

ORDINANCE NO. 2022-027

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON
AMENDING CHAPTER 20.76 OF THE ARLINGTON
MUNICIPAL CODE REGARDING ZONING REGULATIONS FOR SCREENING AND TREES

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 section 20.76.030 shall be and hereby is amended to read as follows:

20.76.030 Compliance With Screening Standard.

(a) Except as modified per §20.76.090 (Special Screening Requirements), the table set forth in §20.76.050 (Table of Screening Requirements), in conjunction with the explanations in 20.76.040 (Descriptions of Screens) concerning the types of screens, establishes screening requirements that presumptively satisfy the general standards established in §20.76.020 (General Screening Standard). However, this table is only intended to establish a presumption and should be flexibly administered in accordance with §20.76.060 (Flexibility in Administration Required).

(b) ~~The numerical designations contained in the Table of Screening Requirements (§20.76.050) are keyed to the~~ represent the allowed uses of the Tables of Permissible Uses (§20.40.010), and the letter screening type letter designations refer to types of screening as described in §20.76.040 (Descriptions of Screens). This table indicates the type of screening that is presumptively required between two uses. Where such screening is required, only the property under application for development is responsible for installing the screening. The use assigned this responsibility is referred to as the burdened use in §20.76.050 (Table of Screening Requirements), and the other use is the benefited use.

To determine the type of screening a proposed new development must install, find the proposed use in the table to determine frontage landscaping and side/rear property lines. begin under the burdened column with the use classification number of the proposed use and follow that line across the page to its intersection with the use classification number of each use that adjoins the property to be developed. For each intersecting square that contains a letter, the developer must install the level of screening indicated along this portion bordering that use.

(c) If, when the analysis described in Subdivision (b) is performed, the burdened use is an existing use but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of Chapter 20.32 (Nonconforming Situations) of this Title.

(d) Notwithstanding any other provision of this chapter, a multi-family development shall be required, at the time of construction, to install any screening that is required

between it and adjacent existing uses according to the table set forth in §20.76.050 (Table of Screening Requirements).

(e) Developments in the Old Town Business Districts 1, 2, and 3 shall be exempt from the screening requirements of §20.76.050 (Table of Screening Requirements) pertaining to screening along streets where the buildings abut the sidewalk.

(f) Developments in the Old Town Residential District shall comply with the Old Town Residential Design Standards.

Section 2. Arlington Municipal Code section 20.76.050 shall be and hereby is amended to read as follows:

20.76.050 Table of Screening Requirements.

See Table 20.76-1: Screening Requirements.

Section 3. Arlington Municipal Code Table 20.76 shall be and hereby is deleted in its entirety.

Section 4. A new Arlington Municipal Code Table 20.76-1 shall be and hereby is adopted to read as follows:

Table 20.76-1 Screening Requirements		
Use	Frontage Landscaping	Side and Rear Property Lines
<u>Agricultural</u>		
<u>Commercial Greenhouse On-Premises Sales</u>	N/A	<u>Type A – All Neighboring Residential</u> <u>Type C – All Other Neighboring Properties</u>
<u>Aviation Related Sales and Service Operations</u>		
<u>Aviation Fuel Sales</u> <u>Aircraft Painting and Body Work</u> <u>Aircraft Repair and Maintenance, Not Including Substantial Body Work</u> <u>Aircraft Sales or Rentals</u> <u>Aircraft Sales with Installation of Aircraft Parts or Accessories (Propellers, Tires, Mufflers, etc.)</u> <u>Aircraft Wash</u>	Type B	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Cultural, Social or Fraternal Uses</u>		
<u>Art Gallery or Center</u> <u>Library</u> <u>Museum</u> <u>Social Club</u> <u>Fraternal Clubs and Lodges</u> <u>Union Halls</u> <u>Similar Uses.</u>	Type C	<u>Type A – All Neighboring Residential</u> <u>Type C – All Other Neighboring Properties</u>
<u>Educational</u>		
<u>Colleges, Universities, Community Colleges</u> <u>Training Facility</u>	Type C	<u>Type A – All Neighboring Residential</u> <u>Type C – All Other Neighboring Properties</u>
<u>Commercial Nursery Schools/ Day Care Center</u>		
<u>Elementary Schools</u>		
<u>Secondary/High School</u>		
<u>Trade School, Vocational School</u>		
<u>Industry, Manufacturing, Processing, Repairing, Renovating, Assembly of Goods, Merchandise or Equipment</u>		
<u>Brewery, Distillery, Craft Beverage Production with or without Tasting Room or Restaurant (No Drive-Thru Services)</u>	Type B	<u>Type A – All Neighboring Properties</u>
<u>Operations Conducted Entirely Within Fully Enclosed Building and Primarily Consists of Business Done with Walk-In Trade</u>		
<u>Operations Conducted Entirely Within Fully Enclosed Building and Primarily Consists of Business Done without Walk-In Trade</u>		
<u>Operations Conducted Entirely Within or Outside Fully Enclosed Building.</u>		
Use	Frontage Landscaping	Side and Rear Property Lines

<u>Institutional Residence, Care, or Confinement Facilities</u>		
<u>Hospitals</u>	<u>Type B</u>	<u>Type A – All Neighboring Residential Type C – All Other Neighboring Properties</u>
<u>Medical Clinics</u>		
<u>Dental Clinics and Offices</u>		
<u>Institutions (Other than Halfway Houses) for Confined Mentally Ill Persons</u>		
<u>Nursing Care Institutions</u> <u>Intermediate Care Institutions</u> <u>Handicapped or Infirm Institutions</u> <u>Childcare Institutions</u>		
<u>Penal and Correctional Facilities</u>		
<u>Marijuana Production, Processing, and Retail</u>		
<u>Marijuana Production</u> <u>Marijuana Processing</u>	<u>Type B</u>	<u>Type A – All Neighboring Properties</u>
<u>Marijuana Retail</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential Type C – All Other Neighboring Properties</u>
<u>Motor Vehicle Related Sales and Service Operations</u>		
<u>Car Wash</u>	<u>Type B</u>	<u>Type A – All Neighboring Residential Type B – All Other Neighboring Properties</u>
<u>Electric Vehicle Infrastructure</u>		
<u>Fuel Sales</u>		
<u>Painting and Body Work with No Storage of Vehicles Repair and Maintenance, Not Including Substantial Body Work, and No Storage of Vehicles</u> <u>Vehicle Sales and Rental or Mobile Home Sales</u> <u>Vehicle Sales with Installation of Motor Vehicle Parts or Accessories (Tires, Mufflers, etc.)</u>		
<u>Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards, and Automobile Recycling Facilities</u>		
<u>Towing Operations</u>	<u>Type A</u>	<u>Type A – All Neighboring Properties</u>
<u>Office</u>		
<u>Government Office Buildings</u> <u>Health Care Facility</u> <u>Industrial or Manufacturing On-Site Office</u> <u>Research and Development</u> <u>Technology</u> <u>Other Similar Uses</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential Type C – All Other Neighboring Properties</u>
<u>Open Air Markets and Horticultural Sales</u>		
<u>Horticultural Sales with Outdoor Display</u> <u>Temporary (Seasonal) Farmer's Market</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential Type C – All Other Neighboring Properties</u>
<u>Use</u>	<u>Frontage Landscaping</u>	<u>Side and Rear Property Lines</u>

<u>Personal Services</u>		
<u>Banks with Drive-Thru Windows</u>	<u>Type B</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Dry Cleaner / Laundromat</u> <u>Travel Agencies</u>		
<u>Salon / Barber Shop / Beauty Shop / Tanning Studio: Art, Music, Dance</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type C – All Other Neighboring Properties</u>
<u>Professional Services</u>		
<u>Attorney / Legal Services</u> <u>Clinics of Physicians or Dentist</u> <u>Consultant</u> <u>Funeral Home</u> <u>Insurance / Stockbroker</u> <u>Other Similar Uses</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type C – All Other Neighboring Properties</u>
<u>Crematorium</u>	<u>Type A</u>	<u>Type A – All Neighboring Properties</u>
<u>Public and Semi-Public Facilities</u>		
<u>Airport</u> <u>Military Reserve, National Guard Centers</u>	<u>Type A</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Bus Station, Train Station</u>	<u>Type B</u>	<u>Type A – All Neighboring Properties</u>
<u>Post Office</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Civil Defense Operation</u> <u>Fire Stations</u> <u>Police Stations</u> <u>Rescue Squad, Ambulance Service</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Temporary Mobile or Modular Structures Used for Public Services (Mobile Classrooms, Civic Services, Public Health Centers, Emergency Response Centers, etc.)</u>	<u>The Primary Use of the Building Determines the Screening Type</u>	

Use	Frontage Landscaping	Side and Rear Property Lines
Recreation, Amusement, Entertainment - Indoor		
<u>Bowling Alleys, Skating Rinks, Indoor Tennis and Squash Courts, Billiards and Pool Halls, Indoor Athletic and Exercise Facilities, and Similar Uses</u>	Type C	Type A – All Neighboring Residential Type C– All Other Neighboring Properties
<u>Movie Theaters Seating Capacity Less than 300</u> <u>Movie Theaters Unlimited seating capacity</u>		
<u>Indoor Automobile and motorcycle racing tracks</u>	Type A	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Recreation, Amusement, Entertainment - Outdoor		
<u>Athletic Fields, Tennis Courts, Swimming Pools, Miniature Golf Courses, Water Slides, Skateboard Parks, Parks, Swimming Pools,</u>	Type C	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
<u>Coliseums, stadiums, and all other facilities designed to seat or accommodate simultaneously more than 1,000 people</u>	Type A	Type A –All Neighboring Properties
<u>Drive-in movie theaters</u>		
<u>Outdoor Entertainment Venue or Amphitheater</u>		
<u>Golf Course, Par 3 Golf Course, Driving Range, and Similar Uses</u>	Type B	Type A – All Neighboring Residential Type B – All Other Neighboring Properties
Religious		
<u>Religious Assembly – Principle</u>	Type C	Type A – All Neighboring Residential Type C – All Other Neighboring Properties
<u>Religious Assembly – Accessory</u>	The Primary Use of the Building Determines the Screening Type	
Residential		
<u>Mobile Home</u>	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear	N/A – Other Neighboring Residential Type A – All Other Neighboring Properties
<u>Single-Family Apartment Above Permitted Non-Residential Use (only one)</u>		
<u>Single-Family Residence, Detached</u>		
<u>Cottage Housing</u>	1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear	Type B – Neighboring Single-Family Residential Only. N/A – Other Neighboring Residential
<u>Mobile Home Park</u>		Type A – All Other Neighboring Properties

Use	Frontage Landscaping	Side and Rear Property Lines
<u>Residential</u>		
<u>Accessory Dwelling Unit</u>	<u>1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard</u>	<u>Type C – Neighboring Single-Family Residential Only.</u> <u>N/A – Neighboring Residential</u> <u>Type A – All Other Neighboring Properties</u>
<u>Duplex</u>		
<u>Multi-Family Rowhouses</u> <u>Multi-Family Townhouses</u> <u>Multi-Family Triplex</u>	<u>1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard</u>	<u>Type B – Neighboring Single-Family Residential Only.</u> <u>N/A – Other Neighboring Residential</u> <u>Type A – All Other Neighboring Properties</u>
<u>Multi-Family Apartments</u> <u>Multi-Family Conversions</u> <u>Multi-Family Fourplex</u> <u>Multi-Family Garden Apartments</u> <u>Multi-Family Use Above a Permitted Non-Residential Use (Mixed Use)</u>	<u>Type C</u>	<u>Type B – Neighboring Single-Family Residential Only.</u> <u>N/A – Other Neighboring Residential</u> <u>Type A – All Other Neighboring Properties</u>
<u>Residential Homes Emphasizing Special Services, Treatment, or Supervision</u>		
<u>Adult Family Homes (6 or fewer adults)</u> <u>Halfway houses</u> <u>Homes for handicapped or infirm</u> <u>Nursing care, intermediate care homes</u> <u>Permanent Supportive Housing</u> <u>Special Needs Childcare homes</u> <u>Transitional Housing</u>	<u>1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard</u>	<u>N/A – Other Neighboring Residential</u> <u>Type A – All Other Neighboring Properties</u>
<u>In-Home Child Day Care</u>	<u>The Primary Residential Use of the Building Determines the Screening Type</u>	
<u>Residential Rooms for Rent Situations</u>		
<u>Rental of Room within a Single-Family Residence</u>	<u>1 Tree in the Front Yard and/or Street Trees (Depends on the Existing Street Frontage) and 1 Tree in the Rear Yard</u>	<u>Type A –All Neighboring Properties</u>
<u>Boarding houses</u> <u>Rooming houses</u>		
<u>Emergency Housing</u> <u>Emergency Shelter</u>		
<u>Tourist homes and other temporary residences renting by the day or week</u>		
<u>Hotels, motels, and similar businesses or institutions providing overnight accommodations</u>	<u>Type C</u>	<u>Type A –All Neighboring Properties</u>

Use	Frontage Landscaping	Side and Rear Property Lines
<u>Restaurants, Bars, Night Clubs</u>		
<u>Carry-Out and Delivery Service; No Drive-Thru Service; Consumption Outside Fully Enclosed Building</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Carry-Out and Delivery Service; Drive-Thru Service; Service or Consumption Outside Fully Enclosed Building</u>		
<u>Establishments Offering Adult Entertainment</u>		
<u>Gambling Establishments</u>		
<u>No Substantial Carry-Out or Delivery Service; No Drive-Thru Service; Service or Consumption Inside or Outside Fully Enclosed Building</u>		
<u>Retail Trade</u>		
<u>Convenience Stores</u> <u>General Mercantile Principal Use</u> <u>Sales / Rentals Incidental to a Non-Retail Principal Use</u> <u>Wholesale Sales</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Distribution Center</u>		
<u>Home Occupation</u>	<u>The Primary Residential Use of the Building Determines the Screening Type</u>	
<u>Mobile Sales and Delivery</u>	<u>The Surrounding Properties Determine Any Required Screening and Any Drive – Thru Aisles Require Screening</u>	
<u>Services and Enterprises Related to Animals</u>		
<u>Kennel</u> <u>Pet Grooming/Pet Store</u> <u>Veterinarian</u>	<u>Type C</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Soil Processing, Mining, or Quarrying Operations</u>		
<u>Soil processing, mining, quarrying operations, including on-site sales of product</u>	<u>Type A</u>	<u>Type A –All Neighboring Properties</u>
<u>Solid Waste Facilities (Publicly or Privately Owned)</u>		
<u>Biosolid Recycling</u> <u>Sanitary Landfill</u> <u>Solid Waste Recycling Center</u> <u>Solid Waste Transfer Station</u>	<u>Type A</u>	<u>Type A –All Neighboring Properties</u>

Use	Frontage Landscaping	Side and Rear Property Lines
<u>Storage and Parking</u>		
<u>Aircraft Parking or Storage</u>	<u>Type A</u>	<u>Type A – All Neighboring Residential</u> <u>Type B – All Other Neighboring Properties</u>
<u>Parking of vehicles or storage of equipment outside enclosed structures where vehicles or equipment are owned and used by the person making use of lot.</u>		
<u>Warehouse Storage Facility</u>		
<u>Utility Facilities</u>		
<u>Electrical Community or Regional Facility</u> <u>Electrical Neighborhood Facility</u>	<u>Type A</u>	<u>Type A –All Neighboring Properties</u>
<u>Wireless Communication Facilities</u>		
<u>Commercial Antennas 50 feet tall or less</u> <u>Commercial Antennas more than 50 feet tall and receive-only earth stations</u> <u>Commercial Monopole I</u> <u>Commercial Monopole II</u> <u>Commercial Macro Facilities</u> <u>Commercial Micro Facilities</u> <u>Commercial Mini Facilities</u> <u>Non-Commercial Towers and Antennas 50 feet tall or less</u> <u>Non-Commercial Towers and Antennas more than 50 feet tall and receive-only earth stations</u>	<u>Type A</u>	<u>Type A –All Neighboring Properties</u>

Section 5. Arlington Municipal Code section 20.76.124(b)(1) shall be and hereby is amended to read as follows:

1. ~~Suburban Residential~~ Residential Ultra Low Capacity, Residential Low Capacity, Residential Low/Moderate Density, Residential Moderate Density Capacity, Residential Medium Capacity, and Old Town Residential – 2 trees per lot.

Section 6. Arlington Municipal Code section 20.76.130 shall be and hereby is amended to read as follows:

20.76.130 Shade Trees in Parking Areas.

- (a) Vehicle accommodation areas that are required to be paved by §20.72.060 (Parking Area Surfaces) must be shaded by deciduous trees (either retained or planted by the developer) that have or will have when fully mature a trunk at least 8 inches in diameter. When the developer plants trees to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in the Department of Public Works' Design Standards and Specifications.

(b) Landscaping within vehicle accommodation areas shall meet the requirements of §20.46 (Design) and the Development Design Standards.

~~(b)~~(c) Each tree of the type described in Subsection (a) shall be presumed to shade a circular area having a radius of 15 feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, 20 percent of the vehicle accommodation area will be shaded.

~~(c)~~(d) Except as noted in Subsection ~~(e)~~~~(d)~~, no paving may be placed within 2½ feet (measured from the center of the trunk) of any tree retained to comply with Subsection (a), and new trees planted to comply with Subsection (a) shall be located so that they are surrounded by at least 200 square feet of unpaved area.

~~(d)~~(e) Pervious paving (grasscrete, metal grating, etc.) may be used within 2½ feet of a tree if (i) the parking lot is designed so that no significant run-off from the paved areas drains into the area around the base of the tree(s) and (ii) barriers are placed in such a manner as to prevent vehicles from damaging such trees.

~~(e)~~(f) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet, six inches.

~~(f)~~(g) Vegetation shall be planted and maintained to prevent obstruction of driver visibility of pedestrians and other vehicles.

Section 7. 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 8. 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