20](#) (Appeals, Variances, Interpretations).
- (d) Fees for design review shall be as set by resolution.

20.46.030 Required Findings for Design Review Approval.

In order to approve a project as consistent with the development design standards, the design review authority must make the following findings:

- (a) The proposal complies with the applicable design requirements and standards of this chapter. Specifically, findings shall be made for each applicable requirement and guideline as to how the project complies.
- (b) If the proposal is for minor exterior modifications only, that the proposal demonstrates that the proposed improvements more consistent with the design requirements and standards of this chapter.

20.46.060 Drive-Through Windows.

- (a) All drive-through windows and their driveways shall be designed to not pose a hazard to pedestrians or other vehicles. In particular, driveways and approaches to drive-through windows shall be designed to minimize the crossing of pedestrian-ways or vehicular-ways, except to cross a public sidewalk adjacent to a public right-of-way. Where drive-through driveways and approaches cross pedestrian-ways, the pedestrian-way shall be clearly demarcated.
- (b) All drive-through windows and their driveways shall be screened so as to minimize visual impacts from public rights-of-way.
- (c) If a drive-through window and/or its driveway cannot be designed to meet the intent of this section then the use of the drive-through may be denied by the permit-issuing authority.

20.46.070 Location of Parking in Multi-Family Structures.

For multi-family uses in no instance shall street level parking areas be allowed within 25 feet of a public right-of-way unless it is substantially shielded from public view.

20.46.075 Building Setbacks

- (a) Setbacks from Lot Boundary Lines. Setbacks of primary and accessory buildings from lot boundary lines shall be as specified in Chapter 20.48 (Density and Dimensional Regulations); except that:
 - (1) All primary buildings shall maintain a minimum 10-foot distance (measurements taken from foundations) from other buildings, including those on adjacent lots.
 - (2) However, in no case shall a primary building have a setback less than the five-foot standard setback for the zone as specified in Chapter 20.48 (Density and Dimensional Regulations).
- (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 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 does not have its primary entrance.

20.46.080 Walls and Fences

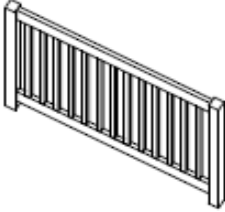

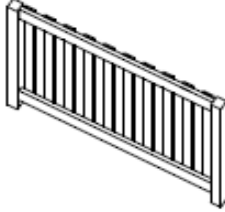

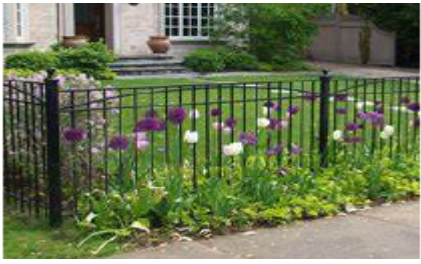
(a) Walls:

- (1) Walls intended to screen shall be of plaster, smooth stucco finish or other approved masonry. They shall be designed in a style, material, and color to complement the structure to which they are attached. If the wall can be seen from the public right-of-way or view it shall be designed with a textured face. Other materials may include wrought iron, tile insets or grillwork.
- (2) Wall heights and setbacks are governed by Chapter 20.48 (Density and Dimensional Regulations).
- (3) Both sides of all perimeter walls shall be architecturally treated.

(b) Fences:

- (1) Fences are required to be constructed of wood, wrought iron (decorative metal), or vinyl.
- (2) Fence heights and setbacks are governed by Chapter 20.48 (Density and Dimensional Regulations).
- (3) Both sides of all perimeter fencing shall be architecturally treated.
- (4) Chain-link fencing shall only be used for security purposes in the General Industrial, Light Industrial, and Aviation Flightline zones and are required to obtain approval from the Community and Economic Development Director prior to installation. If chain-link fencing is used it shall be black vinyl coated and contain no slats (galvanized finish and slats are not permissible). Barbed wire, razor wire, or other material may also be allowed on top of the chain link fencing with approval from the director.

Table 20.46-1

Public and Private Presentation Sides	 <p>Two-sided presentation</p>  <p>Public presentation side</p>  <p>Private presentation side (house side)</p>
Wood and Metal fence examples of front yard fence at 42" in Height	 

<p>Wood fence example of side or rear yard fence at 6-foot fence with and without 1-foot decorative extension installed</p>		
<p>Black Vinyl Chain Link Fence Example With and Without Barbed Wire (Industrial and Security Use Only)</p>		

Figure Index: Courtesy of HKP Architects, Fortress Fencing, LLC, Economy Iron, Inc, Freedom Fence & Railing, Aguilar Fence, Inc, and Pinterest.com

20.46.085 Building Orientation, Entries, and Porches

- Either a recessed entry or porch shall be incorporated into the design, whichever is most predominant among the existing buildings along the street on which the new building is proposed.
- A front porch or covered entry shall be a minimum of 6 feet deep to accommodate outdoor seating.
- If a porch is not included at the main entrance, a covered entry that provides an area to wait at the front door out of the weather shall be included.

20.46.090 Additions

When planning an addition, it is important to pay careful attention to the architectural style of the existing building. In many cases, additions can dramatically change the appearance of the building and, therefore, the character of the neighborhood or area. Therefore, for additions, in addition to the previously listed requirements, the following apply:

- The scale and mass of the addition must be in keeping with that of the original building.
- The location of additions shall not disrupt established setbacks of neighboring structures.
- The addition's roof shall match or complement the design of the original building.
- Architectural elements such as windows shall respect the prevailing geometry of the original building. For instance, windows with a vertical orientation can be incompatible with those of a horizontal orientation.
- The materials used for the addition shall match or coordinate with those of the original building.

20.46.095 Accessory Buildings

- The design of accessory buildings that require a building permit shall be architecturally compatible with the main building through the use of walls/roofs/trellises, fence/wall connections and/or landscaping.
- Accessory buildings shall be subordinate to the primary structure and shall be set back a minimum of eight (8) feet from the face of the primary structure.
- Accessory buildings shall be placed to the side or rear of the primary structure.

20.46.100 Deviations.

The Planning Commission may grant deviations from the standards only for the following:

- (a) If an alternative is provided that, in their opinion, meets the intent of the Design Standards; or
- (b) If the intent of the deviation is to preserve or protect a significant tree or trees.

Applications for deviations shall be submitted to the Community and Economic Development Director, who shall then forward them to the Planning Commission at their next available meeting. The applicant will be notified of the Planning Commission's decision within ten days of such decision.

Section II. Old Town Residential and Old Town Business Districts Design Standards

20.46.110 Purpose and Intent.

Old Town is a unique district in Arlington, representing, as the name implies, the old part of town. It is laid out in a street-and-alley grid pattern, with garages and utilities predominately on the alleys. There is a predominance of older homes built in historic architectural styles, and most have front porches. Lots are small, though many of the older homes are built on parcels consisting of two or three lots, some of which are now nonconforming in terms of size or setbacks. Back at the turn of the 20th century this was common practice.

However, with the increase in value of these lots, many property owners are selling them to builders who are building new homes that do not fit the unique historic character of Old Town. Many have caused problems with existing residents because of privacy, setback, and scale issues.

At the same time, infill development is one of the strategies adopted through the city's comprehensive plan to meet our growth targets, but not its only strategy, and certainly not at the expense of substantially changing the character of the Old Town Business and Residential Districts.

Thus, the intent of this part is to:

- (1) Preserve the historic development pattern found in Old Town.
- (2) Protect property owners' ability to sell their excess lots
- (3) Protect existing properties' value by encouraging compatible development.
- (4) Implement a design code for Old Town that permits infill development in a manner that is acceptable to the community while retaining the elements that provide for the traditional residential and "Main Street" style of growth.
- (5) Recognizing the mix of architectural styles that have been built over the neighborhood's one hundred plus years, it is the city's intent to promote the specific architectural styles and development patterns that are historically prevalent and characteristic of the Old Town District.

20.46.114 Old Town Residential District.

- (a) All residential construction in the Old Town Residential District shall comply with the Development Design Standards and the Old Town Residential Design Standards. This includes

new construction, remodels, and additions; except, that if a house is damaged, the homeowner may rebuild the structure exactly as it was.

- (b) The Development Design Standards and the Old Town Residential Design Standards are reference documents that are available in the Community and Economic Development and are located on the city website. Copies of the documents may be requested.
- (c) Design review for compliance of this section shall be performed by the Community and Economic Development (CED) Director or his or her designee through the permitting process. The Director shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions.

20.46.120 Old Town Business Districts (1, 2, and 3)

- (a) This part shall apply to all construction, including new construction, remodels, and additions in the Old Town Business Districts; except, that if a building is damaged, the owner may rebuild the structure exactly as it was.
- (b) All construction shall comply with the Development Design Standards and the Olympic Avenue Design Guidelines.
- (c) In each of the Old Town Business Districts, and subject to subsection (b), all structures shall be located adjacent to or as nearly adjacent as feasible to the sidewalk(s) falling within adjacent public right(s)-of-way. Where a structure is recessed from the public sidewalk, a private extension of the sidewalk shall be installed so as to widen the sidewalk up to the building front.
- (d) Wherever feasible, buildings built in the Old Town Business Districts per this section shall be adjoining or appearing so, so as to create a continuous façade along a street.
- (e) Structures along the Centennial Trail should be designed to work with the trail, even to the extent of having an entrance to the building, but at minimum presenting a well-designed façade on the trail side.
- (f) Any new construction or modifications to existing structures in the Old Town Business Districts 1, 2 and 3 shall comply with the Arlington Development Design Standards and also refer to and utilize the Olympic Avenue Design Guidelines, to the maximum extent possible, in their design and modification efforts.

~~20.48.040 (Building Setback Requirements~~

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Section III. Commercial Corridor and Mixed-Use Overlay.

20.46.200 Conformance with Mixed-Use Development Regulations.

- (a) All buildings and/or structures located in the Commercial Corridor or Mixed-Use Overlay zones shall comply with the Mixed-Use Development Regulations of Chapter 20.110.
- (b) For any design items not addressed under the Mixed-Use Development Regulations, the Development Design Standards shall be followed.