

Chapter 20.44
SUPPLEMENTAL USE
REGULATIONS

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Part I. General Provisions**20.44.010 Solid Waste, Quarrying, Mining, and Similar Uses.**

- (a) All permits for this use shall be subject to this section.
- (b) In addition to all other submission requirements, permit applications for such uses shall be accompanied by a site reclamation plan. This plan shall contain and address the following:
 - (1) A description and site plan detailing how the site will be reclaimed.
 - (2) An analysis of how the reclaimed site will be compatible with existing and anticipated land uses and zoning.
 - (3) An analysis of how the reclaimed site will not prevent the orderly and reasonable use and development of surrounding properties or of properties in adjacent zones.
 - (4) That the proposed use and any expansion does not impair or impede the realization of the objectives of the comprehensive plan, and it would not be detrimental to the public interest to grant such proposed use.
 - (5) The timing and schedule of reclamation.
- (c) All permits for this use shall be subject to the Manufacturing/ Processing Performance Standards of Part III of this Chapter.
- (d) Permits for this use may be limited in duration by the permit-issuing authority. In such a case, the permit shall clearly state the expiration date. The permit period shall be of sufficient duration to ensure the completion of the use for which the permit is required; however, in no instance shall the period of time be in excess of twenty years. Permit renewals shall be processed in the same manner as new applications.
- (e) The permit-issuing authority may consider requiring a performance security in an amount deemed satisfactory to cover the costs of ensuring compliance with the provisions of this section and the terms and conditions of any permit issued under the provisions of this chapter, including required reclamation.

20.44.016 Mixed Use Developments.

In all mixed-use developments (not governed by the mixed-use development regulations), no more than thirty five percent of the gross floor area of the first floor may be parking or other non-commercial uses. Furthermore, such non-commercial uses shall be located away from the primary entrance of the building, with the commercial uses being prominently noticeable from the primary entrance.

20.44.020A Unit Lot Subdivisions (ULSs).

- (a) Unit lot subdivision is an alternative to conventional subdivision process by which the location of a building on a lot can be placed in such a manner that one or more of the building's sides rests directly on a lot line, allowing for the creation of fee simple lots for townhome, and cottage housing developments, in zones where such uses are permitted. Each building shall not be less than ~~one~~two units or exceed ten units and shall maintain a ten-foot separation from other buildings.
- (b) Unit lot subdivisions shall be permitted in all residential zones, (except RULC~~and RLC~~), and all commercial zones (in conjunction with the mixed-use overlay or commercial corridor zone).
- (c) Prior to submittal of the final plat, the design of all buildings shall meet the design standards and shall have received design review approval.
- (d) All units created by a unit lot subdivision shall provide attached private open space for each individual unit equaling fifteen percent of the total lot area, but in no case shall be less than two hundred square feet. The required open space may be provided by one or more of the following: ground level open space, balconies, roof decks or porches.
- (e) Existing multi-family developments which meet or can be brought into conformance with the requirements of the unit lot subdivision may submit an application for such unit lot subdivision. The existing building shall also be in full compliance with the most currently adopted edition of the International Building Code (IBC) and/or the International Residential Code (IRC) and International Fire Code (IFC).
- (f) If a development proposes open or park space exceeding one hundred twenty-five percent of the minimum requirement, buildings may exceed the maximum allowed height requirement by five feet.
- (g) Low impact development street standards are required where feasible.
- (h) Low impact development techniques for stormwater management are required where feasible.

20.44.020B Unit Lot Subdivision Lot Standards

As allowed by this chapter, development on individual unit lots within the unit lot subdivision need to conform to the minimum lot area or dimensional standards of Title 20 – Land Use Code, provided that overall development of the parent parcel meets the development and design standards of the underlying zone and the requirements of this section. There shall be no minimum required lot area for individual lots within a unit lot subdivision, provided that the area of the unit lot shall be large enough to contain the dwelling unit and any accessory structures, decks, fences, garages, driveways, private yard areas, parking, landscaping or other improvements that are accessory to the dwelling unit; provided further, so long as conforming to the approved site development plan, such accessory improvements may encroach upon or be located in an adjoining unit lot or common area pursuant to an appropriate easement.

20.44.020C Development and Design Standards

All development using unit lot subdivisions in residential zones, shall be in compliance with the rules and regulations set forth in Title 20 AMC – Land Use Code, specifically Chapter 20.16 – Permits and Land Division Approval.

20.44.020D Unit Lot Subdivision in Mixed Use Development

All horizontal mixed use development overlay areas utilizing unit lot subdivisions shall strictly adhere to Chapter 20.110.040 – Mixed Use Development Regulations, when designing the site development plan.

20.44.020E Ownership of Common Areas

Portions of the parent parcel not subdivided for individual unit lots or not dedicated as public right-of-way or municipal utility systems shall be owned in common by the owners of the individual lots within the subdivision, or by a homeowner's association comprised of the owners of the individual unit lots within the subdivision

20.44.020F Building Setbacks

Building setbacks shall be as required for the zone as applied to the underlying parent parcel as a whole. There shall be no setback required from unit lot lines which are interior to the perimeter of the parent parcel; provided, however, that any structure located upon a unit lot created hereunder shall comply with the setbacks applicable to the approved site development plan. The unit lot subdivision shall comply with the density and dimensional standards set forth in Chapter 20.48. However, if alley access is proposed, the minimum setback for any structure from the alley shall be five feet.

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) One additional off-street parking space shall be provided for every four lots proposed and be adjacent to the units for which they are required.
- (c) 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.
- (d) 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.
- (e) The unit lot subdivision shall provide bicycle parking facilities equal to one stall for every four lots.

20.44.020H Private Roads and Access Drives

Private access drives are allowed, to provide access to dwellings and off-street parking areas within a unit lot subdivision. All private access drives shall be designed and constructed to city design and construction standards. A separate pedestrian walkway is required from the dwelling units to a public sidewalk. Parking within any access drive shall be prohibited, but off-street parking may be located adjacent to an approved access drive outside the minimum required dimensions of the access drive. 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. As an alternative to the private access drive, the applicant may provide a public street meeting the city's design and construction standards.

20.44.020I Public Water Mains, Sewer Mains, and Fire Hydrants

All water mains, sewer mains and fire hydrants within the unit lot subdivision shall be constructed to city design and construction standards and dedicated to the city. The city shall have the discretion

to refuse or accept dedication of utility systems in developments that this chapter that are not constructed to city standards.

20.44.020J Ingress, Egress, and Utility Access.

Each unit lot subdivision shall make adequate provisions for ingress, egress, and utilities access to and from each unit lot by dedicating streets or by reserving such common areas or easements over and across the parent parcel necessary to comply with all other design and development standards applicable to the approved site development plan.

20.44.020K Landscaping

In addition to perimeter landscaping required for the parent parcel, landscaping shall be provided on each unit lot where yard area abuts an access drive, and between driveways and/or parking areas on abutting lots. A landscape plan shall be submitted with the land use application showing the following:

- (1) Perimeter landscape standard along rear or interior lot lines of parent parcel. All required perimeter landscaping shall be placed within a common area and shall be maintained by the homeowner's association. Conversion of perimeter landscaping to private yard area is prohibited.
- (2) Street trees on public streets shall be per city approved tree list.
- (3) Street trees on private access drives shall be per city approved tree list.

20.44.020L Homeowners Association Incorporation

Prior to the recording of the subdivision, the applicant shall provide evidence that the homeowner's association had been incorporated pursuant to the laws of the State of Washington, including the filing of the association's articles of incorporation with the Washington Secretary of State. In the event the homeowner's association should cease to be a corporation under the laws of the State of Washington and as required by this section, such association shall continue as an unincorporated association governed by the Washington Uniform Common Interest Act (RCW Chapter 64.90).

20.44.20M Covenants and Maintenance

(a) Covenants and Homeowners Association. The applicant shall provide a preliminary draft of covenants, declarations and restrictions with the subdivision application for review as part of the subdivision. Prior to the recording of the subdivision, the applicant shall provide final covenants, declarations and restrictions in a form satisfactory to the city attorney, which shall be recorded with the county auditor's office providing that the homeowner's association shall be subject to and comply with:

- (1) Such covenants, declarations and restrictions;
- (2) The Washington Uniform Common Interest Act (RCW Chapter 64.90);
- (3) The applicable Washington corporation statute;
- (4) Any applicable provisions of the city code including, but not limited to, subsections (b) and (c) of this section below.

(b) Maintenance of Private Common Areas and Infrastructure. All common open space and recreation areas and all private utility infrastructure located within a unit lot subdivision and shall be maintained in perpetuity by the homeowner's association. Prior to the recordings of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection (a) of this section, above, for review by the city, which shall provide that the following common areas and infrastructure are maintained by the homeowner's association in accordance with all applicable provisions of the city code.

- (1) Private access drives;
- (2) Vehicle and pedestrian access easements;

- (3) Joint use and maintenance agreements;
- (4) Common off-street parking;
- (5) Common open space (including, but not limited to, landscape areas, gardens, woodlands, walkways, courtyards or lawns and outdoor recreation areas;
- (6) Private utility infrastructure (including, but not limited to, underground utilities and utility easement;
- (7) Any other common buildings or improvements.

Said covenants, declarations and restrictions shall provide authority for the city, after providing reasonable written notice to the homeowners association and opportunity to perform required maintenance, to recover any costs incurred by the city to maintain private infrastructure or common areas due to a failure of the homeowners association to adequately maintain privately owned improvements, including a lien on the property or other appropriate assurance device, as determined by the city.

(c) Maintenance of Lot, Buildings and Facilities, Buildings, utilities and facilities on individual unit lots shall be maintained by the property owner in accordance with city codes and the requirements of the covenants, declarations and restrictions applicable to the development. Prior to the recording of the subdivision, the applicant shall provide the covenants, declarations and restrictions required by subsection (a) of this section for review by the city, which shall provide that buildings, utilities and facilities on individual lots shall be maintained by the property owner in accordance with city codes and requirements of such covenants, declarations and restrictions.

20.44.20N Recorded Conditions.

Notes shall be placed on the plat recorded with the county auditor's office to acknowledge the following:

- (1) Approval of the design and layout of the unit lot subdivision was granted by the review of the subdivision as a whole, on the parent parcel by the site development plan approval (stating the project file number);
- (2) Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent parcel as a whole, and shall conform to the approved site development plan;
- (3) If a structure or portion of a structure has been damaged or destroyed, any repair, reconstruction or replacement of the structure(s) shall conform to the approved site development plan;
- (4) The individual unit lots are not separately buildable outside of the context of the approved site development plan for the subdivision and additional development of the individual unit lots may be limited as a result of the application of development standards to the parent parcel.

20.44.030 Flexible Development Standards (FDSs).

- (a) All developments using Flexible Development Standards shall have a public hearing before the Hearing Examiner. The Hearing Examiner shall review and may approve all FDSs following a neighborhood meeting per AMC §20.16.235, and recommendation from the Design Review Board on the elevations and footprints of all structures.
- (b) Flexible Development Standards may only be located on tracts of at least five acres within a, Residential Ultra Low Capacity (RULC), Residential Low Capacity (RLC), Residential Moderate Capacity (RMod), Residential Medium Capacity (RMC), or Residential High Capacity (RHC) zoning district, ~~or within a Master Planned Neighborhood (§20.44.032).~~
- (c) The gross residential density of an FDS development shall not exceed the allowable density based on the number of dwelling units per acre. Density bonuses are expressly prohibited.

Allowable densities shall be computed for an FDS development based on the gross density calculations of the given underlying zone.

- (d) Permissible types of residential uses within an FDS development include single-family detached dwellings, single-family attached, duplexes, and multi-family residences regardless of the underlying zone.
- (e) In any FDS development, the developer may create lots and construct buildings with reduced lot size, width, or setback restrictions except that:
 - (1) All perimeter lots shall regardless of the underlying zone meet the minimum lot width for that zone.
 - (2) At least fifty percent of the total number of dwelling units in any FDS development must be single-family detached residences on lots with a minimum lot width of fifty feet in all zones except for the RHC zone where one hundred percent of the allowable number of dwelling units may be detached (cottage style housing) or attached residences.
 - (3) FDS developments must comply with the fire protection requirements of the most current edition as adopted by the State of Washington of the International Building Code (IBC), International Residential Code (IRC) and the International Fire Code (IFC).
 - (4) Setback requirements of the underlying zone shall apply for all property lines located on the perimeter of the FDS development. A perimeter lot shall be a lot abutting directly on an exterior property line for the entire site.
 - (5) Each lot must be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this title.
 - (6) In the RULC Zone, lots adjacent to a critical area must have a minimum of six thousand square feet and a minimum width of 50 feet.
 - (7) Each lot must be designed so that any structure can be built a minimum of fifteen feet from any environmentally critical area buffer.
 - (8) The maximum lot coverage specified in §20.48.064 (Maximum Lot Coverage) shall be met on an average for all lots in the entire FDS development. Thus, in calculating the average maximum lot coverage for a lot, the area of open space protected on that lot through FDSs may be used. However, the developer shall state on the plat the maximum lot coverage for each individual lot so as not to create future, unforeseen inequities.
 - (9) The design of an FDS development, including site layout, landscaping, public facilities (e.g. storm drainage, parks, streets, etc.) and building design shall be subject to recommendation from the Community Development staff to the Hearing Examiner and recommendation from the Design Review Board regarding elevations and footprints of all structures pursuant to the City's adopted Design Standards to the Hearing Examiner. In lieu of the DRB approving each single- or two-family structure, the applicant may propose project specific design guidelines consisting of elevations and footprints for these types of structures only (multi-family residential and communal structures shall always be approved by the DRB as part of the FDS approval). In such a case, the project specific design standards shall be reviewed by the DRB for consistency with the City's Design Standards and be subject to their recommendation to the Hearing Examiner. The Department of Community and Economic Development may then implement them administratively when an applicant applies for building permits. Where authority is granted by the DRB to staff to review individual single- or two-family residential structures, the DRB shall be the arbiter between the applicant and staff.
 - (10) When located in the RULC, RLC, R-Mod, or RMC zone, multi-family portions of an FDS development shall be situated more toward the interior rather than the periphery of the tract, or along an adjoining arterial street, so that the single-family detached residences border adjacent properties that are zoned for single-family residential uses.
 - (11) Screening requirements (Chapter 20.76) shall apply to the exterior boundaries of an FDS development but are not required between uses within an FDS development.
 - (12) When creating an FDS development, residential subdivisions and multi-family projects, the amount of land -saved by creating lots that are smaller than the standards set forth in

§20.48.010 (Minimum Lot Size Requirements) shall be set aside as open space. This open space shall be a minimum of ten percent of the site and shall be improved with common amenities. The amenities can include, but are not limited to usable open space area, landscaped entries into the project (in addition to the standard roadway dedication and landscaping requirements), courtyards, landscape islands in the center of roads, additional protection of significant clusters of trees, low impact designs (rain gardens), additional improved park space, or other amenities as may be appropriate. Of the ten percent of open space required, twenty-five percent of the total may include protected sensitive areas and their buffers. The Hearing Examiner shall be given deference in determining what amount and mix of such amenities counts toward this requirement as long as the minimum threshold is met. In addition, the applicant shall meet the Comprehensive Plan for open space and park land, as well as all applicable Land Use Code requirements.

- (13) In the RLC and RULC zones, low impact development street standards and low impact development techniques for stormwater management shall be used wherever possible.
- (14) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development or the developer who constructs within the RHC zone.

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), with the Hearing Examiner holding a public hearing (following the procedures of §20.24 – Hearing and Pre-Hearing Procedures and Appeals and Applications) and providing a recommendation to City Council for the final ordinance.
- (h) The A city-initiated subarea plan is subject to a Public Hearing before the Hearing Examiner (following the procedures of §20.24 – Hearing and Pre-Hearing Procedures and Appeals and Applications), with a recommendation to City Council for the final ordinance. -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.

20.44.034 Wireless Communications Facilities.

- (a) Purpose. This section is intended to provide for a wide range of locations and options for wireless communication providers while minimizing the visual impacts associated with wireless communication facilities. It is also intended to encourage creative approaches in locating wireless communication facilities so as to encourage facilities to blend in with the surroundings of such facilities. This section is intended to work in concert with other sections of this code. If there is a conflict between Wireless Facilities and other sections of this Title, then the most restrictive requirements apply.
- (b) General Wireless Communication Facilities Development Standards.
Unless other modified by subsequent subsections, all Wireless Communication Facilities shall be subject to the following standards and requirements.
 - (1) Co-location on an existing support structure shall be encouraged. All Wireless Communication Facilities support structures shall be built to accommodate the location of two or more wireless communications facilities unless proved infeasible. It shall be a continuing condition on all land use permits issued for a Wireless Communication Facility that the permit holder allows co-location for reasonable compensation. Co- location on an existing support structure shall be permitted without an additional permit, provided there is not substantial change to the existing support structure.
 - (2) Except for Micro- and Mini- Facilities, shelters or cabinets used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the facility support structure shall be concealed, screened, camouflaged or placed underground.
 - (3) Wireless communication facilities shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
 - (4) Federal Aviation Administration Jurisdiction. All applications for telecommunications facilities regulated by this section must comply with all FAA requirements pertaining to

- operations of a telecommunications device on or near the Arlington Airport. It is the responsibility of the applicant to be familiar with and meet relevant FAA regulations.
- (5) All wireless telecommunications facilities are subject to §[20.44.210 \(Noise\)](#).
 - (6) Signals emanating to or from wireless communications equipment shall conform to current FCC regulations with regard to avoiding the creation of interference to neighboring electronic or other operating devices.
 - (7) FCC Preemption. In any proceeding regarding the issuance of a permit under the terms of this section, federal law prohibits consideration of environmental effects of radio frequency emissions to the extent that the proposed facilities comply with the Federal Communications regulations concerning such emission.
- (c) Development Standards for Micro Facilities.
- (1) Micro Facilities shall comply with §[20.48.060 \(Building Height Limitations\)](#), except when installed completely within appurtenant structures exempted by Subsection (c) of that section.
 - (2) The permitted antenna height includes the wireless communication facility support structure.
 - (3) Structures that are nonconforming with respect to height may be used for the placement of Micro Facilities providing they do not extend more than six feet above the existing structure. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - (4) A Micro Facility shall be located on existing buildings, poles, or other existing support structures, but only if the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
 - (5) The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
 - (6) In RLC, and RMC zones, Micro Facilities for a specific wireless provider shall be separated by a distance of at least one thousand three hundred twenty linear feet from other wireless communications facilities.
 - (7) The facility shall also comply with the requirements of Subsection (b).
- (d) Development Standards for Mini Facilities.
- (1) Mini Facilities shall comply with §[20.48.060 \(Building Height Limitations\)](#) except as follows: Omni directional antennas may exceed the height limitation by ten feet, or in the case on nonconforming structures, the antennas may extend ten feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing nonconforming building and blends in architecturally with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.
 - (2) A Mini Facility may be located on existing buildings, poles, or other existing support structures, but only if the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
 - (3) The shelter or cabinet used to house radio electronic equipment shall be contained wholly within a building or structure, or otherwise appropriately concealed, camouflaged or located underground.
 - (4) The facility shall also comply with the requirements of Subsection (b).
- (e) Development Standards for Macro Facilities.
- (1) Macro Facilities shall comply with §[20.48.060 \(Building Height Limitations\)](#), except as follows: Omni directional antennas may exceed the height limitation by fifteen feet, or in the case of nonconforming structures, the antennas may extend fifteen feet above the existing structure. Panel antennas may exceed the height limitation if affixed to the side of an existing building and architecturally blends in with the building. Placement of an antenna on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure.

- (2) The Macro Facility shall be the same color as the existing building, pole or support structure on which it is proposed to be located unless the permit-issuing authority makes findings that a different color would be less intrusive and better blend with the existing structure.
- (3) A Macro Facility may be located on existing buildings, poles, or other existing support structures, but only if the interior wall or ceiling immediately adjacent to the facility is not designated residential space.
- (4) The facility shall also comply with the requirements of Subsection (b).
- (f) Development Standards for Monopole I.
 - (1) Macro facilities are the largest wireless communication facilities allowed on a Monopole I. Antennas equal to or less than fifteen feet in height or up to four inches in diameter may be a component of a Monopole I facility.
 - (2) Monopole I facilities are exempt from §[20.48.060 \(Building Height Limitations\)](#). The maximum height for a Monopole I facility support structure shall be sixty feet. Antennas may extend above the Monopole I wireless communications support structure another fifteen feet, making the maximum permitted height of the support structure and antennas seventy-five feet (sixty feet plus fifteen feet).
 - (3) Monopole I facilities shall be separated from other wireless communications facilities by a distance of at least five hundred feet.
 - (4) Monopole I facilities are not allowed within three hundred feet of a residential zone.
 - (5) Monopole I facilities must comply with FAA Part 77 regulations.
 - (6) The facility shall also comply with the requirements of Subsection (b).
- (g) Development Standards for Monopole II.
 - (1) Monopole II facilities are only permitted in the portion of the General Industrial (GI) district east of 67th Avenue NE and south of 204th Street NE, and the entire Highway Commercial (HC) Zone.
 - (2) Macro facilities are the largest permitted wireless communication facilities allowed on a Monopole II facility.
 - (3) Monopole II facilities are exempt from §[20.48.060 \(Building Height Limitations\)](#). The maximum height for a Monopole II facility support structure shall be one hundred fifty feet. Antennas may extend above the Monopole II wireless communications support structure another fifteen feet, making the maximum permitted height of the support structure and antennas one hundred sixty-five feet (one hundred fifty feet plus fifteen feet).
 - (4) Monopole II facilities shall be separated from other wireless communications facilities by a distance of at least five hundred feet.
 - (5) Monopole II facilities are not allowed within three hundred feet of a residential zone.
 - (6) Monopole II facilities must comply with FAA Part 77 regulations.
 - (7) The facility shall also comply with the requirements of Subsection (b).
- (h) Modification of Existing Facilities. Minor modifications to existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, are exempt from having to obtain a land use permit so long as there is little or no change in the visual appearance. Minor modifications are those modifications, including the addition of antennas, to permitted wireless and attached wireless communications facilities that meet the requirements set forth in this section.
- (i) Obsolescence. A wireless communications facility or attached wireless communications facility shall be removed by the facility owner within six months of the date it ceases to be operational or if the facility falls into disrepair.

20.44.035 Administrative Conditional Use Permit for Homeless Encampments

- (a) This section establishes a mechanism whereby the City may, for a period not to exceed ninety days, permit homeless encampments that would not otherwise be permitted in the zone in which

they are proposed.

- (b) Administrative conditional use permits for homeless encampments shall follow the public notification process as described in section 20.16.220(e).
- (c) The City may grant an administrative conditional use permit only if it finds that:
 - (1) The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity; and
 - (2) The proposed use or site plan is not otherwise allowable in the zone in which it is proposed.
 - (3) Homeless encampments shall be located on existing sites owned or controlled by churches within those zones in which a church is a permitted use under AMC 20.40, Tables of Permissible Uses.
- (d) The City shall establish density and dimensional standards as part of the approval process of each administrative conditional use permit. The City will use the nature of the proposed use and the character of the surrounding area as guides in establishing these standards.
- (e) The City shall not grant an administrative conditional use permit at the same site more frequently than once in every three hundred sixty-five-day period. The City may only grant an administrative conditional use permit for a specified period of time, not to exceed ninety days.
- (f) No more than one homeless encampment may be located in the City at any time.
- (g) In addition to the foregoing requirements and standards, the following definitions and standards apply to homeless encampments.
 - (1) Definitions
 - (A) Homeless Encampment – A group of homeless persons temporarily residing out of doors on a site with services provided by a Sponsor and supervised by a Managing Agency.
 - (B) Managing Agency – An organization that has the capacity to organize and manage a homeless encampment. A -Managing Agencyl may be the same entity as the Sponsor.
 - (C) Sponsor – An entity that has an agreement with the Managing Agency to provide basic services and support for the residents of a homeless encampment and liaison with the surrounding community and joins with the Managing Agency in an application for a temporary use permit. A -Sponsorl may be the same entity as the Managing Agency.
 - (2) Standards
 - (A) The encampment shall be located a minimum of thirty (30) feet from the property line of an abutting residential zone.
 - (B) Type A sight-obscuring landscaping and/or fencing shall be required around the perimeter of the homeless encampment unless the Community and Economic Development Director determines that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.
 - (C) All exterior lighting shall be directed downward and contained within the homeless encampment.
 - (D) The maximum number of residents within a homeless encampment is one hundred.
 - (E) Off street parking shall be provided for the additional vehicles and shall not create a shortage of existing required parking.
 - (F) No permanent structures will be constructed for the homeless encampment.
 - (G) A transportation plan is required which shall include provisions of transit services.

- (H) The homeless encampment shall be located within one-half mile of transit service.
- (I) No children under eighteen are permitted in the homeless encampment. If a child under the age of eighteen attempts to reside at the camp the Sponsor or Managing Agency shall contact Child Protective Services.
- (J) No animals shall be permitted in encampments except for service animals.
- (K) The Managing Agency shall enforce a code of conduct. All homeless encampment residents shall sign an agreement to abide by the code of conduct prior to being admitted to the encampment. If a resident fails to abide by the code of conduct, the Managing Agency shall expel the resident from the property. The code shall contain the following as a minimum:
 - (i) No drugs or alcohol;
 - (ii) No weapons;
 - (iii) No violence;
 - (iv) No trespassing onto private property in the surrounding neighborhood;
 - (v) No loitering in the surrounding neighborhood; and
 - (vi) Quiet hours.
- (L) The Sponsor or Managing Agency shall keep a log of all people who stay overnight in the encampment, including names and birth dates, and dates of stay. Logs shall be kept a minimum of six months.
- (M) The Sponsor or Managing Agency shall take all reasonable and legal steps to obtain verifiable ID, such as a driver's license, government-issued identification card, military identification, or passport from prospective and existing encampment residents.
- (N) The Sponsor or Managing Agency will use identification to obtain sex offender and warrant checks from the Washington State Patrol, the Snohomish County Sheriff's Office or relevant local police department.
 - (i) If said warrant and sex offender checks reveal either (1) an existing or outstanding warrant from any jurisdiction in the United States for the arrest of the individual who is the subject of the check; or (2) the subject of the check is a sex offender, required to register with the County Sheriff or their county of residence pursuant to RCW 9A.44.130, then the Sponsor or Managing Agency will reject the subject of the check for residency to the homeless encampment or eject the subject of the check if that person is already a homeless encampment resident.
 - (ii) The Sponsor or Managing Agency shall immediately contact the police department if the reason for rejection or ejection of an individual from the homeless encampment is an active warrant. In other cases of rejection or ejection, the designated representative of the Sponsor or Managing Agency shall immediately provide the facts leading to such action to the Arlington Police Department and the Snohomish County Sheriff's Office.
- (O) The Sponsor or Managing Agency shall self-manage its residents and prohibit alcohol, drugs, weapons, fighting, and abuse of any kind, littering, or disturbing the neighbors while located on the property.
- (P) The Sponsor or Managing Agency will appoint a designated representative to serve -on-duty as an Encampment Manager at all times to serve as a point of contact for the

Police Department and will orient the Police as to how the security tent operates. The names of the on-duty designated representative will be posted daily in the security tent. The City shall provide contact numbers of non-emergency personnel which shall be posted at the security tent.

- (Q) The property must be sufficient in size to accommodate the tents necessary on-site facilities, including, but not limited to the following:
 - (i) Sanitary portable toilets in the number required to meet capacity guidelines;
 - (ii) Hand washing stations by the toilets and by the food areas;
 - (iii) Refuse receptacles; and
 - (iv) Food tent and security tent.
- (R) The Managing Agency shall ensure that legal connections to the City's public water and sanitary sewer systems are obtained and must be in compliance with all state and local requirements. The Managing Agency shall ensure compliance with fire and building regulations.
- (S) The homeless encampment shall conform to the following fire department requirements:
 - (i) There shall be no open fires for cooking without pre-approval by the Fire Department and no open fires for heating;
 - (ii) No heating appliances within the individual tents are allowed without pre-approval by the Fire Department;
 - (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 Department;
 - (v) Adequate access for fire and emergency medical apparatus shall be provided. This shall be determined by the Fire Department;
 - (vi) Adequate separation between tents and other structures shall be maintained as determined by the Fire Department; 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.
- (T) The Sponsor and Managing Agency shall permit inspections by City staff at reasonable times without prior notice for compliance with the conditions of the Homeless Encampment Permit.

20.44.037 Administrative Conditional Use Permits for Temporary / Seasonal Use. ~~or Special Event~~

- (a) This section establishes a mechanism whereby the City may issue a permit to allow a use to be temporarily conducted that would not otherwise be permitted in the zone in which it is located. It is intended to permit seasonal ~~and special~~ events, carnivals and/or fairs that would not be permitted in the zone in which they are proposed.
- (b) An application for an administrative conditional use permit will be reviewed and approved by the Community and Economic Development Director.
- (c) The City may grant an administrative conditional use permit only if it finds that:
 - (1) The proposed use or site plan will not be materially detrimental to the public welfare or injurious to the property or improvements in the immediate vicinity; and
 - (2) The Proposed use or site plan will be consistent with the intent of the underlying zone, including the Airport Protection District and Critical Areas.
 - (3) Permits for temporary events shall be located in zones that are consistent with permanent facilities found in Chapter 20.40 Table of Permissible Uses. ~~Examples include~~

~~Horticultural Sales with Outdoor Display allowed in NC, GC, HC, and GI zones. Example: Motor Vehicle Sales or Rental; Mobile Home Sales allowed in OTBD2, OTBD3, GC, and HC zones.~~

- (d) The City shall establish density and dimensional standards as part of the approval process of each administrative conditional use permit. The City will use the nature of the proposed use and the character of the surrounding area as guides in establishing these standards. A parking lot plot plan, including provisions for handicap parking, will be required with each submittal. A plan for circulation, traffic control and portable restroom facilities will be required.
- (e) The City shall not grant an administrative conditional use permit (for a seasonal event) at the same site more frequently than twice in a three hundred sixty-five-five-day period. The City may only grant a permit for a specified period of time, not to exceed more than two seasonal events each year with each seasonal event lasting no longer than thirty days. As an option, a property owner may process a special-seasonal event permit and not to exceed more than six special-seasonal events each year with each special-seasonal event lasting no longer than ten days. In any case, the combination of seasonal ~~and special events~~ shall not exceed sixty days per year.
- (f) If the proposed use is a sale or other event which will generate sales tax, approval from the Department of Revenue shall be required prior to permit issuance.
- (g) Exceptions. Temporary staging facilities for public projects may be approved for a time period not to exceed the duration of their construction.

20.44.040 Temporary Emergency, Construction, or Repair Residences.

- (a) Temporary residences used on construction sites shall be removed immediately upon the completion of the project.
- (b) Permits for temporary residences to be occupied pending the construction, repair, or renovation of the permanent residential building on a site shall expire within six months after the date of issuance, except that the Community and Economic Development Director may renew such permit for one additional period not to exceed three months if he determines that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation, or restoration work necessary to make such building habitable.

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:
 - 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.
- (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:
 - 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.
- (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.

20.44.044 Recreational Vehicles as Temporary Dwelling Units.

- (a) Except where permitted pursuant to Subsection (b) of this section, no recreational vehicle shall be occupied for residential or commercial purposes anywhere in the City of Arlington except:
- (1) In the case of temporary uses per §20.44.040 (Temporary Emergency, Construction, or Repair Residences); or,
 - (2) Visitors may occupy recreational vehicles within residential zones for a period not to exceed seven days, provided:
 - (A) Temporary occupancy shall not exceed seven days in forty-five-day period;
 - (B) Under no circumstances shall a recreational vehicle be occupied while parked overnight on a public street, alley, right-of-way, or other public property;
 - (C) No recreational vehicle shall be serviced by a temporary or permanent sewer hook-up emptying into the City's system or a private septic system; and
 - (D) Nor shall any space be provided for an occupied recreational vehicle for monetary or other compensation.
- (b) The Responsible Official may allow the gathering of three or more travel trailers, motor homes or campers of an organization or for a special event by issuance of a revocable permit. Such permit shall be issued when an application is made seventy-two hours in advance of the visit, and contains:
- (1) The dates of the stay, not to exceed seven days in a three-month period unless otherwise allowed by the Special Event Permit;
 - (2) The maximum number of vehicles;
 - (3) The location of the stay, including the permission of property owners in the case of private property;
 - (4) The name and address of the organization and/or the responsible party;
 - (5) The notarized signature of the applicant.

20.44.048 Temporary Public Structures.

Public agencies may erect and use temporary structures (e.g., portable school classrooms, civic uses, emergency command centers, -health and social services centers, - etc.) upon demonstrating that such a use is ~~in~~for the public benefit and that the use is temporary in nature. Unless permanently allowed by a land use permit for the entire site, permits for temporary public structures shall expire one year after issuance, but may be renewed annually by the Community and Economic Development Director upon demonstration of demonstrated public benefit and that the structures and surrounding grounds are kept in a clean and orderly state.

20.44.050 Co-Living Housing.

Co-living housing is a residential development with sleeping units that are independently rented and provide living and sleeping space, in which residents share kitchen facilities with residents of other units in the building. Co-living housing follows RCW 36.70A.

- (a) The city must allow co-living housing as permitted use on any lot located within an urban growth area that allows at least six multi-family residential units, including on a lot zoned for mixed-use development.

(b) The city may not require co-living housing to:

- (1) Contain room dimensional standards larger than that required by the state building code, including dwelling unit size, sleeping unit size, room area, and habitable space;
- (2) Provide a mix of unit sizes or number of bedrooms;
- (3) Include other uses;
- (4) Provide off-street parking within one-half mile walking distance of a major transit stop;
- (5) Provide more than 0.25 off-street parking spaces per sleeping unit;
- (6) Exclude co-living housing from participating in affordable housing incentive programs under RCW 36.70A.540;
- (7) Treat a sleeping unit in co-living housing as more than one-quarter of dwelling unit for purposes of calculating dwelling unit density;
- (8) Treat a sleeping unit in co-living housing as more than one-half of a dwelling unit for purposes of calculating fees for sewer connections, unless the city makes a finding, based on facts, that the connection fees should exceed the one-half threshold.

20.44.060 Minimum Parcel Sizes for Manufactured and Mobile Homes.

In the Residential Ultra Low Capacity, Residential Low Capacity, and Residential Moderate Capacity. Mobile homes are only allowed pursuant to §[20.40 \(Tables of Permissible Uses\)](#) and on parcels of the following minimum size:

Single Manufactured or Mobile Homes	1 acre
Manufactured or Mobile Home Parks	5 acres

20.44.062 Mobile Home Parks.

- (a) Pursuant to §[20.48.020 \(Residential Density\)](#), mobile home parks are exempt from maximum density requirements. They may achieve whatever density achievable so long as they meet all the requirements of this Title.
- (b) The minimum parcel size for mobile home parks is regulated by §[20.44.060 \(Minimum Parcel Sizes for Manufactured or Mobile Home Parks\)](#).
- (c) Individual spaces within a mobile home park may not be subdivided.
- (d) The total lot coverage by structures in a mobile home park shall not exceed forty-five percent of the site area.
- (e) The maximum number of units allowed in a single mobile home park or combination of adjacent parks shall be one hundred seventy-five (175) units. Mobile home parks shall be considered to be adjacent to one another unless they are completely separated by unrelated land use, and not merely by a public or private street, easement, or buffer strip.
- (f) All internal roads shall be paved. One-way roads shall have a minimum of a twelve-foot travel lane. Two-way roads shall have a minimum of two ten-foot travel lanes. All cul-de-sacs and turnarounds shall meet City cul-de-sac and turn-around standards.
- (g) In addition to any screening requirements of [Chapter 20.76](#) (Screening & Shading), a minimum of five percent of the site shall be held as common area, evenly distributed throughout, and adequately landscaped. Such common area shall include any entryway(s) into the mobile home park, which shall be landscaped to Type B, Semi-Opaque standards (see §[20.76.040, Descriptions of Screens](#)).
- (h) All mobile home parks shall have an on-site Manager.
- (i) Site plans for mobile home parks shall state for each pad whether it is intended for a singlewide or doublewide mobile home.
- (j) Internal minimum setbacks within a Mobile Home Park for individual units shall be ten feet from an internal roadway, parking, or other common area and five feet from the lines dividing leasable spaces.

20.44.064 Trade or Vocational Schools in the OTBD-1.

Trade or vocational schools are permissible in the OTBD-1 District on the second or higher floors only.

20.44.066 Outdoor Storage for Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards, Automobile Recycling Facilities, Construction Yards, and Industrial or Manufacturing Uses.

(a) General Requirements.

- (1) All storage areas shall be located between the rear property line and the primary structure on the site; no storage shall be located between the structure and a public or private street.
- (2) Outdoor storage shall not be permitted over or take away required parking stalls.
- (3) Outdoor storage shall not be permitted on undeveloped lots.
- (4) For construction yards and industrial or manufacturing uses, outdoor storage shall consist of supplies, materials, and/or equipment that are in working and usable condition

(b) Outdoor Storage Surface.

- (1) All storage areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against soil, groundwater, surface water, and aquifer contamination, and potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in the Public Works Construction Standards and Specifications.
- (2) Storage areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, storage area surfaces shall be kept in good condition (free from potholes cracks, breaks or other defects that would allow contaminants to penetrate).

(c) Storage Screening.

- (1) All outdoor storage areas shall be screened pursuant to Chapter 20.76 (Screening and Shading) and fenced pursuant to Chapter 20.46 (Design) and Chapter 20.48 (Density and Dimensions).

20.44.068 Adult Family Home

- (a) A new adult family home is required by Chapter 20.40 to obtain a zoning permit.
- (b) The adult family home shall comply with all Washington State regulations.
- (c) The adult family home shall comply with the International Building Code, International Residential Code, and the International Fire Code.
- (d) The adult family home shall obtain a business license from Washington State and the City.
- (e) The applicant shall provide the following for compliance:
 - (1) Zoning Permit application form and checklist. Type of permit determined above in section 20.44.068 (a) and (b).
 - (2) Site Plan showing all changes within the structure, including the layout, ADA accessibility, the number of proposed bedrooms, number of proposed beds, square footage of each bedroom, and access to all common areas, including but not limited to kitchen, living room, dining room, restrooms, and laundry rooms.
 - (3) Site Plan showing all changes outside the structure, including parking spaces per the required parking listed in Chapter 20.72, ADA access and improvements, emergency vehicle access, along with general ingress and egress to and from the site.

20.44.070 Homes Emphasizing Special Services, Treatment, or Supervision.

~~This section applies to all like uses in Chapter 20.40, Tables of Permissible Uses.~~

- ~~(a) In addition to other applicable standards, no use, with the exception of adult family homes, shall be located closer than one thousand two hundred feet, measured from property lines, from another such use. For the purpose of this section, a development shall be defined as a building or group of buildings on a single parcel of land. This provision is intended to prevent the creation of a *de facto* social service district.~~
- ~~(b) Facilities shall be maintained to conform to the character of its neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood character. This will minimize disruption of a neighborhood due to the introduction of a dissimilar structure.~~
- ~~(c) Uses shall be licensed pursuant to any and all state requirements.~~
- ~~(d) Uses that may pose a potential threat to minors (e.g., sexual predator transitional housing) shall be located no closer than twelve hundred feet, measured from property lines, from a school, park, or other place where children can reasonably be expected to congregate.~~

The following applies to all permissible uses listed under this section of Chapter 20.40, Tables of Permissible Uses, that are not addressed in another section of Title 20 - Zoning. Section (a) provides general requirements for all use types and section (b) provides additional requirements depending on the specific use type.

(a) General Requirements:

- (1) Facilities shall be maintained to conform to the character of its neighborhood. This applies to design, density, lot size, landscaping, or other factors affecting the neighborhood character.
- (2) Uses shall be licensed pursuant to any and all state requirements.
- (3) Uses shall comply with any and all local, state, or federal requirements.
- (4) Uses that may pose a potential threat to minors (e.g., sex offender housing of any use type listed in this section) shall be located no closer than twelve hundred feet, measured from property lines, from a school, park, or other place where children can reasonably be expected to congregate.

(b) Specific Use Type Requirements:

- (1) Emergency Housing, Emergency Shelters, Homes for Handicapped or Infirm, In-Home Child Day Care, Nursing Care-Intermediate Care Homes, Permanent Supportive Housing, Special Needs Childcare Homes, and Transitional Housing uses are required to:
 - i. Shall follow section (a) and all the applicable permit type requirements of §20.40 Permissible Uses and §20.16 Permits and Land Division Approval.
 - ii. No additional restrictions are required for these uses.
- (2) Halfway Houses and Health Care Facilities (providing drug, alcohol or similar rehabilitation) uses:
 - i. Shall follow section (a) and all the applicable permit type requirements of §20.40 Permissible Uses and §20.16 Permits and Land Division Approval.
 - ii. Shall not be located closer than one-thousand two-hundred feet, measured from property line, from another such use. This provision is intended to prevent the creation of a *de facto* social service district.

(3) Religious Organization Sites:

- i. Religious Organization means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property, per RCW 36.01.290 (6) (c).
- ii. Any Affordable Housing, Emergency Housing, Emergency Shelters, Permanent Supportive Housing, or Transitional Housing uses are allowed to occur on any property owned by a religious organization.
- iii. Shall follow section (a) and all applicable permit type requirements of §20.40 Permissible Uses and §20.16 Permits and Land Division Approval.
- iv. A density bonus increase of 50% is allowed on any site per RCW 36.70A.545, as long as all other dimensional standards of §20.48 Density and Dimensional Standards subject to the zone are met.

20.44.072 Reasonable Accommodation.

- (a) Any person claiming to have a handicap, or someone acting on his or her behalf, who wishes to be excused from an otherwise applicable requirement of this Land Use Code under the Fair Housing Amendments Act of 1988, 42 USC 3604(f)(3)(b), or the Washington Law Against Discrimination, Chapter [49.60](#) RCW, must provide the Director of the Community and Economic Development Department with verifiable documentation of handicap eligibility and need for accommodation. The Director shall act promptly on the request for accommodation. If handicap eligibility and need for accommodation are demonstrated, the Director shall approve an accommodation which may include granting an exception to the provisions of this Code. The Director shall not charge any fee for responding to such a request. The Director's decision shall constitute final action by the City on the request for accommodation, and review of that decision will be available only in court. An action seeking such review must be filed not more than twenty-one days after the Director's decision.
- (b) The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site who establish the same use within six months of the date the prior use by disabled person or residential care provider ceases. The community and economic development director may therefore direct that any physical change in the structure which would otherwise be illegal under the use or bulk requirements of Title 20, Land Use Code, and be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the Americans with Disabilities Act ("ADA"), FHA and WLAD.

20.44.080 Administrative Conditional Use Permits for Mobile Sales and Delivery.

- (a) 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.
- ~~(a)~~(b) 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 stand-alone use on a vacant parcel and never leave the site.
- ~~(b)~~(c) An application for an administrative conditional use permit will be reviewed and approved by the Community and Economic Development Director.
- ~~(e)~~(d) The City may grant an administrative conditional use permit only if it finds that:

- (1) 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
 - (2) 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
 - (3) The site plan is required to show the following requirements: drive-thru stacking, parking, ADA parking, landscape requirements, ingress / egress, and on-site traffic flow; and
 - (4) The proposed use shall provide information and the location of restroom facilities, hand washing stations, water use, grey water disposal, and refuse receptacles; and
 - (5) 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.
- ~~(d)~~(e) The City may issue and renew permits on an annual basis in conjunction with a business license.
- ~~(e)~~(f) The mobile sales and deliveries use shall obtain a Washington State Business License and City Endorsement License prior to opening for business.

20.44.082 Home Occupations.

- (a) Purpose: The purpose of this section is to allow limited commercial activity incidental to residential use of a dwelling unit while ensuring all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in residential neighborhoods.
- (b) Applicability: Home occupations are allowed as an accessory use to the residential use of a single-family, multifamily, or accessory dwelling unit, subject to the requirements of this chapter. A business license shall be required for all home occupations.
- (c) Residency: The location of the home occupation must be the principal residence of the person(s) conducting the home occupation.
- (d) Standards for Home Occupations: A home occupation may be conducted if it:
- (i) Is carried on by an owner or renter of the dwelling unit and, in addition, may involve no more than two other business participants visiting the dwelling unit (or, for properties that contain an accessory dwelling unit, visiting the property) per day. "Other business participants" shall include non-family employees and independent contractors;
 - (ii) Has no outside storage;
 - (iii) Requires no alteration to the interior or exterior of the dwelling that changes its residential character;
 - (iv) Does not involve activities, including but not limited to the use of heavy equipment, power tools, power sources, hazardous materials, or other equipment or materials that result in noise, vibration, smoke, dust, odors, heat, traffic, parking, or other conditions that exceed, in duration or intensity, such conditions normally produced by a residential use;
 - (v) Has, in addition to daily mail service, no more than a combined total of three commercial and courier pickups and deliveries at the dwelling unit (or, for properties that contain an accessory dwelling unit, the property) per day, and no more than ten such pickups and deliveries per week. Said pickups and deliveries shall occur between the hours of 8:00 a.m. and 6:00 p.m.;
 - (vi) Occupies no more than twenty-five percent of the total gross floor area, or no more than five hundred square feet of floor area (whichever is less), including any space in an accessory structure;
 - (vii) No stock-in-trade or any other material associated with the home occupation shall be visible on the site;

- (viii) Includes no more than six clients/customers per day and no more than two clients/customers at any time visiting the dwelling unit (or, for properties that contain an accessory dwelling unit, visiting the property) for goods or services. A family arriving in a single vehicle shall be considered one (1) client. Client/customer visits to a home occupation shall be between the hours of eight a.m. and eight p.m.;
- (ix) Operates no more than one (1) vehicle, van, truck or similar vehicle. The vehicle shall not exceed any of the following:
 - (1) A gross vehicle weight of ten thousand pounds;
 - (2) A height of ten feet; and/or
 - (3) A length of twenty-four feet;

The measurement of vehicle height and length shall include bumpers and any other elements that are required by federal or state law for the operation of the vehicle on public roads; and
- (x) Shall conform to all performance standards as regulated in Part III. Performance Standards, Chapter 20.44 Supplemental Use Regulations.
- (e) The application for a home occupation shall be reviewed under the business license process. An application for a home occupation under this section may be approved if the home occupation:
 - (i) Will not harm the character of the surrounding neighborhood; and
 - (ii) Will not include outdoor storage and/or operation of building materials, machinery, commercial vehicles, or tools, except if it meets the following criteria:
 - (1) Is appropriately screened from other properties;
 - (2) Does not emit noise, odor, or heat; and
 - (3) Does not create glare; and
 - (iii) Does not create a condition which injures or endangers the comfort, repose, health or safety of persons on abutting properties or streets; and
 - (iv) Will not generate excessive traffic or necessitate excessive parking; and
 - (v) Will locate and screen any required or proposed site improvement in a manner that minimizes its view from surrounding properties or adjacent streets.
- (f) Enforcement – Upon determination that there has been a violation of any provision of this section, the City may pursue code enforcement in accordance with the provisions of AMC Chapter 11.01 Enforcement Provisions.

20.44.084 Stand Alone Office Uses in the General Industrial Zone.

In limited cases in the General Industrial District where a freestanding office building that is accessory to an otherwise permissible use has existed for more than five years, and is specifically designed so that it is not convertible to other permissible uses. If the building is subdivided from the remainder of the property it must meet all other code requirements.

20.44.090 Outdoor Storage or Display of Retail Items.

Where allowed by [§20.40 \(Tables of Permissible Uses\)](#), the outdoor storage or display of retail items shall meet the following criteria:

- (1) The outdoor retail display shall be accessory to a permitted retail use.
- (2) The total area allowed for outdoor storage shall be the lesser of ten percent of the length of the primary store front times one foot, or one percent of the total square footage of said store, but in any event at least thirty-two square feet may be permitted;
- (3) It can be reasonably demonstrated that storage will be attractively displayed, be located adjacent to a wall or walls, and remain in the area specified for its display;
- (4) The stored materials shall not be located within the public right-of-way without first obtaining a right-of-way use permit from the City. The sidewalk shall remain clear and provide a minimum of 44 inches in width. Retail display shall not be located within required

- fire lanes or required parking stalls.
- (5) Safe ingress and egress to the site, visibility for transportation, and pedestrian access shall be maintained.
 - (6) Bulk storage shall only be allowed for Hardware Stores, Garden Centers, Feed Stores, Tractor Supply Stores, Co-Op Stores, or similar, where the outdoor storage is permanently located outdoors due to the size and/or weight of the items for sale.

20.44.094 Adult Entertainment Facilities.

- (a) *Purpose:* The purpose of this section is to delineate the locational requirements of adult entertainment facilities within the City, and to provide a buffer between such facilities and other facilities when the location of an adult entertainment facility could be incompatible with other land uses.
- (b) *Locational and Separation Requirements.*
 - (1) No adult entertainment facility shall be permitted to locate within the City unless the following locational criteria are met:
 - (A) Adult entertainment facilities shall be prohibited within one thousand feet of any residential zone.
 - (B) Adult entertainment facilities shall be prohibited within one thousand feet of any church or religious facility or institution.
 - (C) Adult entertainment facilities shall be prohibited within one thousand feet of any public or private school, training facility, or technical school that has twenty-five percent or more of its students under the age of eighteen.
 - (D) Adult entertainment facilities shall be prohibited within one thousand feet of any public park or playground.
 - (E) Adult entertainment facilities shall be prohibited within one thousand feet of any day care center.
 - (F) Adult entertainment facilities shall be prohibited within five hundred feet of any existing establishment selling alcoholic beverages for consumption on the premises.
 - (2) The distances provided herein shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed adult entertainment facility is or is to be located, to the nearest point of the parcel or the zoning district boundary line from which the proposed adult entertainment facility is or is to be separated.
 - (3) Nothing within the locational requirements set forth herein shall preclude an adult entertainment facility from conducting more than one adult entertainment activity within a single structure, provided the adult entertainment activity otherwise complies with this chapter and all other City regulations.
 - (4) In the event an adult entertainment facility is legally established in accordance with the requirements of this chapter, the subsequent location of any facility described in Subsection (b)1 of this section shall not affect the conformity of the legally established adult entertainment facility.
- (c) *Variances from Separation Requirements.*
 - (1) Whenever the proponent of a business or other land use subject to the locational and separation requirements set forth in this Chapter feels that strict application of such requirements is not necessary to achieve an effective degree of physical separation between the proposed business or other land use and other uses in the vicinity, the proponents shall have the right to apply for a variance of the requirements upon payments of the fee for the variance application.
 - (2) In determining when a variance should be granted, and if so, to what extent, the permit-issuing authority shall consider the following, in addition to the general criteria for variances established by this Title:
 - a. Topographical and other features of the land which provide actual separation between

- the proposed business or other land use and surrounding land uses;
 - b. Pedestrian and vehicular circulation patterns in the vicinity of the proposed activity; and
 - c. Any other fact or circumstance that has a significant effect upon the need for the full separation distance required by this Chapter.
- (3) If after considering these criteria, the permit-issuing authority finds that an effective separation between the proposed business or other land use and surrounding uses can be achieved without requiring the full distance of separation provided by this section, they shall determine the degree of variance to be allowed and shall grant such variance. Otherwise, the application for variance shall be denied.

20.44.096 Penal and Correctional Facilities.

All Penal and Correctional Facilities containing eleven or more cells shall be located on a parcel or parcels of at least fifty acres in size. Furthermore, such uses shall be prohibited within one thousand feet of any residential zone, church or religious facility or institution, public or private school, training facility, or technical school that has twenty-five percent or more of its students under the age of eighteen, public park or playground, or day care center.

20.44.098 Electric Vehicle Infrastructure.

- ~~(a) Purpose. This section is to establish electric vehicle infrastructure (EVI) regulations for the City to allow EVI and meet the intent of the Revised Code of Washington (RCW) requiring the City to allow EVI in all zones except for residential zones.~~
- ~~(b) Electric Vehicle Infrastructure—Where Allowed. Electric vehicle infrastructure is allowed as specified in Table 20.40-1: Table of Permissible Uses, Chapter 20.44 Permitted Uses, Arlington Municipal Code (AMC).~~
- ~~(c) Battery Charging Station or Rapid Charging Station—Retrofitting in Existing Development.~~
 - ~~(1) Required off-street parking spaces within any existing development listed within the zones listed below may be converted to battery charging station spaces or rapid charging station spaces for BEV's and PHEV's, subject to the restrictions cited in the Permitted Use chart (Table 20.40-1), provided that the battery charging and/or rapid charging stations are accessory to the permitted use(s) on the property.~~
 - ~~(i) AMC 20.36.020(b) Neighborhood Commercial (NC).~~
 - ~~(ii) AMC 20.36.020(c) Old Town Business District (OTBD-1,2,3).~~
 - ~~(iii) AMC 20.36.020(d) General Commercial (GC).~~
 - ~~(iv) AMC 20.36.020(e) Highway Commercial (HC).~~
 - ~~(v) AMC 20.36.020(f) Business Park (BP).~~
 - ~~(vi) AMC 20.36.020(g) Commercial Corridor (CC).~~
 - ~~(vii) AMC 20.36.030 Manufacturing Districts (GI & LI).~~
 - ~~(viii) AMC 20.36.034 Aviation Flightline (AF).~~
 - ~~(ix) AMC 20.36.036 Medical Services (MS).~~
 - ~~(x) AMC 20.36.040 Public/Semi-Public (P/SP).~~
 - ~~(2) At least .65 spaces shall be set aside as electric vehicle waiting spaces for each Level 3 public electric vehicle charging station provided on site. Waiting spaces for Level 1 and 2 public electric vehicle charging stations shall not be required.~~
 - ~~(3) The use of any charging station on site shall not obstruct any vehicular or pedestrian traffic on site (such as waiting for a charging station space within a drive aisle or a designated pedestrian crossing) or within a public right-of-way (ROW).~~
 - ~~(4) Battery or rapid charging station spaces shall be designated for charging electric vehicles~~

~~only as provided under AMC 20.44.098(g). Non-electric vehicles or non-charging BEV's or PHEV's shall not be allowed. The type of signage designating these spaces shall be approved by the City Manager or his designee.~~

~~(d) Electric Vehicle Charging Station Spaces—Allowed as Required Spaces.~~

- ~~(1) Electric vehicle charging station spaces shall be allowed to be used in the computation of required off-street parking spaces as provided under AMC 20.44.098C, provided; that the electric vehicle charging station/s is accessory to the primary use of the property.~~
- ~~(2) If a publicly owned and publicly available Level 3 electric vehicle charging station/s is provided on site, .65 electric vehicle waiting spaces shall also be provided for each electric vehicle charging station. These spaces shall be in addition to the off street parking spaces required under AMC 20.44.098C.~~

~~(e) Off-street Electric Vehicle Charging Station Spaces.~~

- ~~(1) Number. No minimum number of charging station spaces is required.~~
- ~~(2) Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.~~

~~(A) Where provided, parking for electric vehicle charging purposes is required to include the following:~~

- ~~(i) Signage. Signage, as required under AMC 20.44.098(g) for each charging station space, shall be posted indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.~~
- ~~(ii) Maintenance. Charging station equipment shall be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.~~
- ~~(iii) Accessibility. Where charging equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements of WAC 51-50-005.~~
- ~~(iv) Lighting. Where charging station equipment is installed, adequate site lighting shall exist, unless charging is for daytime purposes only.~~

~~(B) Parking for electric vehicles should also consider the following:~~

- ~~(i) Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.~~
- ~~(ii) Signage. Installation of directional signs at the parking lot for entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).~~

- ~~(3) Data Collection. To allow for maintenance and notification, owners of any private new electric vehicle infrastructure station that will be publicly available (see definition—electric vehicle charging station—public), shall provide information on the station's geographic location, date of installation, equipment type and model, and owner contact information. This information shall be submitted to the Community Development Department.~~

~~(f) Accessible Electric Vehicle Charging Stations. Where electric vehicle charging stations are provided in parking lots or parking garages, accessible vehicle charging stations shall be provided as follows:~~

- ~~(1) Accessible electric vehicle charging stations are provided in the ratios shown in the following table.~~

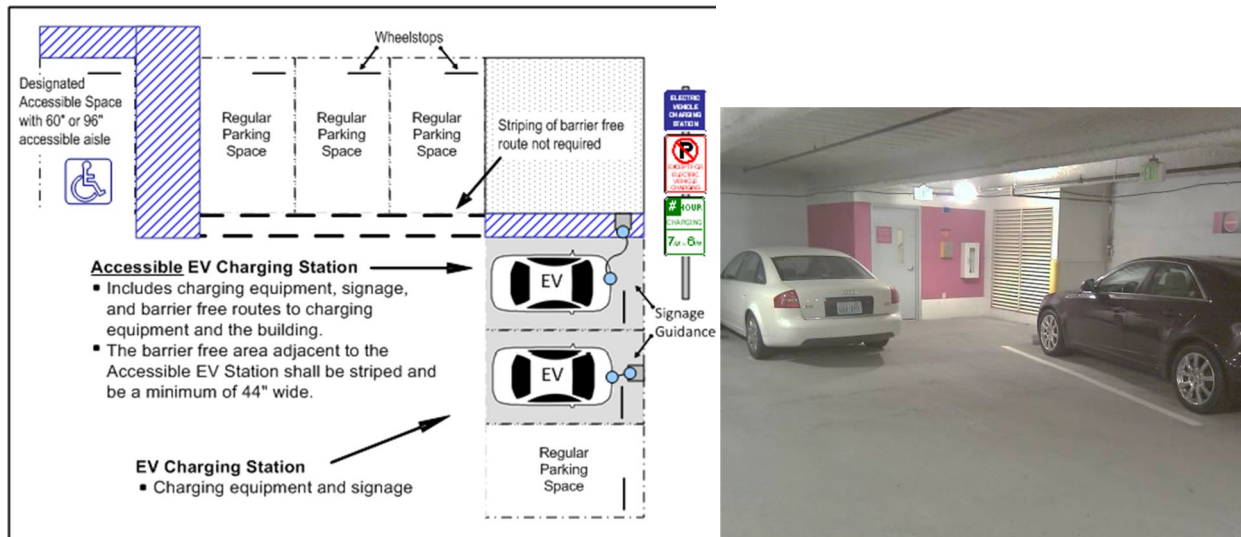
~~Table 20.44-1: Accessible Electric Vehicle Charging Station Requirements~~

Number of EV Charging Stations	Minimum Accessible EV Charging Stations
---	--

1-50	1
51-100	2
101-150	3
151-200	4
201-250	5
251-300	6

~~(2) Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons. Below are two options for providing for accessible electric vehicle charging stations.~~

~~Figure 20.44-1: Off-street accessible electric vehicle charging station—Option 1~~



~~Photo—Puget Sound area parking garage (Source: ECOTality North America)~~

~~Figure 20.44-2: Off-street accessible electric vehicle charging station—Option 2~~

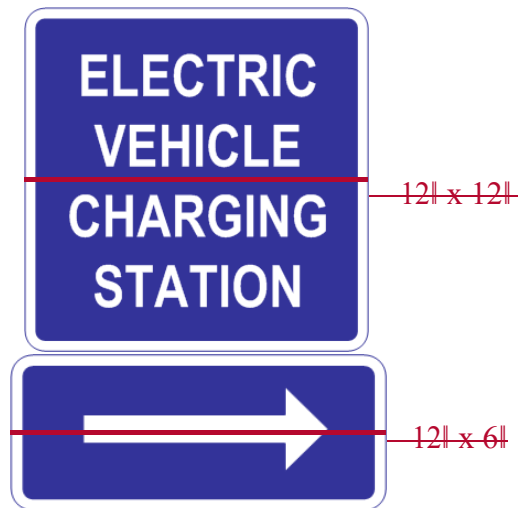


Photo—Fashion Island Shopping Mall, Newport Beach, CA (Source: Light Moves).

(g) Electric Vehicle Charging Station Spaces—Signage.

- (1) Off-street public electric vehicle charging station spaces shall provide the following signage.**

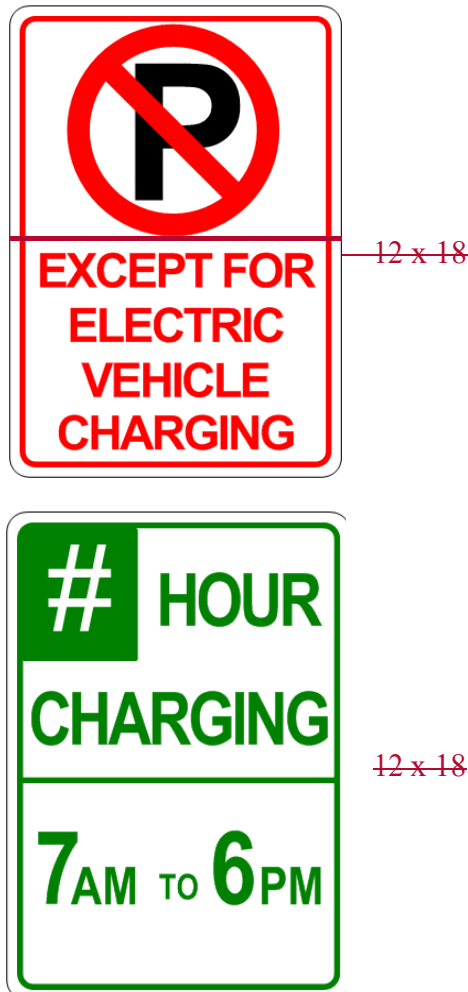
Figure 20.44-3: Directional—Off-street Parking Lot or Parking Garage



Note: The directional sign for an on-site parking lot or parking garage should be used in the parking facility with a directional arrow at all decision points.

Figure 20.44-4: Off-street EV Parking—Parking Space with Charging Station Equipment





Note: ~~Combination sign identifying space as an electric vehicle charging station, prohibiting non-electric vehicles, with charging time limits. The use of time limits is optional. The blue/white and red/black signs define that only an electric vehicle that is charging can use the spaces. The green sign defines time limits for how long an electric vehicle can be in the space during the specified hours. Outside of the specified hours, electric vehicles can charge for an indefinite period of time.~~

~~(h) **Stacking Spaces for Electric Vehicle Battery Exchange Stations.** Electric vehicle battery exchange stations shall provide three stacking spaces. A stacking space shall be an area measuring eight feet by twenty feet with direct forward access to the battery exchange bay. A stacking space shall be located to prevent any vehicles from extending onto the public right-of-way, or interfering with any pedestrian circulation, traffic maneuvering, or other required parking areas. Stacking spaces may not be counted as required off-street parking spaces.~~

Part II. Land Clearing, Grading, Filling, and Excavation

20.44.100 Permits for Grading and Filling.

- (a) Subject to §[20.44.120 \(Restrictions and Requirements\)](#), grading permits require a construction permit application and SEPA may be required depending on the amount of cut and fill proposed with the grading on the site. Grading permits are issued by the Community and Economic Development Director.
- (b) The Community and Economic Development Director may temporarily suspend or revoke any permit allowing grading or filling if, in his opinion, adverse weather or other conditions so warrant.

20.44.110 Permits for Land Clearing.

- (a) Subject to §[20.44.120 \(Restrictions and Requirements\)](#), ~~no permits are required for clearing or logging involving less than ten thousand square feet of land within any twelve month period. Nevertheless, all clearing activities must comply with all elements of this Title, regardless of whether a permit is required.~~
- ~~(b)~~ Zoning permits are required for all clearing and logging involving one thousand square feet of property or more when not in conjunction with a land use permit or if a Forest Practice permit is required per §20.80 (Forest Land Conversion). SEPA may be required depending on the amount of cut and fill associated with the clearing and logging proposed on the site.
- (c) The Community and Economic Development Director may temporarily suspend or revoke any permit allowing land clearing if, in his opinion, adverse weather or other conditions so warrant.

20.44.120 Restrictions and Requirements.

All clearing, logging, grading, filling, and excavation, regardless of whether or not a permit is required, is subject to the following restrictions and requirements:

- (a) No clearing, logging, grading, filling, or excavation is allowed in an Environmentally Critical Area or its buffer where [Chapter 20.93](#) -(Critical Areas Ordinance) -prohibits such activities.
- (b) No clearing, logging, grading, filling, or excavation, except that necessary for essential repairs of permitted private structures or construction of public infrastructure or facilities, is permitted outward from the shores of the Stillaguamish River or inland within its buffer, as established by Chapter [20.93](#) (Critical Areas Ordinance) or the Shoreline Management Act, whichever is greater.
- (c) Adequate Temporary Erosion and Sedimentation Control (TESC) measures shall be approved and installed per AMC 13.24, Stormwater Management, prior to any disturbance of soils.
- (d) All disturbed areas shall be hydro-seeded and mulched, sodded, or otherwise protected within forty-eight hours of disturbance.
- (e) All Environmentally Critical Areas and their buffers shall be fenced with construction fence prior to any disturbance of the soil.
- (f) The applicant shall present to the City a valid NPDES permit, where required by the Department of Ecology, prior to any disturbance of soil.
- (g) Environmental review of clearing and/or grading associated with site development *may* be done concurrently with the environmental review of the project (e.g., at preliminary plat stage, site plan review stage, or project development stage) allowing for clearing and/or grading for public improvements to be permitted by approval of the construction drawings. However, the application shall specifically state that clearing and/or grading are a part of the application, and the permit shall specifically state what clearing and/or grading is permitted, or the clearing and/or grading shall not be considered permitted.
- (h) Between the dates of October 1 and March 31 all open projects shall be closed up and no more than 1/4 acre of property, or fifty cubic yards of soil, whichever represents the least amount of disturbance, may be cleared, moved or graded at any one time before that portion of

the project is closed up. The clearing and/or grading of individual building lots in a finished plat shall be phased, with no more than ten lots being cleared or graded in a plat at any one time. Before additional lots can be cleared or graded, the previously graded lots shall be hydro-seeded and mulched, sodded, or otherwise protected. The Public Works Director may allow grading or clearing in excess of these limits during these times if, in his opinion, the site, adjoining properties, and any Environmentally Critical Areas can be adequately protected, an approved Temporary Erosion and Siltation Control plan is implemented and properly maintained, and the weather is favorable.

Part III. Performance Standards

20.44.208 Obligation to Comply.

- (a) All uses in any zoning district must continually comply with the performance and operational standards of this Part.
- (b) If the city has reasonable doubt that a use is, or can be, conducted within the limits of the above performance standards, it may require that the user or proposed user retain, at his expense, an independent, qualified, testing laboratory or expert to make an analysis of the use to determine its compliance with the standards and make the results of such analysis available to the City. If the site operator does not provide the required analysis within thirty days of the request, the City shall initiate such investigation and bill all expenses thereto the site operator, and the operator shall pay the City for such expenses within ten days after demand. The City may place a lien against the property if the operator refuses to pay such expenses within sixty days on receipt of bill.

20.44.210 Noise.

- (a) No use in any zoning district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the use if that use is one of several located on a lot, or (ii) uses located on adjacent lots.
- (b) For the purpose of interpreting Subsection (a), and except as provided in Subsection (d), WAC 173-60, as may be amended, is hereby adopted and incorporated by reference in its entirety.
- (c) Pursuant to WAC 173-60-030 (2), the following zones are designated to conform to the EDNAs (see WAC) as provided:
 - (1) RULC, RLC, R-Mod, RMC, RHC, and OTR – Class A EDNA
 - (2) NC, OTBD, GC, and HC – Class B EDNA
 - (3) BP, AF, LI, and GI – Class C EDNA
 - (4) P/SP – shall conform to the EDNA that conforms to the zoning designation that predominately surrounds the P/SP parcel.
- (d) The following provisions of WAC 173-60 are amended:
 - (1) WAC 173-60-050 (2)(b) (certain existing industrial uses) is specifically not adopted.
 - (2) Wherever WAC 173-06 speaks to the Department of Ecology enforcing said regulations, the City may also act to enforce them pursuant to [Chapter 20.28](#) -(Enforcement & Review) of this Title.

20.44.220 Vibration.

- (a) Except as modified by Subsection (b), no use in any zoning district may generate any ground-transmitted vibration that causes property damage or is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on a lot.

- (b) No use in a Light Industrial (LI) or General Industrial district (GI) may generate any ground-transmitted vibration in excess of the limits set forth in Subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in Subsection (e).
- (c) The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.
- (d) The vibration maximums set forth in Subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed based on displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$
 Where:
 PV = Particle velocity, inches-per-second
 F = Vibration frequency, cycles-per-second
 D = Single amplitude displacement of the vibration, inches.
 The maximum velocity shall be the vector sum of the three components recorded.
- (e) Table 20.44-2 is the Table of Maximum Ground-Transmitted Vibration.
- (f) The values stated in Subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second in duration and having a pause of at least one second between pulses.
- (g) Vibrations resulting from temporary construction activity that occurs between seven a.m. and ten p.m. shall be exempt from the requirements of this section.

Table 20.44-2: Table of Maximum Ground-Transmitted Vibration

Zoning District	Particle Velocity, Inches-Per-Second	
	Adjacent Lot Line	Residential District
LI	0.10	0.02
GI	0.20	0.02

20.44.230 Odors.

- (a) For purposes of this section, the -odor threshold is defined as the minimum concentration in air of a gas, vapor, or particulate matter that is found to be overwhelming and a nuisance to the olfactory systems of a majority of a panel of five healthy observers.
- (b) No use in any district may generate any odor that:
 - (1) Reaches the odor threshold, measured at:
 - (A) The outside boundary of the immediate space occupied by the enterprise generating the odor.
 - (B) The lot line if the enterprise generating the odor is the only enterprise located on a lot.
 - (2) Exceeds any state or federal thresholds.

20.44.240 Smoke and Air Pollution.

- (a) Any use that emits any -air contaminant as defined in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency shall comply with applicable state standards concerning air pollution, as set forth in Regulations 1, 2, or 3 of the Puget Sound Clean Air Agency.

- (b) No zoning, special use, or conditional use permit may be issued with respect to any development covered by Subsection (a) until the Puget Sound Clean Air Agency has certified to the permit-issuing authority that the appropriate state permits have been received by the developer, or that the developer will be eligible to receive such permits and that the development is otherwise in compliance with applicable air pollution laws.

20.44.250 Disposal of Liquid and Hazardous Wastes.

- (a) No use in any district may discharge any waste contrary to the provisions of RCW 70.105 (Hazardous Waste Management) or RCW 90.48 (Water Pollution Control).
- (b) No use in any district may discharge into either the City of Arlington's or the City of Marysville's sewage treatment facilities any waste that cannot be adequately treated by biological means or in a manner inconsistent with the requirements and sewer service policies of either jurisdiction.

20.44.260 Water Consumption.

No use shall consume and/or use water supplied by either the City of Arlington or the City of Marysville in a manner inconsistent with the requirements and water service policies of either jurisdiction.

20.44.270 Electrical Disturbance or Interference.

No use may:

- (a) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance, or
- (b) Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions or aviation equipment) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

20.44.280 Lighting.

- (a) Except as provided in Subsection (b), lighting shall not be used in such a manner as to produce a glare on public streets or neighboring property. Arc welding, acetylene torch cutting, or similar processes shall be performed so as not to be seen from any point beyond the property boundary.
- (b) Glare resulting from temporary construction activity that occurs between seven a.m. and ten p.m. shall be exempt from the requirements of this section.

20.44.290 Site and Building Maintenance.

All exteriors of all buildings and other structures shall be maintained in a clean and well-maintained condition. All outside space, including landscaped and open space areas shall be kept free of litter and debris. All plant material shall be kept free of disease, dead material, and weeds that may constitute a health or fire nuisance.

Part IV. Cottage Housing**20.44.300 Purpose and Intent**

The general purposes of the cottage housing development design standards are as follows:

- (1) A cottage housing development is an alternative type of detached housing providing small residences for households of typically one to two individuals. Cottage housing is provided as part of the city's overall housing strategy which intends to encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with existing neighborhoods, and to promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs.
- (2) The cottage housing development design standards are intended to create a small community of cottages oriented around open space that is pedestrian-oriented and minimizes the visibility of off-street parking. These design standards are intended to ensure that cottage housing developments include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation. The cottage housing development design standards are intended to maintain traditional cottage amenities and proportions and ensure that cottage housing developments contribute to the overall community character. Because there may be alternative designs that meet the objectives of the design standards, the provisions of subsections 20.44.300 through 20.44.400 provide an alternative design review process to consider other acceptable ways to accomplish the objectives of this section.
- (3) All cottage housing developments are subject to current city stormwater standards and shall incorporate stormwater low impact development techniques whenever possible.

20.44.310 Applicability, application process and design review.

Applicability of this section, application procedure and the process for design review is pursuant to Chapter 20.46 AMC.

20.44.320 Density, number of cottage housing units and minimum lot area.

See Density and Dimensional Standards for Residential Zones.

20.44.330 Building height.

Structures in cottage housing developments shall be designed to be single story or single story plus a loft. Because the base density is higher and building separation less than on typical residential lots, it is important to maintain a feeling of adequate light and open space by providing more restrictive maximum roof heights and roof proportion standards.

- (1) The maximum building height permitted for structures in cottage housing developments shall not exceed one and one-half stories or twenty-five feet in height.

20.44.340 Lot coverage area.

Cottage housing developments shall not exceed underlying lot coverage standards for the respective zoning district to maintain residential neighborhood character and the balance of built structures to open spaces.

- (1) The maximum lot coverage permitted for all structures in cottage housing developments shall not exceed the requirements for the underlying zoning.

20.44.350 Cottage floor area.

Structures in cottage housing developments are primarily intended for one- and two-person households and their occasional guests. Maintaining the maximum square footage of residences in cottage housing developments is necessary to prevent overbuilding of the site and to not exceed available on and off-street parking.

- (1) The maximum floor area for an individual structure in a cottage housing development shall not exceed twelve hundred square feet.

20.44.360 Cottage housing development building separation.

Structures within cottage housing developments shall observe minimum setbacks from other cottage housing development structures to avoid overcrowding the site and to maintain a sense of privacy within the cottages themselves.

- (1) All buildings within a cottage housing development shall maintain a minimum separation of ten feet from cottages within a cottage housing development measured from the nearest point of the exterior walls. Accessory buildings shall comply with building code requirements for separation from non-cottage structures.

20.44.370 Parks and open space.

The minimum parks and open space are intended to provide a sense of openness and visual relief in cottage housing developments. Common open space shall provide a centrally located, focal area for the cottage housing development. The common area shall be outside of stormwater, wetlands, streams and sensitive area buffers and developed and maintained so its is usable for active or passive recreation activities. Private open space shall provide area around the individual dwellings to enable diversity in landscape design.

- (1) Parks shall meet the minimum requirements of Chapter 20.52.
- (2) Common open space shall:
 - (A) Be a minimum of four hundred square feet per cottage;
 - (B) Abut at least fifty percent of the cottages in a cottage housing development;
 - (C) Have cottages abutting at least two sides.
- (3) Cottages shall:
 - (A) Be oriented around and have the main entry from the common open space
 - (B) Be within seventy-five feet of walking distance to common open space.
- (4) Private Open Space shall:
 - (A) Be a minimum of three hundred square feet of private, contiguous, usable open space adjacent to each dwelling unit, for the exclusive use of the cottage resident. It shall be oriented toward the common open space as much as possible, with no dimension less than ten feet.
 - (B) Additionally, cottages shall have a roofed porch that is covered and is at least ten percent of the total square footage of the residence living space.
- (5) At least fifty percent of all the units shall have an attached enclosure that is a minimum of forty square feet (not included in total living space square footage) which is accessible from the exterior of the building.

20.44.380 Off street parking.

Off-street parking space requirements for cottage housing developments shall be calculated at the Multi-Family requirement. Off-street parking shall be located and designed to be less visible from frontage streets than the cottages themselves. Off-street parking shall be designed to maintain a pedestrian character for the overall cottage housing development. Clustering parking to the side or rear of a cottage project will most often best accomplish these goals. However, on a site-specific basis, design solutions other than clustering may be found to meet this objective through the alternative design process. Parking areas shall be attractively landscaped to screen parking from adjacent properties and street rights-of-way and shall meet applicable parking lot landscape standards.

- (1) Off-Street Parking Location. Parking shall be located on the cottage housing development property. Off-street parking lots shall be located to the side or rear of the cottage housing development. Parking lots shall not be located between the cottage housing development and the primary street frontage.

20.44.390 Stormwater Low Impact Development Techniques.

Cottage housing developments shall be designed to take advantage of open space and landscaped features to utilize stormwater low impact development techniques including natural filtration and on-site infiltration of stormwater.

- (1) Low impact development techniques for stormwater management shall be used wherever possible. Such techniques may include the use of pervious pavers in parking areas and for walkways, directing roof drains and parking lot runoff to landscape beds, green or living roofs, and the use of rain barrels.
- (2) Cottages shall be located so as to maximize natural stormwater functions. Cottages shall be clustered and parking areas shall be located to preserve as much contiguous, permanently undeveloped open space and native vegetation as possible.

20.44.400 Alternative Site Design.

It is possible that an alternative design may fulfill the intent of this chapter while not complying with the provisions herein. Requests for alternative designs shall be processed pursuant to Chapter 20.39 AMC, Development Agreements.