

ORDINANCE NO. 2025-012

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON AMENDING CHAPTER 20.44 OF THE ARLINGTON MUNICIPAL CODE REGARDING SUPPLEMENTAL USE REGULATIONS UNDER CITY PLANNING NO. PLN 1294

WHEREAS, the city has proposed an update to the Supplemental Use Regulations to the City zoning code; and

WHEREAS, the Arlington Planning Commission considered the revisions on June 3, 2025 and at a public hearing conducted on June 17, 2025; 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 same at a workshop held on July 14, 2025, a meeting on July 21, 2025, 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 provided comments on May 16, 2025 and city staff incorporated the comments in the proposed code amendment; 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 20.44.020G shall be and hereby is amended in its entirety as follows:

20.44.020G Off-Street Parking

- (a) The minimum amount of parking shall be required by Chapter 20.72. Required off-street parking space may be provided in an area owned and maintained in common by the homeowner's association. Parking spaces are located in a common area shall be available to residents or guest or invitees of residents and shall not be reserved for any specific dwelling units.
- (b) All required off-street parking spaces shall be maintained in perpetuity for off-street parking for the residents, or guests of residents. Such spaces shall not be used at any time or in any manner that precluded use for off-street parking of operable motor vehicles regularly used by occupants of the unit lot dwellings.
- (c) Parking shall be prohibited in fire lanes, and each fire lane shall be clearly identified with signage and pavement markings to indicate that the fire lane is not to be used for parking at

any time. The homeowner's association shall be responsible for enforcing this requirement. The city shall have the authority to remove any vehicle illegally parked in a fire lane at the vehicle owner's expense.

- (d) The unit lot subdivision shall provide bicycle parking facilities equal to one stall for every four lots or provide within the garages of each unit.

Section 2. Arlington Municipal Code section 20.44.035 shall be and hereby amended as follows:

20.44.035 Administrative Conditional Use Permit for Homeless Encampments

(S) The homeless encampment shall conform to the following fire code official requirements:

- (i) There shall be no open fires for cooking without pre-approval by the Fire Code Official and no open fires for heating;
- (ii) No heating appliances within the individual tents are allowed without pre- approval by the Fire Code Official;
- (iii) No cooking appliances other than microwave appliances are allowed in individual tents;
- (iv) An adequate number, with appropriate rating, of fire extinguishers shall be provided as approved by the Fire Code Official;
- (v) Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Code Official;
- (vi) Adequate separation between tents and other structures shall be maintained as determined by the Fire Code Official; and
- (vii) All electrical installation shall comply with all national, state and local codes. Electrical cords are not to be strung together and any cords used must be approved for exterior use.

Section 3. Arlington Municipal Code section 20.44.080 shall be and hereby amended as follows:

20.44.080 Administrative Conditional Use Permits for Mobile Sales and Delivery.

(a) Requirements for All Mobile Sales and Delivery

- (i) This section establishes a mechanism for whereby the City may issue a permit to allow for mobile sales and deliveries allowed in zones consistent with the uses found in Chapter 20.40 Table of Permissible Uses.
- (ii) Mobile sales and deliveries are intended as an accessory use to a primary use on a specific parcel. The mobile sales and deliveries use shall not be a standalone use on a vacant parcel. Mobile sales and deliveries shall not be permanent fixtures on a site.
- (iii) An application and all submittal requirements for an administrative conditional use permit will be reviewed and approved by the Community and Economic Development Director.
- (iv) The proposed narrative is required to provide the following: proposed use, hours of operation, duration of stay, strategies to minimize traffic congestion and pedestrian hazards,
- (v) The proposed site plan is required to show the following: proposed location on the property with setbacks from property lines, ingress/egress on the property, parking stalls, ADA parking stalls, on-site traffic flow, pedestrian access/crosswalks, and drive-thru stacking, along with landscaping screening (if needed).

- (vi) The proposed use is required to include the following with the application: Snohomish County Department of Health approval letter, commissary kitchen agreement, restroom facility agreement, hand washing stations, water use, grey water disposal, refuse receptacles, and proof of vehicle registration.
  - (vii) The mobile sales and deliveries use shall obtain a Washington State Business License and City Endorsement License prior to opening for business. Business licenses require annual renewal.
  - (viii) The City may issue and renew permits on an annual basis in conjunction with a valid business license.
  - (ix) The city may grant an administrative conditional use permit for mobile sales and delivery only if it finds the proposed use meets one of the following criteria listed in (b) or (c) based on the type of mobile sales and deliveries use.
- (b) Mobile Sales and Deliveries and Food Truck Sales and Deliveries – All City Limits:
- (i) The proposed mobile sales and deliveries use proposed shall meet the requirements of (a) above; and
  - (ii) The proposed use and site plan will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity; and
  - (iii) The proposed use and site plan will be consistent with the intent of the underlying zone, including the Airport Projection District and Critical Areas; and
  - (iv) The proposed use may be conditioned on hours of operation, duration of stay, strategies to minimize traffic congestion or pedestrian hazards, or any other concern; and
  - (v) Proposed food truck sales and deliveries shall obtain an Arlington Food Truck Fire Inspection Program Checklist or provide an approved Washington State Association of Fire Marshals Food Truck Inspection Checklist or Regional Fire Marshals Mobile Food Preparation Vehicle Inspection Checklist. Fire inspections require annual renewal.
- (c) Food Truck Sales – City Designated Food Truck Court:
- (i) The proposed mobile sales and deliveries use proposed meets the requirements of (a) above, except:
    - (A) Item (ii) as the food truck court has designated this use within the confinements of the court; and
    - (B) Item (iv) does not require strategies to minimize traffic congestion and pedestrian hazards; and
    - (C) Item (v) does not require a site plan, as the food truck court has designated food truck operation areas and each vehicle will be assigned a space to operate; and
    - (D) Item (vi) does not require restroom facility agreement; and
  - (ii) The proposed use may be conditioned on hours of operation, duration of stay, or any other concern; and
  - (iii) Proposed food truck sales and deliveries shall obtain an Arlington Food Truck Fire Inspection Program Checklist or provide an approved Washington State Association of Fire Marshals Food Truck Inspection Checklist or Regional Fire Marshals Mobile

Food Preparation Vehicle Inspection Checklist. Fire inspections require annual renewal.

Section 4. 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 5. 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 21st day of July, 2025.

CITY OF ARLINGTON

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Don E. Vanney, Mayor

ATTEST:

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Wendy Van Der Meersche, City Clerk

APPROVED AS TO FORM:

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Oskar E. Rey, City Attorney