

## SUMMARY OF ORDINANCE NO. 2020

of the City of Lynnwood, Washington

On the 27th day of December, 1994 the City Council of the City of Lynnwood passed Ordinance No. 2020. A summary of the content of said ordinance provides as follows:

An ordinance amending the Lynnwood Municipal Code by Repealing Title 20 and Adopting Title 20A in order to reorganize the zoning code while making no substantive changes to zoning regulations.

Ordinance No. 2020 improves the structure and appearance of the Zoning Code document. It collects the allowable uses, development standards, and other regulations for a particular property in a single Code chapter (see attached Table of Contents).


The structure of Ordinance 2020 separates four types of regulations into four major groups of Chapters in Lynnwood Municipal Code Title 20A:

- regulations that applied to all properties (Chapters 2-18),
- regulations for permit processing (Chapters 20-30),
- regulations applicable in specific zones (Chapters 40-52), and
- special use regulations (Chapters 70 and above).

The new appearance of Chapter 20A of the LMC is intended to improve readability. New major and minor headings are included and their appearance is enhanced to identify more clearly the structure of individual chapters and sections. Long lists of allowable uses and development standards are replaced with tables.

The full text of this Ordinance will be mailed upon request.

Dated this 12<sup>th</sup> day of January, 1995.

  
CITY CLERK, R.W. NOACK

CITY OF LYNNWOOD

ORDINANCE NO. 2028

City of Lynnwood

DEC 20 2000

SCANNED

**AN ORDINANCE AMENDING THE LYNNWOOD MUNICIPAL CODE BY REPEALING TITLE 20 AND ADOPTING TITLE 20A. IN ORDER TO REORGANIZE THE ZONING CODE WHILE MAKING NO SUBSTANTIVE CHANGES TO ZONING REGULATIONS.**

WHEREAS, after proper notice, due hearing was held by the City Planning Commission to consider an amendment to the official text of the Municipal Code of the City of Lynnwood; and

WHEREAS, after due deliberation, the City Planning Commission recommended to the City Council that such amendment was desirable; and

WHEREAS, the City Council duly considered the Planning Commission recommendation of such amendment; and

WHEREAS, upon motion duly made the City Council of the City of Lynnwood has determined to amend the official text of the Municipal Code of the City of Lynnwood;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

SECTION 1. That Title 20 of the Lynnwood Municipal Code IS HEREBY REPEALED.

SECTION 2. That Title 20A, Chapter 2 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.02**

**DEFINITIONS**

**20A.02.005 Generally**

For the purposes of this title, the following terms, phrases, words, and their derivations shall have the meaning given in this chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

building, structure or use on the same lot, including a private garage. If an accessory building is attached to the main building by common wall or roof, such accessory building shall be considered a part of the main building.

### **20A.02.012 Adult Establishments**

As used in this Title, the term "adult establishment(s)" includes the businesses or facilities listed in this section which are further defined herein or elsewhere in the Lynnwood Municipal Code. If no definition appears in the Lynnwood Municipal Code, then usual and customary meanings shall apply.

#### **A. Adult Cabaret**

A commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar entertainers and which excludes any person by virtue of age from all or any portion of the premises.

#### **B. Adult Drive-in Theatre**

A drive-in theatre where at least twenty-five percent (25%) of the use is used for presenting motion picture films, video cassettes, cable television, or any other like visual media, distinguished or characterized by a predominant emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690.

#### **C. Adult Motion Picture Theatre**

An enclosed building where at least twenty-five percent (25%) of the use is used for presenting, for commercial purposes, motion picture films, video cassettes, cable television, or any other like visual media, distinguished or characterized by a predominant emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20A.02.689 and 20A.02.690, for observations by patrons therein.

#### **D. Adult Entertainment and Adult Entertainment Premises,**

As defined in Chapter 5.50 LMC.

#### **E. Public Bathhouses,**

As defined in Section 5.52.010(C) of the Lynnwood Municipal Code.

#### **F. Panorams, Previews, Picture Arcades, and Peepshows,**

As defined in Chapter 5.62 LMC.

### **20A.02.013 Adult Family Home.**

Regular abode of person(s) providing personal care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person(s) providing such services, and whose home is licensed by the state as an adult family home. The following list of residential facilities, which is not intended to be complete, are not included in this definition:

- Nursing and convalescence homes
- Boarding, lodging or rooming houses

- Hospitals
- Mental hospitals or residential treatment centers for the mentally ill

### **20A.02.013 Adult Retail Uses.**

As used in this Title, the term "adult retail use(s)" includes the businesses or facilities listed in this subsection, which are further defined herein or elsewhere in the Lynnwood Municipal Code. If no definition appears in the Lynnwood Municipal Code, then usual and customary meanings shall apply.

#### **A. Adult Bookstore**

A retail establishment in which:

- seventy-five percent (75%) or more of the "stock in trade" consists of books, magazines, posters, pictures, periodicals or other printed material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690; or
- any person is excluded by virtue of age from all or part of the premises generally held open to the public where books, magazines, posters, pictures, or other printed material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690, are displayed or sold.

For the purposes of this subsection, "stock in trade" shall mean the greater of: (i.) the retail dollar value of all books, magazines, posters, pictures, periodicals or other printed material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons or (ii.) the total volume of shelf space and display area.

#### **B. Adult Retail Store**

a retail establishment in which:

- seventy-five percent (75%) or more of the "stock in trade" consists of items, products or equipment distinguished or characterized by a predominant emphasis on or simulation of "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690; or
- any person is excluded by virtue of age from all or part of the premises generally held open to the public where products or equipment distinguished or characterized by a predominant emphasis on or simulation of "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690, are displayed or sold.

For the purposes of this subsection, "stock in trade" shall mean the greater of: (i.) the retail dollar value of all items, products or equipment readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons or (ii.) the total volume of shelf space and display area.

#### **C. Adult Video Store**

A retail establishment in which:

- seventy-five percent (75%) or more of the "stock in trade" consists of pre-recorded video tapes, discs, or similar material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690; or
- in which any person is excluded by virtue of age from all or part of the premises generally held open to the public where pre-recorded video tapes, discs, or similar material distinguished or characterized by a predominant emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined in LMC 20.02.689 and 20.02.690, are displayed or sold.

For the purposes of this subsection, "stock in trade" shall mean the greater of: (i.) the retail dollar value of all pre-recorded video tapes, discs or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons or (ii.) the total number of titles of all pre-recorded video tapes, discs or similar material readily available for purchase, rental, viewing or use by patrons of the establishment excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

#### **20A.02.015 Alley**

The term "alley" means any public space or thoroughfare twenty feet or less in width, but not less than ten feet in width, which has been dedicated or deeded to the public for public travel and which affords secondary access to abutting property.

#### **20A.02.020 Alteration**

The term "alteration" as applied to a building or structure shall mean a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

#### **20A.02.025 Amendment**

The term "amendment" means a change in wording, context or substance of this title, adoption of the zoning map hereunder, a change in the zone boundaries upon zoning maps adopted hereunder, or the adoption of a planned unit development.

#### **20A.02.030 Amusement Center**

See LMC Chapter 5.60

#### **20A.02.035 Antiques & Antique Shop**

The term "antiques" means any article which, because of age, rarity or historical significance, has a monetary value greater than the original value, or which has age recognized by the United States Government as entitling the article to an import duty less than that prescribed for contemporary merchandise. A store or shop selling only such articles or offering them for sale shall be considered as an antique shop or store, and not considered as a dealership handling used or secondhand merchandise.

**20A.02.040 Apartment Hotel**

The term "apartment hotel" means a building providing accommodations for transient guests in which at least fifty per cent of the gross habitable floor area is devoted to dwelling units.

**20A.02.045 Apartment House**

The term "apartment house" means a building or a portion of a building, designed for occupancy by three or more families living separately from each other and containing three or more dwelling units.

**20A.02.046 Arterial, Collector**

"Collector, arterial" means a street which collects and distributes traffic from higher type arterial streets to access streets or directly to traffic destinations and serves neighborhood traffic generators such as a store, a small group of stores, elementary school, church, clinic, or apartment area.

**20A.02.047 Arterial, Minor**

"Minor arterial" means a street which collects and distributes traffic from higher type arterial streets to less important streets or directly to traffic destinations and serves secondary traffic generators such as a community business center, school, community center, athletic field, neighborhood shopping center, major park, multiple residence area, concentration of offices or clinics, and traffic from neighborhood to neighborhood within a community.

**20A.02.048 Arterial, Principal**

"Principal arterial" means a street which expedites movement of traffic to major traffic generators such as to a central business district, regional and major community shopping center, commercial service district, college or university, military installation, and from community to community. It also collects and distributes traffic from freeways and expressways to less important arterial streets, or directly to traffic destinations.

**20A.02.055 Automobile, Boat & Trailer Sales Area**

The term "automobile boat and trailer sales area" means an open area, other than a street, used for the display, sale or rental of new or used automobiles, boats or trailers, and where no repair work is done except minor incidental repair of automobiles, boats or trailers to be displayed, sold or rented on the premises.

**20A.02.070 Automobile Wrecking**

The term "automobile wrecking" means any dismantling or wrecking of motor vehicles or trailers, or the storage or sale of dismantled or wrecked vehicles or their parts.

**20A.02.075 Automobile Wrecking Yard**

The term "automobile wrecking yard" means any premises devoted to automobile wrecking as the term is defined herein.

**20A.02.077 Awning, Non-Rigid**

"Non-rigid awning" means a space frame structure with a flexible fabric covering which serves as a shelter. Tents shall not be considered non-rigid awnings.

**20A.02.080 Basement**

The term "basement" means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from the grade to the ceiling.

**20A.02.085 Billboard**

See SIGN, ADVERTISING.

**20A.02.090 Block Front**

"Block front" means the frontage of private property within a single zone and along one side of a street between intersecting or intercepting platted streets or between a platted street and a railroad right-of-way or a waterway provided such distance does not extend more than three hundred feet of the mid-line of a lot.

**20A.02.100 Boarding, Lodging, Or Rooming House**

"Boarding, lodging, or rooming house" means a building, other than a hotel, where meals and/or rooms or lodging are provided for compensation with two or more non transient persons.

**20A.02.105 Building Area**

"Building area" means the aggregate of the maximum horizontal cross sectional area of the main building on a lot, excluding cornices, eaves, gutters, or chimneys projecting not more than two feet, steps, one story open porches, bay windows not extending through more than one story and not projecting more than two feet, balconies and terraces.

**20A.02.125 Building, Enclosed**

"Enclosed building" means a building enclosed on all sides with wall and roof and having no openings other than closeable, glazed windows and doors and vents.

**20A.02.130 Building Code**

The term "building code" means an ordinance regulating the excavation, erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the City of Lynnwood; providing for the issuance of permits and collection of fees therefor; declaring and establishing fire districts and providing penalties for the violation thereof.

**20A.02.136 Building, Office**

An "office building" is a building occupied primarily by clerical and administrative functions and/or professions. An office building may also be partially occupied by other activities incidental to the office use, if such incidental use is allowable within the respective zone.

**20A.02.145 Building Height**

The term "building height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**20A.02.150 Building Line**

The term "building line" means a line, established by law, beyond which a building or structure shall not extend except for cornices, eaves, gutters, chimneys or one story bay windows projecting not more than 2 ft.; and open patios or decks not exceeding 1 ft. in height above the average grade.

**20A.02.155 Building, Main**

The term "main building" means the principal building or other structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one building or structure designed or used for the primary purpose, as in the case of group houses, each such permissible building or other structure on a lot or building site as defined by this title shall be construed as comprising a main building or structure.

**20A.02.171 Building, Service**

A "service building", as used in the light industrial zone, is any building other than one which is exclusively an office building as defined above, the service building being designed for and used for manufacturing, warehousing or any other uses permitted in the light industrial zone.

**20A.02.175 Building Site**

The term "building site" means that land assigned:

- To a use;
- To a main building;
- To a main building and its accessory buildings; or
- To a group of buildings or uses which are developed, owned, and managed as an operating unit (e.g. shopping center, business park, multiple family complex).

The term shall include the total area including all yards and open spaces required by this title whether the area so devoted is comprised of one lot, a combination of contiguous lots, or combination of contiguous lots and contiguous fractions of lots. The term shall not be used to define two or more contiguous lots or contiguous fractions of lots whose developmental coordination is limited to the provision of easements.



**20A.02.180 Bulk**

The term "bulk" means the size and location of buildings and structures in relation to the lot. Bulk regulations include maximum height of building, minimum lot area, minimum front, side and rear yard and maximum lot coverage.

**20A.02.190 Business Or Commerce**

"Business" or "commerce" means the purchase, sale, offering for sale or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit; or the management or occupancy of office buildings, offices, recreational or amusement enterprises; or the maintenance and use of buildings, offices, structures or premises by professions and trades or persons rendering services.

**20A.02.192 Business Park And Technical Park**

"Business and Technical Park" means a planned development of one or more buildings which displays unity and high aesthetic standards in architecture and in the choice of building materials, landscaping and other external features, and typically is occupied by several tenants, with emphasis on office uses, distribution, low intensity warehousing, and light fabrication and/or assembly.

**20A.02.193 Business Site**

"Business site" means a building site as defined by Section 20.02.175.

**20A.02.194 Business Site, Individual**

"Individual business site" means a business site with a single commercial tenant or occupant.

**20A.02.195 Business Site, Multiple**

"Multiple business site" means a business site as defined by Section 20.02.193, with two or more commercial tenants or occupants.

**20A.02.197 Carnival**

The term "carnival", as set out in this title, shall be construed to mean every temporary use of a device, institution or assemblage of devices of institutions the purpose whereof is that of providing entertainment, amusement, sport, pastime or merriment for the patrons thereof, and shall include roller coaster, merry-go-round, swing, ferris wheel, games of shooting, throwing, pitching, phenomenal exhibitions and everything of like character.

**20A.02.200 Carport**

"Carport" means a private garage which is open to the weather on at least forty percent of the total area of its sides.

**20A.02.205 Cellar**

"Cellar" means that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from the grade to the floor below is equal to or greater than the vertical distance from grade to the ceiling above.

**20A.02.210 Cemetery**

The term "cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**20A.02.211 Child Day Care**

"Child Day Care" means the provision of supplemental parental care and supervision for a non-related child or children, on a regular basis, for less than 24 hours a day, and under license by the Washington State Department of Social and Health Services.

The term is not intended to include baby-sitting services of a casual, non-recurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective homes.

**20A.02.212 Child Day Care Facility**

"Child Day Care Facility" means a building or structure in which an agency, person, or persons regularly provide care for a group of children for periods of less than 24 hours a day. Child day care facilities include family child care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services.

**20A.02.213 Child Day Care Center**

"Child Day Care Center" means a child day care facility providing regularly scheduled care for 13 or more children, within a one month through 12 years of age range, for periods of less than 24 hours.

**20A.02.215 Children - Resident Home**

The term "children-resident home" means a dwelling unit occupied by a family which provides full time supervision for from seven to twelve children unrelated to the resident family.

**20A.02.220 Children - Institutions**

The term "children-institutions" means an establishment consisting of one or more buildings organized and maintained for the group care and supervision of thirteen or more children, but not including hospitals.

**20A.02.225 Church**

The term "church" means an establishment, the principal purpose of which is religious worship and for which the principal building or other structure contains the sanctuary or principal place

of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday School rooms and religious education classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a one-family dwelling unit and residences on site for nuns and clergy, but excluding facilities for training of religious orders.

**20A.02.230 Circus**

The term "circus", as set out in this title, shall be construed to mean any institution whose general occupation is that of exhibiting wild animals, feats of horsemanship, animal stunts, and aerobatic or aquatic sports, for admission to which a fee is charged.

**20A.02.232 City**

The term "City" means the City of Lynnwood.

**20A.02.235 Clinic**

The term "clinic" means a building or portion of a building containing offices for providing medical, dental, psychiatric or chiropractic services for outpatients only, but not including the sale of drugs or medical supplies.

**20A.02.240 Club**

The term "club" means an association of persons organized for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

**20A.02.245 Commission**

The term "commission" means the City Planning Commission of the City of Lynnwood.

**20A.02.250 Conditional Use**

The term "conditional use" means a use subject to specified conditions which is permitted in one or more classifications as defined by this title but which use because of characteristics peculiar to it, or because of size, technological processes or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones, and to assure that such use shall not be inimical to the public interest.

**20A.02.255 Conditional Use Permit**

"Conditional use permit" means the documented evidence of authority to locate a conditional use at a particular location.

**20A.02.260 Conforming Use**

"Conforming use" means a lawful use of land or structure which conforms to the uses and regulations of the zone in which such is located.

**20A.02.265 Conforming Building**

"Conforming building" means a building designed to accommodate uses permitted in the zone in which it is located and conforming to the bulk requirements of the particular zone.

**20A.02.266 Congregate Care**

"Congregate care" means housing for the elderly or physically disabled with services provided such as meals, laundry, housekeeping, personal care assistance, and assistance during temporary illness, but not medical care for the chronically ill or infirm.

**20A.02.267 Convenience Store**

"Convenience store" means a small, often franchised market, which has as its principal business the retail sale of food and other household goods with little or no sales of comparison shopping goods. It may be characterized by the relatively small size of the business (usually less than 5,000 square feet of floor area), by the small number of items purchased by each customer, and by rapid customer turnover. A retail grocery is not to be considered as a convenience store. Items sold at a convenience store may include alcoholic beverages for off-site consumption.

**20A.02.268 Council, Regularly Scheduled Meeting**

The City Council meetings are scheduled for each and every Monday of the year unless otherwise scheduled pursuant to Section 2.04.020. Official Council action shall be taken only at meetings scheduled pursuant to Section 2.04.010. Council work session meetings are scheduled for the odd-numbered Mondays of each calendar month. The Council may request and/or receive reports from the City staff, discuss pending Council actions, and initiate notice and scheduling of City public hearings at such work sessions.

**20A.02.272 Dance, Public**

"Public Dance" means any dance that is open to the public and which (1) is conducted for a profit, direct or indirect; or (2) requires a monetary payment or contribution from the persons admitted. The term Public Dance does not include a banquet, party or celebration conducted for invited guests which is not open to the public.

**20A.02.273 Dance Hall, Licensed**

"Licensed Dance Hall" means any place or premises where a public dance is conducted, including but not limited to all parking areas, hallways, bathrooms, and adjoining areas accessible to the public during the dance and which is required to be licensed pursuant to Chapter 5.25 of the Lynwood Municipal Code. For the purposes of this title, the term "Licensed Dance Hall" shall not include:

- Businesses which provide areas for dancing accessory to a restaurant or tavern use. A dance area is accessory to a restaurant or tavern if it is less than 25 percent of the total floor area of the restaurant or tavern; or
- Commercial recreation businesses (e.g., skate rinks) which occasionally conduct public dances on the premises.

**20A.02.286 Director Of Planning**

"Director of Planning" also referred to as the Planning Director is the head of the Planning Department, the Director's authorized representative or any representative authorized by the Mayor.

**20A.02.290 Dwelling**

The term "dwelling" means any building or any portion thereof, which is not an apartment house or hotel as defined in this title which contains one or more apartments or guest rooms, used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which are occupied for living purposes.

**20A.02.295 Dwelling, Types Of**

**A. Dwelling, Group**

The term "group dwelling" means more than two separate buildings, each containing one or more dwelling units.

**B. Dwelling, One-Family**

The term "one-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

**C. Dwelling, Two-Family (Duplex)**

The term "two-family dwelling or duplex" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

**D. Dwelling, Multiple**

The term "multiple dwelling" means a building designed exclusively for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

**20A.02.300 Dwelling Unit**

The term "dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. A bachelor apartment constitutes a dwelling unit within the meaning of this title.

**20A.02.325 Family**

"Family" means an individual or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, who need not be related by blood or marriage living together in a dwelling unit.

**20A.02.326 Family Child Care Home**

"Family Child Care Home" means a child day care facility in the family residence of the licensee providing regularly scheduled care for 12 or fewer children including children who reside at the home, within a birth through 11 years of age range, for periods of less than 24 hours.

**20A.02.327 Fast Food Eating Establishment**

"Fast food eating establishment" means a place which has as its principal business the sale of prepared or quickly prepared food or drink in disposable containers or wrappers, for consumption either on or off the premises, whether or not interior seating facilities are provided. A retail grocery, a delicatessen or other store selling food items primarily for home preparation or home consumption, or a restaurant selling takeout orders, provided that such sales are not the principal business of such restaurant, are not to be considered as fast food eating establishments.

**20A.02.330 Fence**

"Fence" means a masonry wall, or a barrier composed of posts connected by boards, rails, panels or wire for the purpose of enclosing space or separating parcels of land. "Fence" does not include retaining walls.

**20A.02.335 First Permitted**

"First permitted" refers to the most restricted zone in which particular use is indicated as a permissible use.

**20A.02.340 Floor Area**

"Floor area" means the area included within surrounding walls of the building (or portion thereof), exclusive of vent shafts and courts.

**20A.02.355 Fraternity, Sorority, Or Group Student House**

"Fraternity," "sorority" or "group student house" means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and when regulated by such institution.

**20A.02.357 Frontage, Street**

"Street frontage" means the length of the lot line which abuts a public street not including alleys.

**20A.02.358 Frontage, Building**

"Building frontage" means the length of the building facade which contains a primary public access or is oriented toward a public street, entrances not considered primary public access include but are not limited to doors, used mainly for loading or delivery, emergency escapes or employee entrances.

**20A.02.360 Garage, Parking**

"Parking garage" means " structure, or part thereof, used only for the storage of automobiles by the public and including the sale of automobile fuels, lubricants, radiator fluids, and accessories; and the performance of incidental services including tire changing, tube repairing, lubricating and washing.

**20A.02.365 Garage, Private**

"Private garage" means an accessory building or an accessory portion of the principal building designed or used for the shelter or storage of vehicles owned or operated by the occupants of the principal building.

**20A.02.375 Gas Station**

"Gas station" means any area of land including structures thereon that is used principally for the retail sale of gasoline or other motor vehicle fuel and oil and other substances including any motor vehicle accessories. Gas stations may include self service or full service operations.

**20A.02.380 Grade, Lot**

"Lot grade" means the average of the finished ground level at the center of all exposed walls of the building. In case walls are parallel to and within five feet of the sidewalk the above ground level shall be measured at the sidewalk.

**20A.02.382 Green Belt**

"Green belt" means a planting of evergreen trees and/or shrubs designed and maintained to prevent a through and unobscured penetration of sight, light, and sound. See also screening and Section 20.10.060.

**20A.02.384 Gross Leaseable Area**

"Gross leaseable area" means the area included within surrounding walls of a building or portion thereof, exclusive of vent shafts, courts and stairways. In a regional shopping center, the "gross leaseable area" does not include the pedestrian mall, provided it is not used for the sale, storage or display of merchandise.

**20A.02.385 Hazardous Waste**

"Hazardous waste" means all dangerous and extremely hazardous waste as defined in RCW 70.105.010(15), except for moderate risk waste as set forth in RCW 70.105.010(17).

**20A.02.386 Hazardous Waste Storage**

"Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

**20A.02.387 Hazardous Waste Treatment**

"Hazardous waste treatment" means the physical, chemical or biological processing of hazardous waste for the purpose of rendering these wastes non dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.

**20A.02.388 Heat Pump**

The term "heat pump" is a mechanical system which in connection with the conventional heating and/or cooling system moves or pumps the heat found in the air to heat and/or cool a building.

**20A.02.390 Hedge**

"Hedge" means a row of closely planted shrubs or trees forming a boundary or barrier.

**20A.02.395 Height Of Building**

See building height.

**20A.02.400 Heliport**

"Heliport" means an area used by helicopters or by other steep gradient aircraft which area includes a passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, parking space, hangars and other accessory buildings and open spaces.

**20A.02.405 Helistops**

"Helistops" means an area on a roof or on the ground where helicopters or other steep-gradient aircraft land or hover for the purpose of picking up or dispersing passengers or cargo, but not including fueling service, maintenance or overhaul.

**20A.02.415 Home Occupation**

"Home occupation" means the operation from a dwelling of a business which is clearly incidental to the primary use of the dwelling as living quarters and which in no manner compromises the residential character of the neighborhood in which the dwelling is located.

**20A.02.420 Hospital**

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state law to provide facilities and services in surgery, obstetrics and general medical practice, as distinguished from treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post-surgical treatment of mental cases.



**20A.02.425 Hospital, Mental (Including Hospitals For Treatment Of Alcoholics)**

"Mental hospital" means an institution licensed by state agencies under provisions of law to offer facilities, care and treatment for cases of mental and nervous disorders, and alcoholics. Establishments limiting services to juveniles below the age of five years and establishments housing and caring for cases of cerebral palsy are not considered mental hospitals.

**20A.02.430 Hospital Or Clinic, Small Animal**

"Small animal hospital or clinic" means an establishment in which veterinary medical services, clipping, bathing and similar services are rendered to dogs, cats and other small animals and domestic pets, but not including kennels.

**20A.02.435 Hotel**

"Hotel" means a building in which there are six or more guest rooms where lodging with or without meals is provided for compensation, and where no provision is made for cooking in any individual room or suite, and in which building may be included one apartment for use of the resident manager, but shall not include jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint.

**20A.02.441 Housing For The Elderly And Physically Disabled**

"Housing for the elderly and physically disabled" means multiple dwelling housing which is designed to provide for the particular needs of those elderly and physically disabled who may have functional limitations due to advanced age or physical impairment but are otherwise in good health. Residents of such housing can maintain an independent or semi-independent life style and do not require more intensive care as provided in a nursing or convalescent home. For the purposes of this definition, elderly shall typically mean 62 years of age or older. Design features may include but are not limited to wide doors and hallways and low counters to accommodate wheel chairs, support bars, specialized bathroom and kitchen fixtures, and common dining, recreation, or lounge areas. The term "housing for the elderly and physically disabled" shall include "congregate care." This definition shall not be construed to include facilities to house persons under the jurisdiction of the Superior Court or the Board of Prison Terms and Paroles.

**20A.02.442 Industrial Park**

"Industrial park" means a planned development of one or more buildings which displays unity in architecture and high standards of aesthetic considerations in architecture and in the choice of building materials, landscaping and other external features, and typically is occupied by several tenants, most of which combine their business offices with warehousing and/or light manufacturing (such as fabrication or assembly), the major emphasis of the industrial park being warehousing and distributing.

**20A.02.450 Junkyard**

"Junk Yard" means a place where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, bailed, packed, disassembled, or handled. The term "junk yard"

shall not be construed to include the above described uses if conducted entirely within an enclosed building; automobile wrecking yards and recycling collection centers; pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment; used cars in operable condition; used or salvaged machinery in operable condition; or the processing of used, discarded, or salvaged materials as a minor part of manufacturing operations.

**20A.02.455 Kennel**

"Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs and cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months.

**20A.02.465 Livestock**

"Livestock" means horses, bovine animals, sheep, goats, rabbits, swine, reindeer, donkeys, mules, chickens, mink and like animals.

**20A.02.475 Lodging House**

"Lodging house" means a dwelling unit within which not more than five guest rooms are devoted to accommodating not more than ten persons other than members of the family, but wherein meals for guests shall be neither provided nor permitted. A lodging house containing guest rooms numbering six or more shall be considered a hotel.

**20A.02.480 Lot**

"Lot" means a fractional part of subdivided lands having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements. The term shall include tracts or parcels.

**20A.02.485 Lot Area & Dimensions**

**A. Lot Area**

"Lot area" means the total horizontal area within the boundary lines of a lot.

**B. Lot Depth**

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the lot front line and at right angles to such line to its intersection with a line parallel to the lot front line and passing through the midpoint of the lot rear line. In the case of a lot having a curved front line, the lot front line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the lot lines of the lot with the lot front line.

### **C. Lot Width**

"Lot width" means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line.

### **20A.02.490 Lot Coverage**

"Lot coverage" means that portion of a lot occupied by the principal building and its accessory buildings, expressed as a percentage of the total lot area. For the purpose of this definition, the area of the building considered for lot coverage is that area above ground fully enclosed by walls and/or beneath a roof, excluding:

- Covered or uncovered outside walkways and balconies, providing that in the case of balconies which project more than five feet, the entire area of such balcony is included when computing lot coverage;
- Open courtyards, eaves and canopies that are attached to the principal building and do not project more than ten feet (the total area of eaves or canopies projecting more than ten feet is included when computing lot coverage); and
- Bay windows, providing the floor area is not increased. This definition applies to this title only and does not affect the definition of lot coverage as defined by the building and fire codes.

### **20A.02.495 Lot Lines**

#### **A. Lot Front Line**

"Lot front line" means, in the case of an interior lot, a line separating the lot from the street. In the case of corner lots or reverse corner lots that property line the prolongation of which creates the front property line for the greatest number of interior lots in the same block shall be considered as the lot front line of such corner or reverse corner lot.

#### **B. Lot Rear Line**

The term "lot rear line" means a lot line which is opposite and most distant from the lot front line. For the purpose of establishing the lot rear line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

- For a triangular or gore shaped lot, a line ten feet in length within the lot and farthest removed from the lot front line and at right angles to the line comprising the depth of such lot shall be used as the lot rear line;
- In the case of a trapezoidal lot the rear line of which is not parallel to the lot line, the lot rear line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the recorded lot rear line;
- In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angles and lines shall be employed for determining the lot rear line as prescribed for a triangular lot; and
- In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

#### **C. Lot Side Line**

The term "lot side line" means any lot boundary line not a lot front line or a lot rear line.

### **20A.02.500 Lot Types**

#### **A. Corner Lot**

The term "corner lot" means a lot situated at the intersection of two or more streets, the street frontages of which form an angle not greater than one hundred twenty-eight degrees, and not less than forty-five degrees.

#### **B. Interior Lot**

The term "interior lot" means a lot other than a corner lot or a reverse corner lot.

#### **C. Key Lot**

The term "key lot" means the first lot to the rear of a reverse corner lot and whether or not separated by an alley.

#### **D. Reverse Corner Lot**

The term "reverse corner lot" means a corner lot of which the lot side line on the street side is substantially a continuation of the lot front line of the lot upon which the rear of said corner lot abuts.

#### **E. Through Lot**

The term "through lot" means a lot having frontage on two streets, including a lot at the intersection of two streets when the street sides of such lot form an internal angle of less than forty-five degrees. Corner lots and reverse corner lots as defined in this title are not through lots.

#### **F. Transitional Lot**

The term "transitional lot" means a residentially-classified lot a side line of which forms a common boundary with contiguous property classified for either a higher density residential use or commercial or industrial uses.

### **20A.02.501 Manufactured Home**

"Manufactured home" means a dwelling unit constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. All manufactured homes shall bear the appropriate insignia by a state or federal regulatory agency indicating compliance with all applicable construction standards of the US. Department of Housing and Urban Development for manufactured homes as adopted by the Washington State Department of Labor and Industries or the Uniform Building Code as adopted by the City of Lynnwood.

### **20A.02.502 Manufactured Home Development**

A "manufactured home development" is a site developed as a planned unit development in accordance with LMC Title 20A.12 exclusively for the permanent placement of manufactured homes.

**20A.02.503 Mobile Home**

A "mobile home" is a transportable dwelling unit manufactured after January 1, 1968 and before June 15, 1976, and bearing an insignia of the Washington State Department of Labor and Industries. All mobile homes without such insignia are non-conforming structures.

**20A.02.504 Mobile Home Lot**

"Mobile home lot" means a plot of ground designated on a Binding Site Plan or conditional use permit, which is designed to accommodate one mobile home or manufactured home.

**20A.02.505 Mobile Home Park**

"Mobile home park" means any plot of ground upon which two or more mobile or manufactured homes are lawfully occupied as dwellings, regardless of whether a charge is made for such accommodation.

**20A.02.507 Marquee**

"Marquee" means a permanent roof structure attached to and cantilevered from a building.

**20A.02.509 Mini-Day Care Program**

"Mini-day Care Program" means a child day care facility for the care of 12 or fewer children in a facility other than the family residence of the person or persons under whose direct care and supervision the child is placed.

**20A.02.510 Motel**

"Motel" means a building or group of buildings on the same lot, containing motel units consisting of individual sleeping quarters, detached or in connected rows with or without cooking facilities, for rental to transients.

**20A.02.512 Motor Hotel**

"Motor hotel" means a specialized hotel designed and operated to provide hotel services and accommodations to the motoring public.

**20A.02.513 Municipal Services**

"Municipal services" means all municipal administrative services and offices, including municipal police and public safety facilities, fire stations, courts, libraries, museums, art galleries, convention centers, recreational facilities, performing arts facilities, and public parks or playgrounds; municipal services does not include (1) municipal shops as defined in LMC 20A.02.514, (2) public utility facilities as defined in LMC 20A.02.590, and (3) private schools, universities, colleges, day nurseries, sewer treatment plants.

**20A.02.514 Municipal Shops**

"Municipal shops" means municipal facilities for maintenance and repair shops, warehouses, and storage yards; municipal shops does not include sewer treatment plants or public utility facilities.

**20A.02.515 Non Conforming Building Or Structure**

"Non conforming building or structure" means any building, structure, or portion thereof, which was lawfully erected or altered but which, because of the application of this Title it no longer conforms to the regulations of the zone in which it is located as defined in this title.

**20A.02.520 Non Conforming Use**

"Non conforming use" means a use which was lawfully established and maintained but which, because of the application of this title to it, no longer conforms to the use regulations of the zone in which it is located as defined by this title.

**20A.02.525 Nursery School**

"Nursery school" means an establishment for preschool children whose parents send them for educational experience, but not for supplemental parental care.

**20A.02.530 Nursing Or Convalescent Home**

"Nursing or convalescent home" means an establishment which provides full time convalescent or chronic care or both for three or more individuals who are not related by blood or marriage to the operator or who, by reason of chronic illness or infirmity, are unable to care for themselves. No care for acutely ill, or surgical or obstetrical services, shall be provided in such homes. A hospital or sanitarium shall not be construed to be included in this definition.

**20A.02.532 Office, On-Site Service**

"On-site service office" means any business, professional, or government office providing as a substantial function of the business, on-site services which involve personal contact with people who do not work in the office. Examples would include, but not be limited to: residential real estate sales, loan offices, medical offices and employment agencies.

**20A.02.533 On-Site Hazardous Waste Treatment And Storage Facility**

"On-site hazardous waste treatment and storage facility" means treatment and storage facilities which treat and store hazardous wastes generated on the same property.

**20A.02.535 Open Space, Required**

"Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this title, as set forth in the different classifications contained herein, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Such open spaces, as in the case of required yards, are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky.

**20A.02.540 Outdoor Advertising Display**

"Outdoor advertising display" means any card, paper, cloth, metal, glass, wooden or other display or device of any kind or character whatsoever placed or painted for outdoor advertising purposes on the ground or on any tree, wall, fence, rock, structure or thing whatsoever.

**20A.02.545 Outdoor Advertising Structure**

"Outdoor advertising structure" means a structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising display is, or can be, placed.

**20A.02.550 Parking Area, Private**

"Private parking area" means an open area, other than a street, alley or other public property, limited to the parking of automobiles of occupants or employees of a dwelling, hotel, motel, apartment hotel, apartment house, boardinghouse or lodging house to which these facilities are appurtenant.

**20A.02.555 Parking Area, Public**

"Public parking area" means an open area, other than a street, alley or private parking area as defined herein, whether privately or publicly owned, which area is used for the parking of more than four automobiles.

**20A.02.556 Park & Ride Lots**

"Park and ride lots" means a public parking area for users of car pools or other recognized ride-sharing programs. They are usually for fifty cars or fewer and usually located within pre-existing parking lots where it has been demonstrated there is an adequate number of available stalls for such a use. They are to augment and to provide in some instances, an interim substitute for the larger, more permanent park and ride facilities.

**20A.02.560 Parking Space**

"Parking space" means an area accessible to vehicles, which area is provided, improved, maintained and used for the sole purpose of accommodating a motor vehicle.

**20A.02.563 Parking, Tandem**

"Tandem parking" means a parking stall designed to accommodate two vehicles parked end on end.

**20A.02.564 Park Trailer**

A "park trailer" is a vehicular unit manufactured in accordance with State requirements for park trailers, and bearing the appropriate insignia of the Washington State Department of Labor and Industries.

**20A.02.565 Person**

"Person" means and includes an individual, firm, co-partnership, association or corporation, governmental agency, or political subdivision.

**20A.02.566 Personal Service Shop**

"Personal Service Shop" means small business establishments, typically less than 2,500 square feet in building area, which provide cosmetic and non-medical health services for persons (e.g., barber or beauty shops, weight or fitness clinics, sun tan salons, etc.). This term does not include gymnasiums or health clubs over 2,500 square feet in building area.

**20A.02.567 Pet Grooming**

"Pet grooming" means an establishment providing bathing, clipping, and other cosmetic services for pets, and may include accessory retail pet supplies. No overnight boarding or veterinarian services may be rendered.

**20A.02.570 Pet Shop**

"Pet shop" means an establishment dealing in buying and selling such small animals and birds as are customarily or occasionally harbored in domestic establishments as pets, such as fish, dogs, cats, parrots, canaries and other song and decorative birds, monkeys, hamsters, and similar animals, but specifically excluding dangerous animals or dangerous or poisonous or constricting reptiles, unless properly contained, provided no boarding or veterinarian services are rendered excepting bathing and clipping of dogs and cats.

**20A.02.575 Place**

"Place" means an open unoccupied named space, other than a street or alley, at least twenty feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.

**20A.02.576 Planned Unit Development**

"Planned unit development" means a development which meets the provisions of Chapter 20A.30, LMC.

**20A.02.577 Planning Commission**

"Planning Commission" means that body as defined in Ch. 35 A. 63 RCW designated by the City Council to perform the planning function for the City of Lynnwood. .

**20A.02.578 Premise**

The land occupied by, leased to, or otherwise controlled by a use, all the structures thereon, and all the space therein. Such space may include one or more building sites (either undeveloped or improved land).



**20A.02.580 Principal Use**

The term "principal use" means the primary or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

**20A.02.585 Professional Offices**

The term "professional offices" means offices maintained and used as a place of business conducted by persons engaged in the healing arts of human beings, such as doctors and dentists, (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons providing services utilizing training in and a knowledge of mental disciplines as distinguished from training in occupations requiring skill or manual dexterity or the handling of commodities.

**20A.02.587 Private Road**

"Private Road" means: any right-of-way or road surface not open to general public use, which is retained permanently as a privately owned and maintained road, and created to provide access from a street to a lot or lots.

**20A.02.590 Public Utility Facilities**

"Public utility facilities" means facilities for the transmission, distribution, or collection of electric, telephone, telegraph, cable television, natural gas, water and sewer utility services, and the transportation of people.

**20A.02.595 Reclassification Of Property**

The term "reclassification of property" means a change in zone boundaries upon the zoning map, which map is part of this title when adopted in the manner prescribed by law.

**20A.02.600 Reclassification Of Use**

The term "reclassification of use" means the assignment, by amendment of this title, of a particular use to a different use classification than that in which the use was originally permitted.

**20A.02.605 Recorded**

The term "recorded" means, unless otherwise stated, filed of record with the Auditor of Snohomish County.

**20A.02.609 Recreational Area, Active**

"Active recreational area" refers to areas which are developed for one or more of the following uses: swimming pools, tennis courts, play fields, tot lots, lawn bowling greens, horseshoe pits, shuffle board, hand ball, and other similar recreational activities which require physical involvement and manual dexterity.

**20A.02.610 Recreational Area Or Community Club House, Non-Commercial**

The term "recreational area or community clubhouse, non commercial" means an area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community club houses and other similar uses maintained and operated by a nonprofit club or organization whose membership is limited to the residents within the area.

**20A.02.612 Recreational Vehicle - RV**

"Recreational Vehicle" or "RV" means a vehicular type unit primarily designed for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: Travel trailer, folding camping trailer, park trailer, truck camper, motor home, and multi-use vehicles. Recreational vehicle also includes boats, snowmobiles and other recreational equipment on or carried by a trailer.

**20A.02.615 Recreational Area, Commercial**

The term "commercial recreational area" means an area operated for profit and devoted to facilities and equipment for recreational purposes, including swimming pools, tennis courts, playgrounds and other similar uses whether the use of such area is limited to private membership or whether open to the public upon the payment of a fee.

**20A.02.617 Recycling Collection Center**

"Recycling Collection Center" means a principal use of a property, which use consists of bins or other containers for the collection of waste glass, paper, metal, plastic, or other materials which are regularly and frequently removed from the premises for processing into other products. The term "recycling collection center" shall not include the placement by charitable organizations of small bins for the collection of recyclable materials on property where such a use is clearly incidental to the principal use of the property.

**20A.02.622 Refuse And Recycling Collection Area**

"Refuse and recycling collection area" means a location where garbage and recyclable materials are stored for pick-up and removal by garbage and recycling service providers (haulers).

**20A.02.625 Residence**

The term "residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of or intended use of a building or structure.

**20A.02.627 Respite Care**

The term "respite care" means the provision of care and supervision during a portion of the day for persons who by reason of advanced age or disability are unable to care for themselves. Respite care shall not be construed to mean the full-time care of such persons.

Those currently under the jurisdiction of the Superior Court or the Board of Prison Terms and Paroles for a violent offense are excluded from such facility.

**20A.02.640 Sanitarium**

The term "sanitarium" means a health station or retreat or other place where resident patients are kept, and which specializes in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and licensed by state agencies under provisions of law to provide facilities and services in surgery, obstetrics and general medical practice as distinguished from treatment of mental and nervous disorders and alcoholics, but not excluding surgical and post-surgical treatment of mental cases.

**20A.02.645 Schools, Elementary, Junior High & High**

The term "school" means, unless further qualified, elementary, junior high and high. The terms "elementary schools," "junior high schools" and high schools" mean institutions of learning offering instruction in the several branches of learning and study required by the education code of the State of Washington to be taught in the public and parochial (or private) schools

**20A.02.650 Screening**

"Screening" means a continuous fence, supplemented with landscape planting or a continuous wall, evergreen hedge or combination thereof, that would effectively screen a property which it encloses and is broken only for access drives and walks. See also Section 20A.10.060.

**20A.02.655 Secondhand Stores**

"Secondhand stores" means retail establishments in which the principal portion of the articles, commodities or merchandise handled, offered for sale, or sold on the premises are not new. Secondhand stores shall not be considered as including antique stores or pawnshops.

**20A.02.660 Service Station, Full**

"Full service station" means a business that provides for the sale of gasoline, diesel or other fuels used for the propulsion of motor vehicles, when such products are delivered directly into the fuel tanks of motor vehicles.

The following may also be allowed as provided:

- The servicing of motor vehicles and operations incidental thereto, the retail sale of fuels, petroleum products and automotive accessories; automobile washing by hand; waxing and polishing of automobiles; tire changing and repairing, excluding recapping; battery service, charging and replacement, excluding repair and rebuilding;
- The following services if performed within a building: radiator cleaning and flushing, excluding steam cleaning and repair; and installation of accessories; lubrication of motor vehicles; brake servicing limited to servicing and replacement of brake cylinders, lines and brake shoes, wheel balancing; the inspection, testing, adjustment and replacement or servicing of carburetors, coils, condensers, distributor caps, fan belts, filters, generators,

points, rotors, spark plugs, voltage regulators, water and fuel pumps, water hoses and wiring, mufflers and tailpipes, and pollution control equipment and devices.

**20A.02.661 Service Station, Self**

For the purpose of this chapter, a "self-service station" means a "full service station" as defined in Section 20A.02.660 at which one or more of the fuel dispensing pumps is designated for operation by the retail consumer.

**20A.02.663 Setback, Building**

For "building setback," see "building line."

**20A.02.664 Shopping Center**

A multiple business site with at least six retail goods and service establishments and consisting of at least 50,000 sq. ft. of building area and/or one or more supermarkets, variety or department stores.

**20A.02.665 Sign, Advertising**

"Advertising sign" means any sign, structure or device that is intended for advertising purposes or on which letters, figures or pictorial matter are, or are intended to be, displayed for advertising purposes other than identifying the premises on which the sign is located or the occupant of said premises, or signs related to goods or services manufactured, produced or available on such premises. The term shall not be held to include signs which are otherwise defined as a business sign by Section 20A.02.670. This definition shall also not be held to include a real estate sign advertising the sale or rental of the property upon which it stands.

**20A.02.667 Sign, Awning**

"Awning sign" means any business sign erected upon or against a non-rigid awning. The term shall also mean the entire area of any non-rigid awning which projects less than 3 feet from a building and which has graphics on it. An awning sign is not a wall sign.

**20A.02.670 Sign, Business**

"Business sign" means any sign, structure or device identifying the premises on which located, or the occupant of said premises, or signs relating to goods or services manufactured, produced or available on such premises. "Business sign" means any device designed to attract attention to the premises including, but not limited to, balloons with or without letters or pictorial figures on them, spotlights and searchlights. This definition shall include said sign, structure, or device when located in a developed access easement to said premises.

**20A.02.672 Sign, Freestanding**

"Freestanding sign" means a business sign wholly supported by a sign structure in the ground.

**20A.02.673 Sign, Ground**

"Ground sign" means a freestanding business sign which is not more than 3-1/2 feet in height and not more than 25 square feet in area, per side.

**20A.02.676 Sign, Marquee**

"Marquee sign" means a business sign placed on, constructed in or attached to a marquee.

**20A.02.677 Sign, Pole**

"Pole sign" means any freestanding business sign which does not meet the definition of a ground sign.

**20A.02.678 Sign, Projecting**

"Projecting sign" means a business sign other than a wall sign which projects from and is supported by a wall of a building or structure.

**20A.02.679 Sign, Roof**

"Roof sign" means a business sign erected upon or above a roof or a parapet of a building or structure.

**20A.02.680 Sign, Self-Illuminated**

"Self-illuminated sign" means any sign, name plate or bulletin board in which the letters, figures, or pictorial matter are outlined by neon, fluorescent, incandescent or other lighting device in which the artificial light is maintained stationary and constant in intensity and color at all times when lighted.

**20A.02.682 Sign, Wall**

"Wall sign" means any business sign painted on, or attached directly to and supported by a wall of a building or structure with the exposed face of the sign on a plane parallel to the wall.

**20A.02.683 Sign Area**

"Sign area" means the maximum visible display surface of the sign which may be viewed at one time, including those areas enclosed or substantially enclosed by the display. Sign supported structures not part of the display shall not be included in the calculation of sign area.

**20A.02.684 Solar Collector**

The term "solar collector" means a device for capturing solar energy. It may be attached or detached to the building to which it is supplying energy and includes the mounting for the device.

**20A.02.685 Solar Energy System**

The term "solar energy system" means any device or combination of devices or elements which rely on direct sunlight as an energy source, including but not limited to any substance or device which collects, stores, or distributes solar energy for use in the heating or cooling of a structure or building, the heating or pumping of water, and the generation of electricity.

**20A.02.686 Solar Greenhouse, Attached**

The term "solar greenhouse" means a type of attached sunspace where food is produced and/or plants are grown for personal use.

**20A.02.687 Solar Sunspace, Attached**

The term "attached sunspace" means a glazed extension to a building which acts as a solar energy collection device. Through direct radiation, natural convection or mechanical means, the energy is conveyed to a heat storage medium and reduces the building's consumption of conventional energy.

**20A.02.688 Specialty Retail Center**

A multiple business site with at least six specialty retail goods or service establishments, furniture, hardware or appliance shops. Sites containing 50,000 sq. ft. or more of building area and/or supermarkets, variety or department stores are not considered specialty retail centers.

**20A.02.689 Specific Sexual Activities**

- Human genitals in a state of sexual stimulation or arousal;
- Acts of human masturbation, sexual intercourse or sodomy;
- Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**20A.02.689 Specified Anatomical Areas**

- Less than completely or opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the aureole; and
- Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**20A.02.695 Stand**

"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

**20A.02.700 Story**

"Story" means that portion of a building, except the mezzanine, included between the surface of any floor and the surface of the floor next above, except that the highest story is that portion of a building included between the highest floor surface and the ceiling or roof above. A basement shall be counted as a story.

**20A.02.705 Street**

"Street" means a lawfully dedicated public right-of-way. The term "street" shall include avenues, boulevards, place, way and drive.

**20A.02.710 Street Line**

"Street line" means the boundary line between a street and the abutting property.

**20A.02.715 Street, Principal**

"Principal street" means that street for which the house numbering is issued and which becomes the main access to the property.

**20A.02.720 Street, Side**

"Side street" means a street which is adjacent to a corner lot or reverse corner lot and which extends in the general direction of the lot line determining the depth of the corner or reverse corner lot. .

**20A.02.730 Structure**

The term "structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

**20A.02.737 Temporary Special Event**

The term "temporary special event", as set out in this title, shall be construed to mean any fair, show, exhibition, promotion, entertainment, parking lot, or street, or tent sale, or other temporary activity of like character not otherwise defined as a carnival or circus. This term shall not be construed to include such activities when conducted within an enclosed shopping mall. .

**20A.02.740 Trade Or Business School**

The term "trade or business school" means an establishment conducted as a commercial enterprise for teaching trade, business or secretarial courses, instrumental or vocal music, art, dancing, barbering or hairdressing or for teaching similar skills.

**20A.02.745 Theater**

The term "theater" means a building expressly designed for presentation of plays, operas and motion pictures.

**20A.02.750 Theater, Drive-In**

The term "drive-in theater" means an establishment to provide entertainment through projection of motion pictures on an outdoor screen for audiences whose seating accommodations are provided by their own motor vehicles parked in car spaces provided on the same site with the outdoor screen.

**20A.02.755 To Place**

The verb "to place" and any of its variants as applied to advertising displays and outdoor advertising structures includes maintaining, erecting, constructing, posting, painting, printing, nailing, gluing or otherwise fastening, affixing or making visible in any manner whatsoever.

**20A.02.765 Trailer Park, Trailer Court, Mobile Home Park & Public Trailer Camp**

The terms "trailer park," "trailer court," "mobile home park," "public trailer camp" mean any area or tract of land used or designed to accommodate two or more automobile house trailers.

**20A.02.775 Use**

The term "use" means the purpose for which land or a building is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

**20A.02.780 Use Or Structure, Accessory**

The term "accessory use" or "accessory structure" means uses customarily incidental to a permitted principal use when located in the same building or in a separate building located on the same lot.

**20A.02.785 Use Or Structure, Conditional**

The term "conditional use" or "conditional structure" means uses permitted in this title as principal or accessory uses when duly authorized and subject to specified conditions.

**20A.02.795 Use Or Building, Principal**

The term "principal use" or "principal building" means the principal use conducted on the lot or the building housing the principal use, as distinguished from an accessory building using accessory uses.

**20A.02.800 Variance**

The term "variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies the disparity in privileges.

**20A.02.803 Warehouse**

A structure, room, or rooms for the storage of merchandise or commodities.

**20A.02.810 Wholesale Store**

The term "wholesale store" means an establishment for the sale of goods and merchandise in wholesale lots, including wholesale storage.



**20A.02.815 Yard**

The term "yard" means an open space other than a court on a lot, occupied and unobstructed from the ground upward unless specifically otherwise permitted in this title.

**20A.02.820 Yards, Types & Measurements**

**A. Front Yard**

The term "front yard" means an area extending across the full width of the lot and lying between the lot front line and a line drawn parallel thereto, and at a distance there from equal to the required front yard depth as prescribed in each classification. Front yards shall be measured by a line at right angles to the lot front line, or by the radial line or radial line extended in the case of a curved lot front line.

**B. Side Yard**

The term "side yard" means an open area measured from the lot side line toward the center of the lot and extending from the rear line of the required front yard, toward the lot rear line to a point measuring two-thirds of the depth of the lot, except that on the side of corner lots and reverse corner lots, the required side yard shall extend to the rear line of the lot. The width of the side yard shall be measured horizontally from, and be parallel to the lot side line from which it is measured.

**C. Rear Yard**

The term "rear yard" means an open space extending across the full width of the lot between the principal buildings and the rear lot line; the required depth of the rear yard shall be measured horizontally at right angles from the nearest point of the rear lot line toward the nearest point of the principal building, not including permitted architectural features.

**20A.02.825 Yard, Rear Line Of Required Front**

The term "rear line of the required front yard" means a line parallel to the lot front line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

**20A.02.830 Zone**

The term "zone" means an area accurately defined as to boundaries and location on an official map and within which area only certain types of land uses are permitted, and within which other types of land uses are excluded, as set forth in this title.

SECTION 3. That Title 20A, Chapter 4 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## CHAPTER 20A.04

### GENERAL PROVISIONS

#### 20A.04.015 Purpose

##### **A. General**

This title provides regulations concerning the use of land and structures and the location, size, and bulk of structures for the purpose of the protection and promotion of the quality of the natural environment and the health, safety, morals, and other aspects of the general welfare of present and future inhabitants of the City of Lynnwood in accordance with the Comprehensive Plan. To these ends, it is the intent of these regulations to assure adequate light, air, and access; prevent the overcrowding of land; avoid undue concentration of population; lessen congestion in the streets; provide ample parking; maximize safety from fire, panic, and other dangers; facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public services to prevent urban sprawl; secure economy in governmental expenditures through efficient use of land; protect property against blight and depreciation; preserve, whenever feasible and practical, significant trees, wildlife, water courses, and other features of the natural environment; encourage high aesthetic standards in the development of land; promote desirable living conditions and the stability of neighborhoods; and in general encourage the most appropriate use of land and structures throughout the City. These general purposes include the more specific purposes set forth elsewhere in this title.

##### **B. Sign Regulations**

The control of signs in areas adjacent to city streets and roadways is hereby declared to be necessary to promote the public health, safety, welfare, convenience, and enjoyment of public travel in the city, to protect the public investment in the street system of the city, to promote aesthetic values within the city, and to insure that information in the specific interest of passing motorists is presented safely and effectively.

#### 20A.04.018 Enforcement By Planning Director

The Planning Director is charged with the implementation and enforcement of the provisions of this Title.

#### 20A.04.020 Interpretation Of Text & Map

This title shall consist of the text hereof and in addition thereto that certain map entitled, "City of Lynnwood Official Zoning Map". The map as adopted by the latest ordinance shall be kept on file at the Planning Department of the City of Lynnwood, Said map is by this reference incorporated herein and hereby made an integral part of this title.

**20A.04.120 Liability Of Officials And Employees**

The Director of Planning or any employee charged with the enforcement of this title, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render the Director liable personally and the Director is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his or her duties. Any suit brought against the Director of Planning or employee, because of such act or omission performed by that person in the enforcement of any provisions of this title, shall be defended by the City until final termination of the proceedings.

**20A.04.220 Licenses Issued In Conflict Void**

All department officials and public employees of the City of Lynnwood which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no such permit or license for any use, building or purpose if the same would be in conflict with the provisions of this title. Any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

**20A.04.221 Relocation Of Structures Upon Taking Of Lands For Public Use - General**

Accessory structures and/or improvements such as signs and landscaping, which are located within that portion of a larger parcel which is to be acquired for a public use, may be relocated upon the remaining parcel in the same relative location as they existed prior to the taking.

**20A.04.222 Relocation Of Structures Upon Taking Of Lands For Public Use - Hardship To Owner**

If a property owner determines that movement of accessory structures (signs, landscaping) to the "same relative location" on the remaining parcel shall, in the opinion of the property owner, create a hardship to the property owner, the City Council may, upon application by the property owner, provide for relocation of such accessory structures (signs and/or landscaping) or reduction or elimination thereof in a manner more suitable to the property owner; provided that no such determination shall be made by the City Council until after advice by the Hearing Examiner

**20A.04.300 Interpretation Of The Zoning Code**

The procedure and criteria that the City will use in deciding upon a written request to interpret the provisions of Title 20A., the Lynnwood Zoning Code, and in issuing any other written interpretation of the Zoning Code are set forth in this Section. The interpretation of the provisions of a concomitant agreement, other permit or written approval issued pursuant to this title will be treated as an interpretation of the Zoning Code.

**A Applicability**

The following provisions apply to each written request to interpret the provisions of Title 20A and to any other interpretation of the Zoning Code issued by the Director of Planning.

## **B Purpose of Interpretation**

An interpretation of the provisions of Title 20A. clarifies conflicting or ambiguous wording, or the scope or intent of the provisions of the Code. An interpretation of the provisions of the Zoning Code may not be used to amend that Code.

## **C Who May Request**

Any person may request a written interpretation of the provisions of Title 20A., the Lynnwood Zoning Code. In addition the Director of Planning may issue an interpretation on the Director's own initiative.

## **D Applicable Procedure**

The Director of Planning shall interpret the provisions of Title 20A. in conformance with this Section.

## **E Submittal Requirements**

Any person requesting an interpretation of Title 20A., the Lynnwood Zoning Code, shall submit a written request specifying each provision of Title 20A. for which an interpretation is requested, why an interpretation of each provision is necessary and any reasons or material in support of a proposed interpretation.

## **F Factors for Consideration**

In making an interpretation of the provisions of Title 20A the Planning Director shall consider:

- The applicable provisions of the Zoning Code including their purpose and context; and
- The implications of the interpretation for development within the City as a whole; and
- The impact of the interpretation on other provisions of the Zoning Code; and
- The intent of the City Council as reflected by the Council minutes, Findings, and Conclusions, and other documents found within the Planning Department file on the provisions in question, if any; and
- The Comprehensive Plan and other relevant codes and policies; and
- The opinion of the City Attorney on the interpretation.

## **G Limitation on Authority**

The Director of Planning may not make an interpretation of any provision of the Zoning Code which modifies or conflicts with any other provision of the Zoning Code, unless the purpose of the interpretation is to resolve a conflict between provisions of the Zoning Code.

## **H Enforcement**

An interpretation of the Zoning Code issued in accordance with these provisions may be enforced in the same manner that any provision of the Zoning Code is enforced. The Planning Director shall maintain and make available for public inspection all written interpretations of the Zoning Code with a current index of such interpretations.

## **I Time Limitation**

An interpretation of this title remains in effect until rescinded in writing by the Planning Director.

## **J Response to Written Request**

The Planning Director shall mail a written response to any person filing a written request to interpret the provisions of the Zoning Code within 25 days of having received that request.

## **K Appeal of Interpretation by Director**

When an interpretation is made in response to a written request pursuant to these provisions, the person filing the written request may appeal the decision of the Director of Planning using PROCESS II. (1.35.200 et. seq.). The fee for such an appeal shall be \$100.00 and must be paid by the appellant at the time of filing the appeal.

### **20A.04.310 Maintaining Greenbelts And Landscaping**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

### **20A.04.400 Scope**

It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the City is a party. Where this title imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

### **20A.04.410 Political Signs**

Political signs, concerning candidates or issues, shall not require a sign permit or fee, but this exemption shall not be construed as relieving the owner of the sign from responsibility for its erection and maintenance in conformance with all applicable laws. Such signs are specifically prohibited from being located in the public right-of-way. Also, the face of such signs shall not exceed thirty-two square feet. The owners of such a sign and the owners of the property on which the sign is located, shall be responsible for its removal within fourteen days after the election, except in the case of a primary election where successful candidates will appear in a general election, such sign will be removed within fourteen days after the general election.

### **20A.04.420 Banners**

Banners are prohibited in all zones.

### **20A.04.900 Penalty For Violation**

Any person, firm or corporation whether as principal, agent, employee or otherwise, who violates any of the provisions of this title is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars or by imprisonment in the City jail for a term not exceeding 90 days or by both such fine and imprisonment. Such person, firm or

corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this title is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided herein.

### **20A.04.950 Severability**

If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

### **Section 20.04.960 No Impact by Original Adoption**

The original adoption of this title (December, 1994) is intended only to reorganize then-existing zoning regulations and requirements; it is intended not to make any substantive change to then-existing property rights. Since it is possible that such a large reorganization of this title may cause an unintended property right impact, the Planning Director is authorized to apply the regulations and requirements of Title 20 at the date of adoption of Title 20A to a specific parcel or project in lieu of the applicable regulations and requirements of Title 20A if the Director finds conclusively that the adoption of this title substantively changed zoning regulations for that parcel or project. An appeal to the Director's decision under this Section may be appealed pursuant to Process II (LMC 1.35.200 et.seq.).

### **20A.04.999 Savings Clause**

Nothing contained in this ordinance or in the Lynnwood Zoning Code adopted herein shall be construed as abating any action now pending under or by virtue of any general ordinance of the City of Lynnwood herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the City under any ordinance or provision thereof in force at the time of passage of the ordinance codified in this Title 20A.

**SECTION 4.** That Title 20A, Chapter 6 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.06**

### **STREET FRONTAGE LANDSCAPE REQUIREMENTS**

#### **20A.06.050 Purpose**

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for under the regulations applicable in specific zones, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets.

### **20A.06.100 Procedure**

The Planning Commission shall, and when applicable the City Council may, hold a public hearing to consider any such plan, except that the notice of public hearing shall be mailed to owners of property abutting the street or streets under consideration. The plan shall include the name, length, and sides of the street or streets to which the plan would apply and the species, spacing, and size of planting materials.

### **20A.06.150 Requirements**

All new development along the street or streets to which an approved plan applies shall comply with the approved street frontage landscaping plan. Substantial variations from the plan shall require City Council review and approval. The selective use of flowers and small flowering shrubs to augment the approved street frontage landscaping plan shall not be considered a substantial variation. Approved street frontage landscaping plans are listed under Section 20A.06.200.

### **20A.06.200 Street Frontage Landscaping Plans**

The following street frontage landscaping plans specifying planting materials are in effect:

#### **A. East and West Sides of 33rd Avenue W. from 188th Street S.W. to Alderwood Mall Blvd.**

London plane trees 2-1/2 to 3 in. minimum caliper size, 12 to 15 ft. minimum height, planted 25 ft. on centers with branches eliminated to a height of 6 ft. where necessary to prevent sight obstruction; plus lawn, except that ivy, spaced so as to achieve 50% ground cover within two years, may be allowed on portions demonstrated to be too steep for adequate lawn maintenance.

#### **B. East and West Sides of 36th Avenue W. from 180th Place S.W. to 196th Street S.W.**

Red maple trees 2-1/2 to 3 in. minimum caliper size, 12 to 15 ft. minimum height, 25 ft. on centers with branches eliminated to a height of 6 ft. where necessary to prevent sight obstruction; plus lawn, except that ivy, creeping St. Johnswort, or kinnikinnick, spaced so as to achieve 50% ground cover within two years, shall be allowed on portions demonstrated to be too steep for adequate lawn maintenance.

#### **C. East and West Sides of Alderwood Mall Blvd. from 184th Street S.W. North to the City Limits**

##### **1. Planting Layout**

Minimum 9-foot wide sod lawn area between curb and sidewalk with a maximum slope of 4:1; Red Maple trees 3 inches minimum caliper size, 12 to 15 foot minimum height, centered in lawn area and planted 30 feet on center with branches eliminated to a height of 6 feet where necessary to prevent sight obstruction; sidewalk subject to Public Works Department standards; and 5-foot wide shrub area planted with evergreen shrubs forming a solid screen and obtaining a 36-inch maximum height, and evergreen ground cover spaced to achieve 100% coverage within 2 years. Refer to Figures 20A.06.1 and

20A.06.2 for alternative landscape configurations when insufficient right-of-way width exists to meet the above standards.

## 2. Shrub Planting

The shrub area shall contain shrubs 18 inches minimum height, planted 3 feet on center or greater if recommended by a landscape professional, and any of the following species:

- Otto Luyken Laurel
- Apple Blossom Escallonia
- Raphiolepis Ovata
- Ilex Crenata 'Convexa'
- Delavayi Osmanthus or Holly-Leaf Osmanthus

## 3. Irrigation

A below ground irrigation system shall be provided in addition to the required landscaping to insure that all plant materials receive adequate moisture on a regular basis.

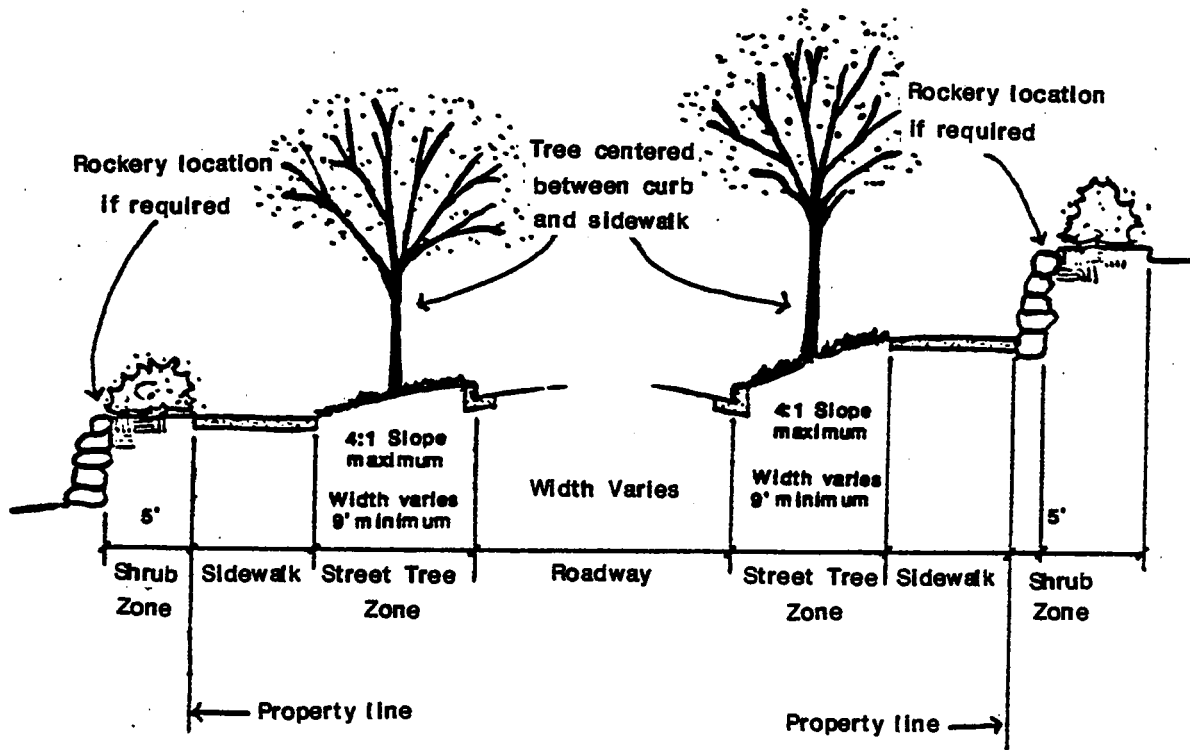
## 4. Supercede

The landscaping requirements of this section shall supercede other landscaping requirements of Title 20A that may conflict.



# WIDE ROAD SHOULDER

(16 ft minimum between curb and property line)



# NARROW ROAD SHOULDER

(Less than 16 ft between curb and property line)

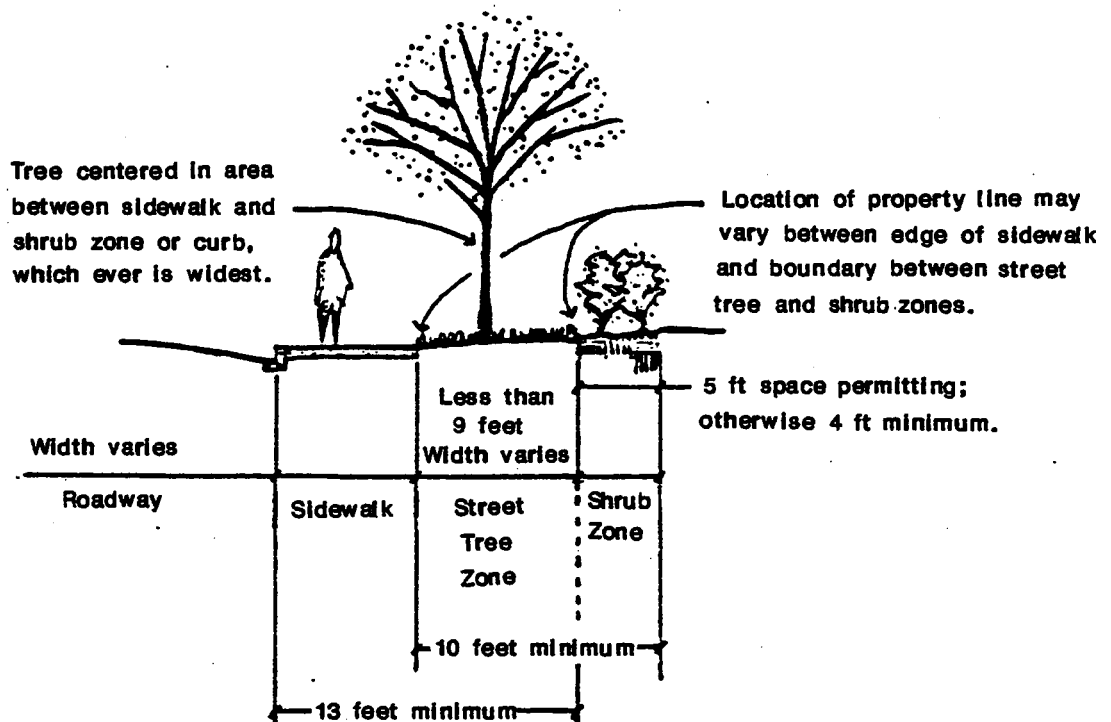


Figure 20A.06.1

# TRANSITION FROM WIDE TO NARROW ROAD SHOULDER

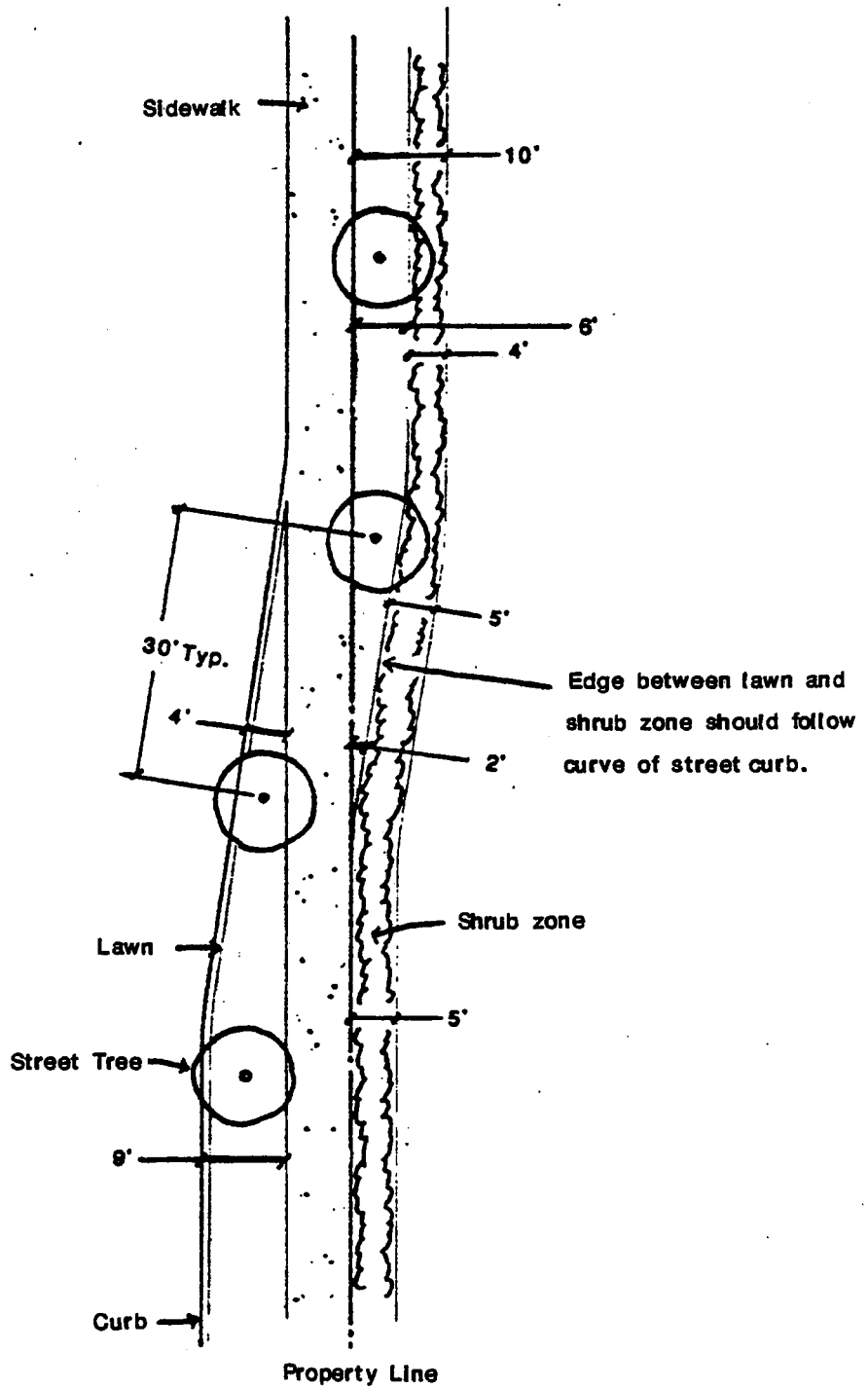


Figure 20A.06.2

## **D. North and South Sides of 194th Street S.W. between 40th Avenue W. and 44th Avenue W.**

### **1. Planting Layout**

Five-foot wide sidewalk adjacent to curb; and a 10-foot wide landscape area consisting of a 6-foot wide sod lawn or ground cover area adjacent to the sidewalk, and a 4-foot wide area planted with evergreen or deciduous trees and evergreen shrubs. The tree and shrub area shall contain shrubs forming a screen obtaining a 3-foot maximum height, and evergreen groundcover spaced to achieve 100% coverage within 2 years. Up to 5 feet of the above landscaping may be within excess right-of-way with approval of the Public Works Department. Refer to Figures 20A.06.3, 20A.06.4 and 20A.06.5 for landscape standards applying to different access driveway configurations.

### **2. Tree Planting**

The above street trees shall be planted in groups of 2 or 3 at access driveways with each tree spaced 20 feet apart and at least 3 feet from the parking area curb. If the distance between access driveways on the same or adjoining property exceeds 150 feet, two trees 20 feet apart shall be planted at the mid point. In addition, one tree shall be planted 10 feet from each side property line, however, a tree will not be required if the distance from the access driveway to the side property line is 75 feet or less. Trees shall be a minimum of 2 1/2 inches in caliper, 10 foot minimum height at time of planting with branches eliminated to a height of 6 feet where necessary to prevent sight obstruction for motorists and pedestrians at access driveways and street intersections.

Any of the following trees may be used, however, within each site the same type of tree shall be used along the street frontage:

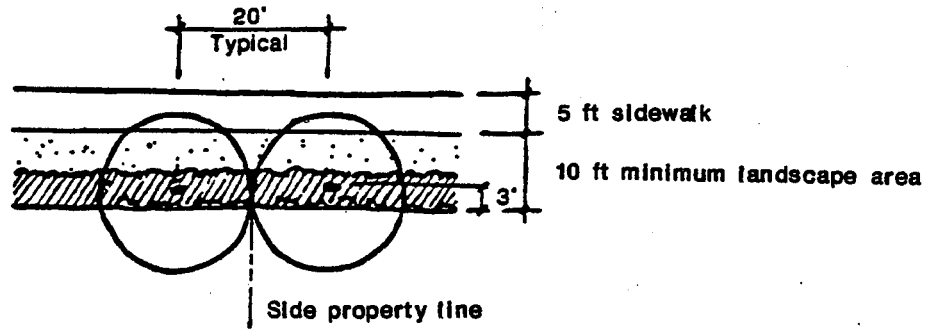
- Columnar European Hornbeam
- Red Spire Ornamental Pear
- Katsura Tree
- Carrierei Hawthorn
- Washington Thorn
- Holly Oak

### **3. Shrub Planting**

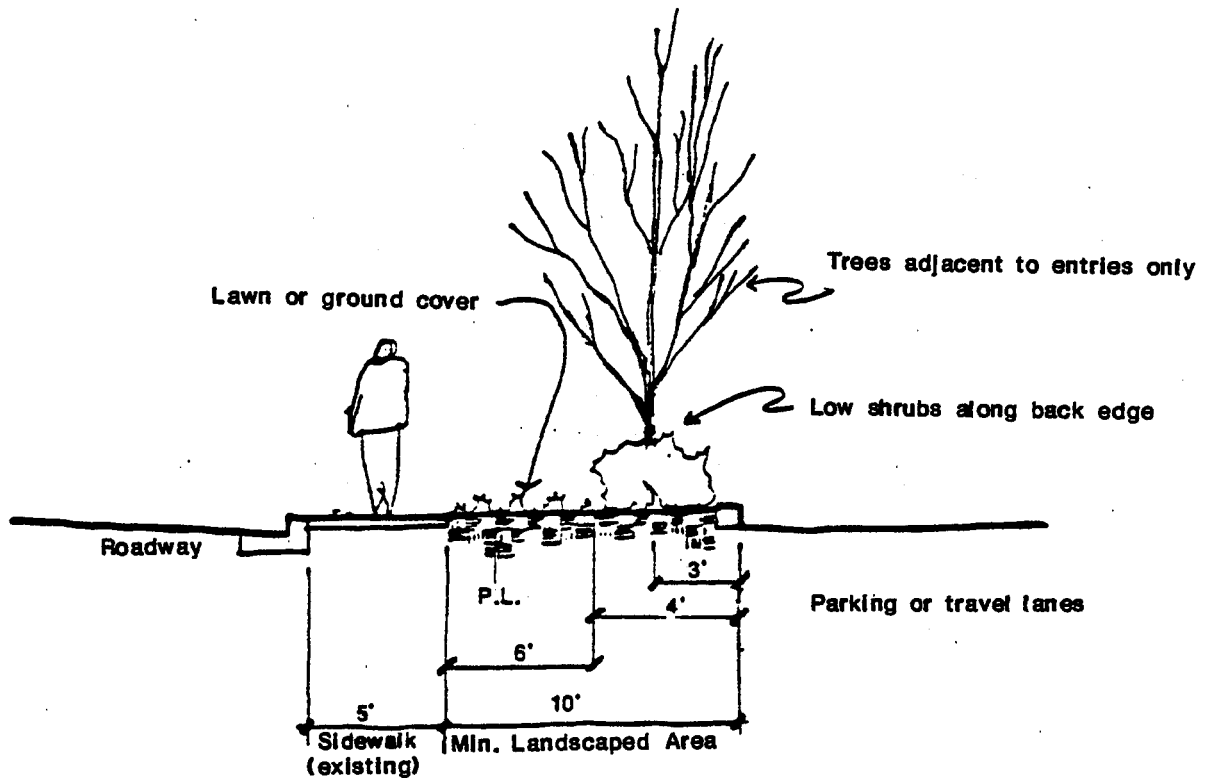
The tree and shrub area shall contain shrubs 18 inches minimum height, planted 3 feet on center or greater separation if recommended by a landscape professional, and any of the following species:

- Glossy Abelia 'Edward Goucher'
- Otto Luyken Laurel
- Japanese Holly 'Convexa'
- Laurustinus 'Spring Bouquet'
- Evergreen Euonymus 'Sarcoxie'
- India Hawthorn (Raphiolepis)
- Delavay Osmanthus
- Darwin Barberry

194th Street S.W.



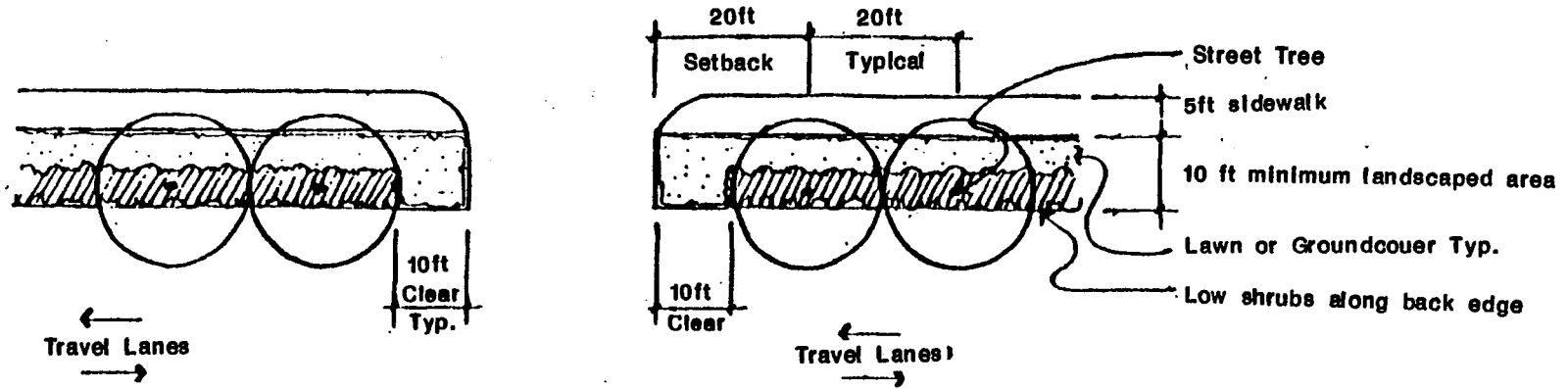
## TREES AT SIDE PROPERTY LINE



## TYPICAL SECTION

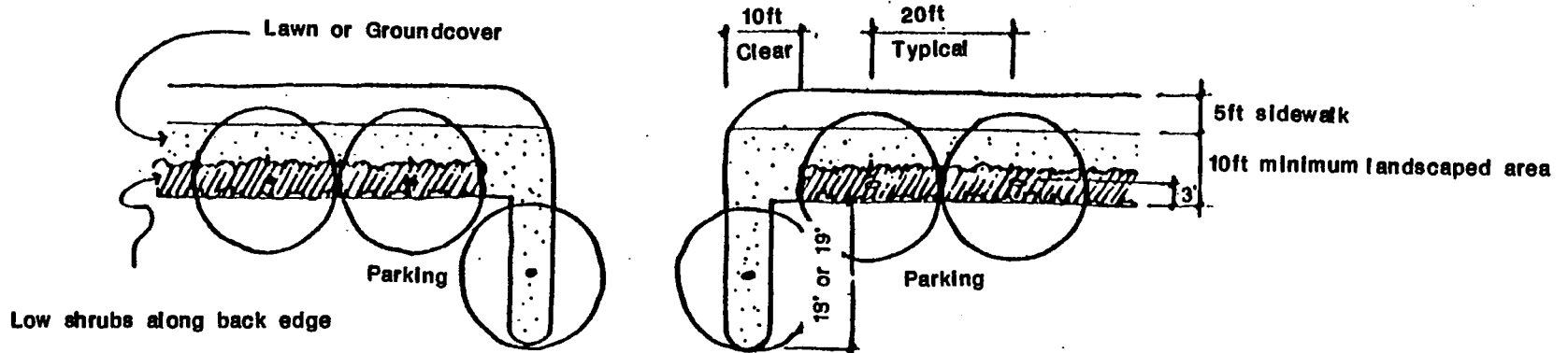
Figure 20A.06.3

194 Street S.W.



### SINGLE ACCESS WITH TRAVEL LANE ADJACENT TO PLANTING

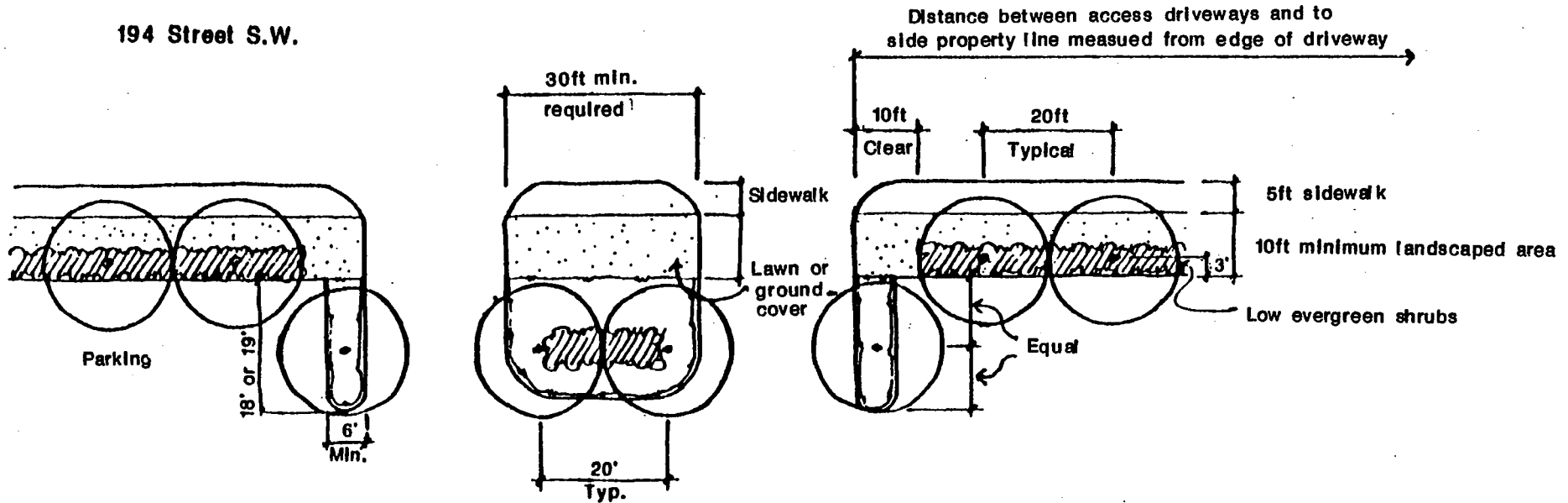
194 Street S.W.



### SINGLE ACCESS WITH PARKING ADJACENT TO PLANTING

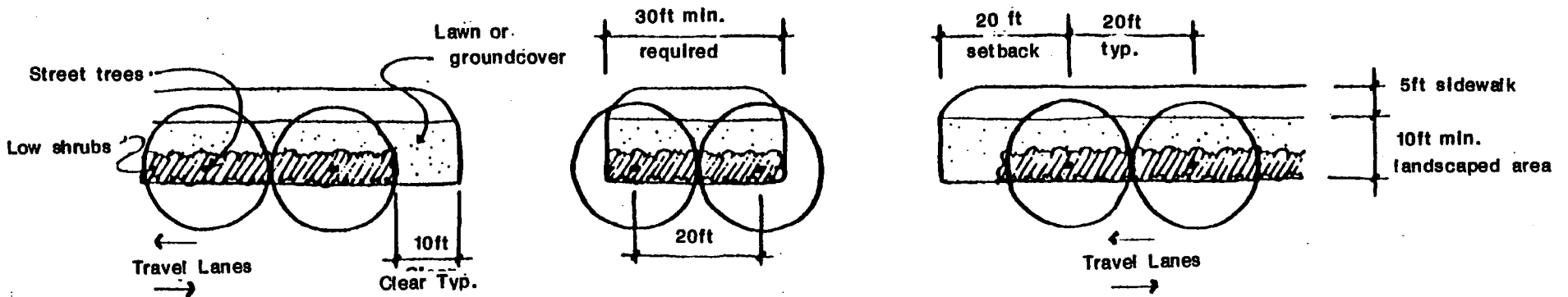
Figure 20A.06,4

194 Street S.W.



### DOUBLE ACCESS WITH PARKING ADJACENT TO PLANTING

194 Street S.W.



### DOUBLE ACCESS WITH TRAVEL LANES ADJACENT TO PLANTING

Figure 20A.06.5

#### 4. Groundcover Planting

The tree and shrub area shall contain groundcover, spaced 18 to 24 inches on center or greater separation if recommended by a landscape professional, and any of the following species:

- Kinnikinnick
- Ivy
- Common Wintercreeper
- Cotoneaster 'Lowfast,' 'Dammeri'
- Creeping Mahonia
- Juniper 'Shore Juniper,' 'Blue Carpet Juniper,' 'Shimpaku,' 'Tam'

#### 5. Irrigation

A below ground irrigation system shall be provided in addition to required landscaping to insure that all plant materials receive adequate moisture on a regular basis.

#### 6. Supercede

The above landscaping requirements of this section shall supercede other landscaping requirements of Title 20A that may conflict.

#### 7. Existing Vegetation

Existing vegetation shall be retained to the greatest extent possible within the required minimum 20-foot wide buffer on properties on the north side of 194th Street S.W. along the property lines adjacent to residentially zoned property. This requirement shall work in conjunction with the site screening requirements in the applicable zone. Vegetation which is diseased, dead, dying, or judged to be hazardous may be removed with permission of the City.

### **E. North and South Sides of 196th Street S.W. from Interstate 5 East to the City Limits**

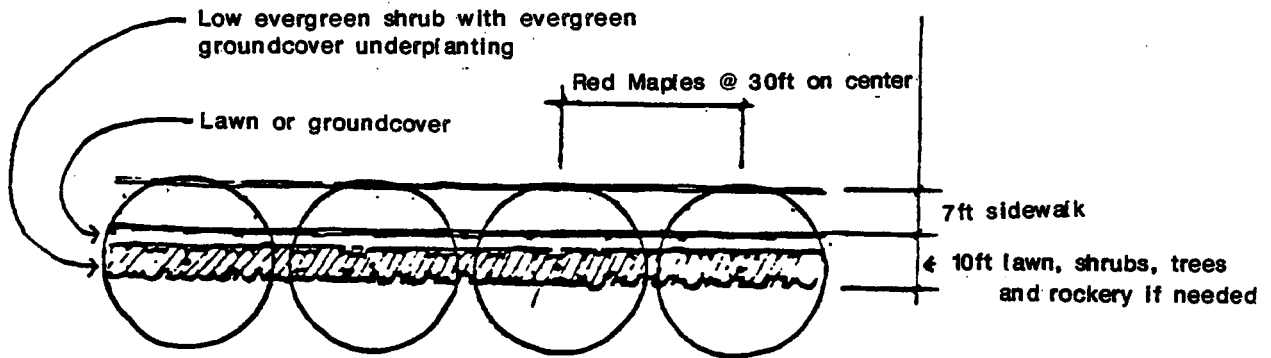
#### 1. Planting Layout

A sidewalk subject to Public Works Department standards adjacent to curb; and a 10-foot wide landscape area with a maximum slope of 4:1 consisting of a 5-foot wide sod lawn area adjacent to the sidewalk, and a 5-foot wide tree and shrub area planted with Red Maple (*Acer Rubrum*) trees spaced 30 feet on center, evergreen shrubs forming a screen obtaining a 3-foot maximum height, and evergreen groundcover spaced to achieve 100% coverage within 2 years. Up to 5 feet of the above landscaping may be within excess street right-of-way with approval of the Public Works Department. Refer to Figures 20A.06.6, 20A.06.7, and 20A.06.8 for landscape standards when the grade between sidewalk and parking creates a slope of more than 4:1.

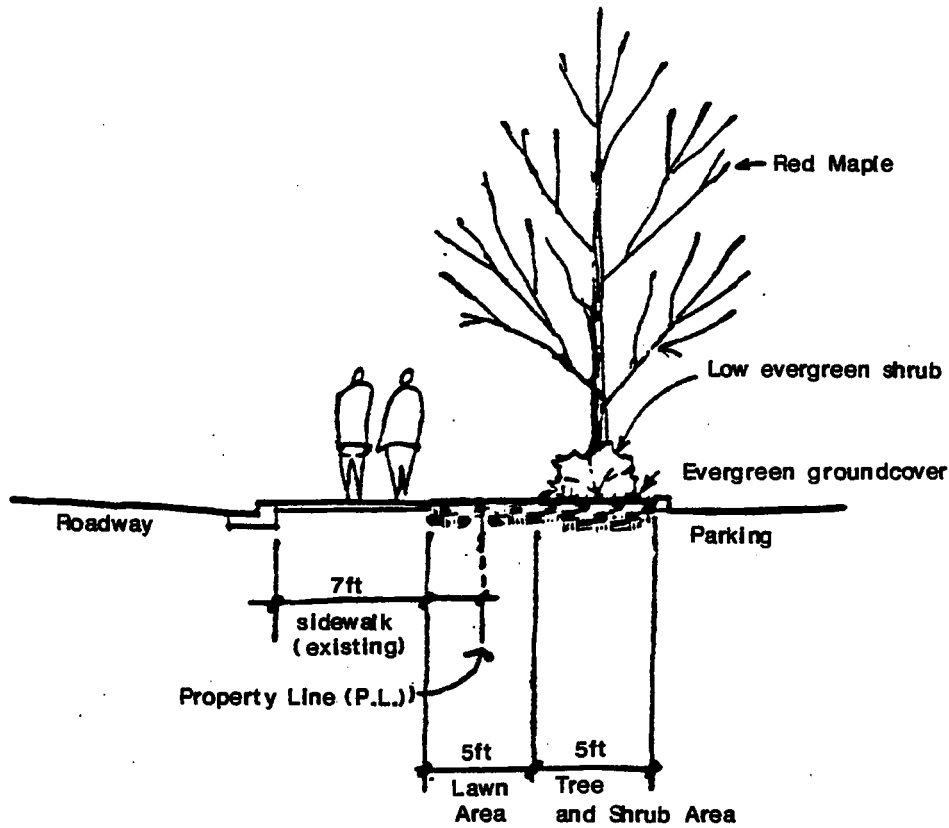
#### 2. Tree Planting

Red Maple street trees shall be planted at least three feet from the parking area curb. The trees shall be a minimum of 3 inches in caliper, 15 foot minimum height at time of planting with branches eliminated to a height of 6 feet where necessary to prevent sight obstruction for motorists and pedestrians at access driveways and street intersections.

196 Street S.W.



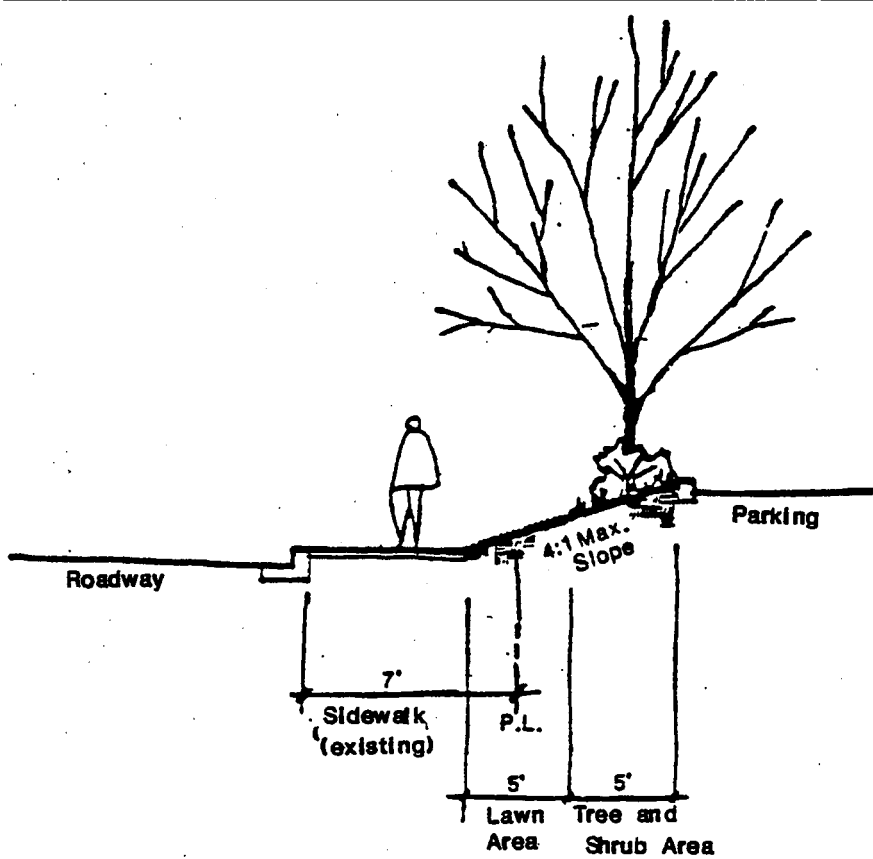
### TYPICAL PLAN VIEW



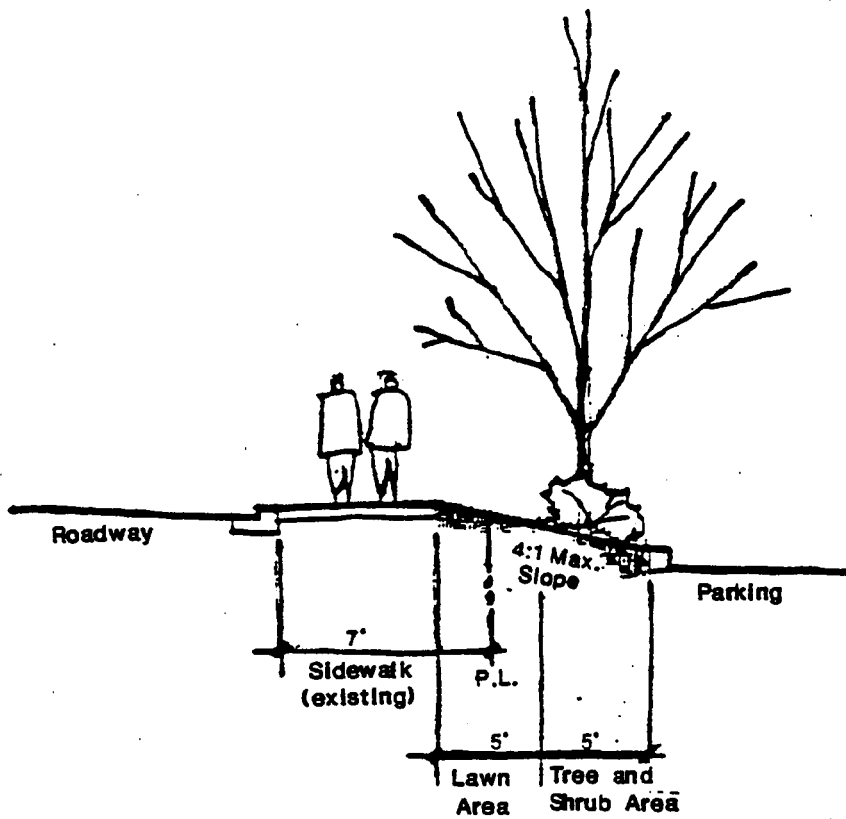
### SIDEWALK LEVEL WITH PARKING

Figure 20A.06.6



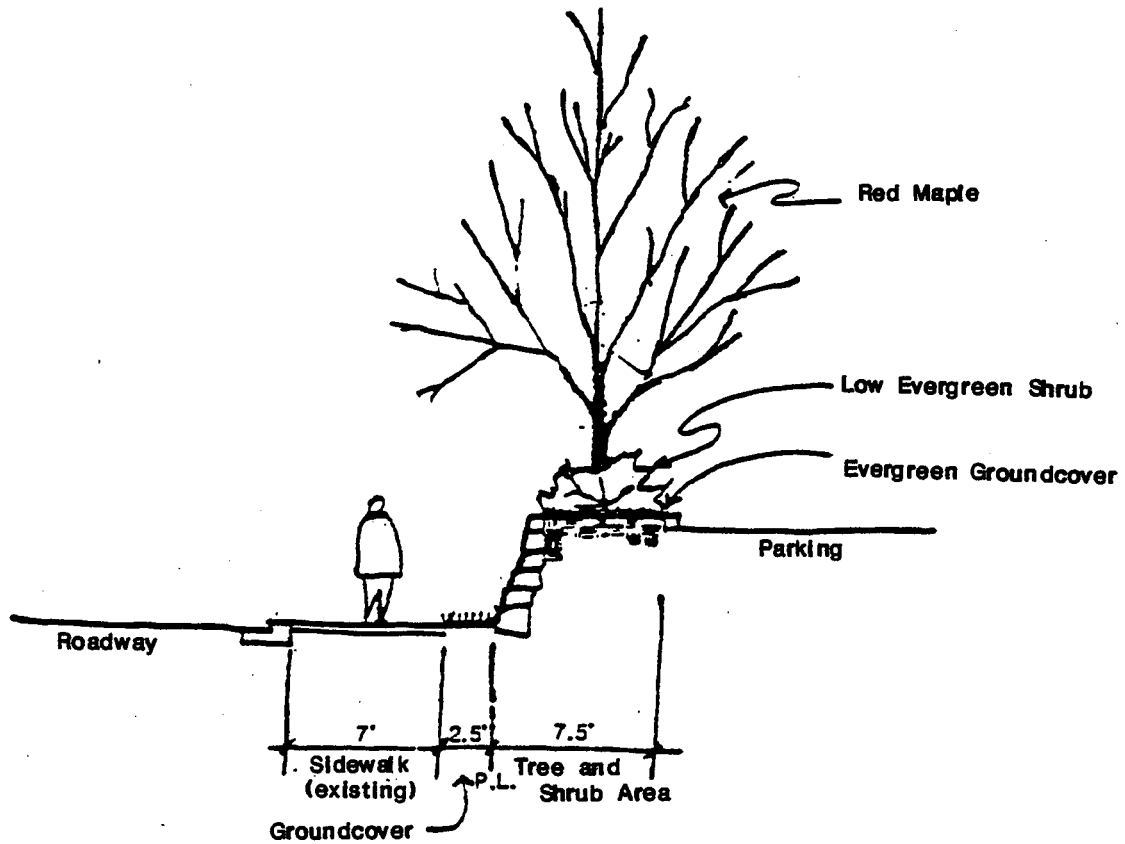


## SIDEWALK BELOW PARKING

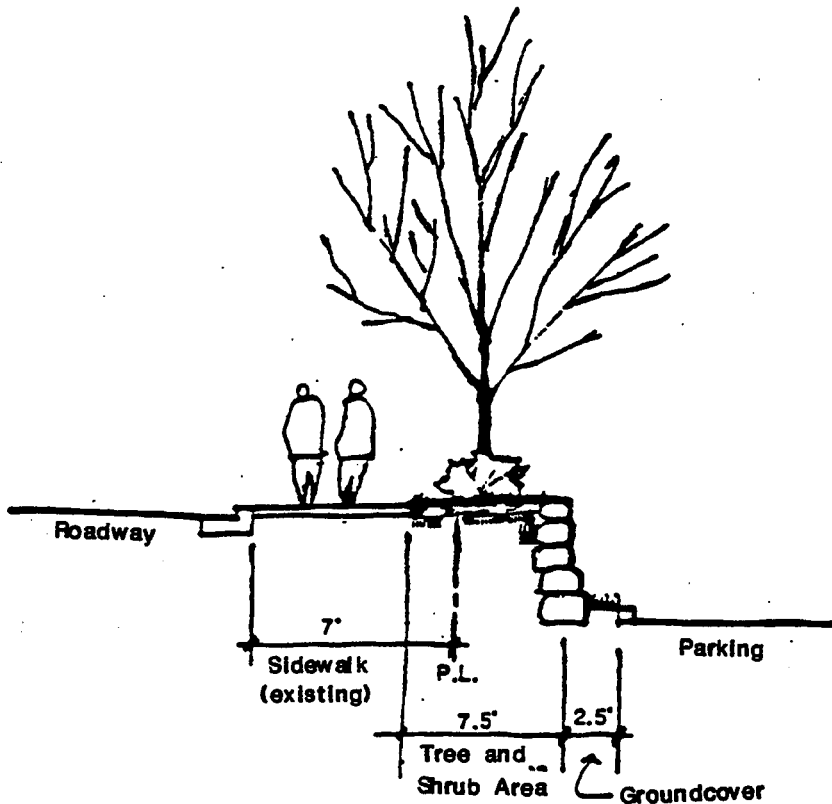


## SIDEWALK ABOVE PARKING

Figure 20A.06.7



**SIDEWALK BELOW PARKING SEPARATED BY ROCKERY**



**SIDEWALK ABOVE PARKING SEPARATED BY ROCKERY**

**Figure 20A.06.8**

### 3. Shrub Planting

The tree and shrub area shall contain shrubs 18 inches minimum height, planted 3 feet on center or greater separation if recommended by a landscape professional, and any of the following species:

- Glossy Abelia 'Edward Goucher'
- Otto Luyken Laurel
- Japanese Holly 'Convexa'
- Laurustinus 'Spring Bouquet'

### 4. Groundcover Planting

The tree and shrub area shall contain groundcover, spaced 18 to 24 inches on center or greater separation if recommended by a landscape professional, and any of the following species:

- Kinnikinnick
- Ivy
- Common Wintercreeper

### 5. Irrigation

A below ground irrigation system shall be provided in addition to the required landscaping to insure that all plant materials receive adequate moisture on a regular basis.

### 6. Supercede

The landscaping requirements of this section shall supercede other landscaping requirements of Title 20A that may conflict.

SECTION 5. That Title 20A, Chapter 8 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.08**

### **TREE PRESERVATION AND PROTECTION**

#### **20A.08.010 Short Title**

This ordinance shall be known and may be cited as the "Tree Preservation and Protection Code of the City of Lynnwood.

#### **20A.08.020 Intent And Purpose**

The intent of this ordinance is, through the preservation, protection and planting of trees to:

- Aid in the stabilization of soil by the prevention of erosion and the enhancement of sedimentation;
- Reduce storm water runoff and the costs associated therewith and replenish ground water supplies;

- Aid in the removal of carbon dioxide and generation of oxygen in the atmosphere;
- Provide a visual buffer and screen against traffic and some buffer against noise pollution;
- Provide protection against severe weather;
- Aid in the control of drainage and restoration of denuded soil subsequent to construction or grading;
- Provide a haven for birds which in turn assist in the control of insects;
- Protect and increase property values;
- Conserve and enhance the City's physical and aesthetic environment; and
- Generally protect and enhance the quality of life and the general welfare of the City.

### **20A.08.030 Definitions**

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- A. "City" is the City of Lynnwood.
- B. "Person" is any public or private individual, group, company, firm, corporation, partnership, association, society or any other combination of human beings whether legal or natural.
- C. "Plat" is any subdivision of land for single family residential purposes.
- D. "Public Tree" is any tree located on property owned or controlled by the City.
- E. "Developed Single Family Residential Lot" shall mean a legally platted lot of less than 16,000 square feet upon which a single family habitable dwelling exists.
- F. "Removal" is the actual removal or causing the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a tree.
- G. "Tree" is any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk of at least three (3) inches in diameter at a height of four and one half (4-1/2) feet above the ground, or a multi-stemmed trunk system with a definitely formed crown.
- H. "Tree worthy of preservation" is any tree which is determined by the City to be unique by reason of age, size, rarity or status as a landmark or species specimen.
- I. "Caliper" shall mean the diameter of any tree trunk six (6) inches above ground level.

### **20A.08.040 General Regulatory Authority**

#### **A. Master Plan**

The City staff may prepare a Master Public Tree Plan(s) for approval by the City Council which shall specify the species of trees to be planted, preserved, replaced or replanted on the streets and public properties of the City. Before reviewing plan(s) for trees along the streets, the City Council shall refer the plan(s) to the Planning Commission for a public hearing and a recommendation.

#### **B. Inspection**

The City shall have the authority to inspect all work performed under any permit issued under this ordinance.

### **C. Recordation**

The City may place a notice in the land records of the Snohomish County Auditor for any property upon which any tree worthy of preservation is located, stating that such tree is worthy of preservation and protected by the provisions of this ordinance.

### **D. Enforcement**

It shall be unlawful for any person to hinder, prevent, delay or interfere with the City while engaged in the lawful execution or enforcement of this ordinance. This shall not be construed as an attempt to prohibit the pursuit of any legal or equitable remedy in a court of competent jurisdiction for the protection of personal or property rights by any property owner within the City of Lynnwood.

## **20A.08.050 Permit Required For Removal Of Trees From Private Property**

Except as otherwise provided herein, it shall be unlawful for any person to remove any tree within the City of Lynnwood without having first obtained a valid tree removal permit.

### **A. Application**

Any person desiring a permit to remove a tree or trees, as required by this ordinance, shall submit a written application to the City together with a filing fee of \$50 for the first acre of property and \$25 for each additional acre. The application shall include the following information:

- Name and address of applicant and status of legal entity.
- Status of applicant with respect to the land.
- Written consent of the owner of the land, if applicant is not the owner.
- Name of person preparing any map, drawing or diagram submitted with application.
- Location of the property, including a street number and address and lot numbers as shown on the official tax map of Snohomish County.
- Diagram of the parcel of land, specifically designating the area or areas of proposed tree removal and the proposed use of such area.
- Location of all proposed structures and driveways on the site.
- Designation of all diseased or damaged trees.
- Designation of any trees endangering any roadway, pavement or utility line.
- Any proposed grade changes that might adversely affect or endanger any trees on the site and specifications of how to maintain them.
- Designation of trees to be removed and trees to be maintained.
- Purpose of tree removal (construction, street or roadway, driveway, recreation area, patio, parking lot, etc.).
- All materials to be planted with an indication of size, species, and methods of planting.

### **B. Additional Information**

The City may, in addition, require the applicant to supply any of the following documentation:

- A site plan specifying the methods to be used to preserve all remaining trees and their root systems and the means of providing water and nutrients to their root systems.
- A topographical survey of the land if development or construction will result in change in elevation of more than five (5) feet or if parcel of land is more than one (1) acre in area.

### **C. Site Inspection**

Upon receipt of the application, City staff or its agent may visit and inspect the site and contiguous and adjoining lands.

### **D. Action on Application**

If the City determines that the plan will destroy no more trees than are reasonably necessary to achieve the proposed development, the permit application shall be approved. If the City determines that the plan will destroy more trees than are reasonably necessary to achieve the proposed development, the permit application shall be denied.

### **E. Considerations**

In determining whether or not a permit should be granted, the City may consider the following:

- The condition of the tree or trees with respect to disease, insect attack, danger of falling, proximity to existing or proposed structures, and interference with utility services.
- The necessity of removing the tree or trees in order to construct the proposed improvements to allow reasonable economic use of the property and achieve the density yield allowed under the zoning code.
- The effect of the removal on erosion, soil moisture retention, flow of surface waters, and coordination with the master drainage plan of the City of Lynnwood.
- Whether any tree in question is a tree worthy of preservation as defined in this ordinance or because of its unique or historical nature.
- Impact upon the urban and natural environment, including:
  - whether tree removal would substantially alter the water table or effect the stabilization of ground and surface water;
  - whether tree removal would affect water quality and aquifer recharge by reducing the natural assimilation of nutrients, chemical pollutants, heavy metals, and other substances from ground and surface waters during the movement of water towards an aquifer or natural stream.
  - whether tree removal would have an adverse impact upon existing biological and ecological systems;
  - whether tree removal would affect noise pollution by increasing noise levels to such a degree that a public nuisance may be anticipated or a violation of the noise control ordinance will occur.
  - whether tree removal will affect air quality by significantly affecting the natural cleansing of the atmosphere by vegetation;
  - whether tree removal will affect wildlife habitat by significantly reducing the habitat available for wildlife existence and reproduction or causing the emigration of wildlife from adjacent or associated eco-systems.
- The ease with which the applicant can alter or revise the proposed development or improvement to accommodate existing trees.
- The desirability of preserving tree cover in densely developed or densely populated areas.
- The need for visual screening in transitional zones or relief from glare, blight, commercial or industrial ugliness or any other visual affront.
- Whether the continued presence of the tree or trees is likely to cause danger to a person or property.

- Whether the topography of the area in which the tree is located is of such a nature to be damaging or injurious to trees.
- Whether the removal of the trees is for the purpose of thinning a heavily wooded area where some trees will remain.

### **F. Conditions of Approval**

As a condition to the granting of a tree removal permit, the City may require the applicant to relocate or replace trees.

### **G. Notification of Denial**

If the City denies a tree removal permit, it shall set forth in writing the reasons for denial.

### **H. Appeal**

Any applicant for a permit required by this ordinance adversely affected by the decision of City staff may appeal the decision to the City Hearing Examiner, under the provisions of LMC 2.22.

### **I. Bond**

No permit required by this ordinance shall be issued until the applicant(s) has posted bond or cash escrow in an amount not less than \$1000 and \$1000 for each additional acre covered by the permit, conditioned upon satisfactory compliance with the terms of the permit(s) and of this ordinance; provided upon application and for good cause the requirements of a bond or cash escrow may be reduced by the City.

### **J. Expiration**

Any permit issued pursuant to this ordinance shall expire twelve (12) months from date of issuance.

### **K. Revocation**

Any permit may be revoked because of incorrect information submitted by the application.

### **L. Recordation**

The City may require the applicant to record a statement or plan in a form approved by the City with the Snohomish County Auditor's office as a record of title on the property, which statement or plan shall set forth the trees preserved by the permit.

## **20A.08.060 Exceptions**

### **A. Single Family Residence**

The provisions of 20A.08.050 shall not apply to:

- Removal of any tree from a developed single family residential property.
- Removal of tree(s) from a single family residential lot in accordance with a tree retention plan approved in connection with subdivision or short subdivision approval shall be considered incidental to the building permit and not require a tree removal permit.

### **B. Commercial or Horticultural Properties**

A tree removal permit is not required for the removal of trees from commercial or horticultural properties such as farms, nurseries, orchards or commercial forests. This exception shall not be interpreted to include timber harvesting incidental to imminent development of the land.

### **C. Public Rights-of-Way**

A tree removal permit is not required for the removal of trees on public rights-of-way conducted by or on behalf of a federal, state, county, municipal or other governmental agency in pursuance of its lawful activities or functions in the construction, improvement or maintenance of public rights-of-way.

### **D. Diseased or Dead Trees**

A tree removal permit is not required for the removal of diseased or dead trees.

### **E. Hazard to Life or Property**

A tree removal permit is not required for the removal of any tree which has become or threatens to become a danger to human life; or to cause damage to property.

### **F. Specified Tree Species**

A tree removal permit is not required for the removal of any tree of the following list:

- Black Locust (*Robinia Pseudo acacia*)
- Cottonwood (*Populus Nigra*)
- Alder (*Alnus Alba/Rubrum*)
- Willow (Native *Salix* only. "Weeping" willow - *salix Babylonia* - is acceptable, provided drainage is unaltered)
- Silver maple (non-native)
- Choke Cherry (native)

Provided, no person shall remove trees excepted from the provisions of this ordinance set forth in 20A.08.060(B), until such time as such person has given written notice to the City of the trees to be removed and the exception(s) relied upon by the person who intends to remove said tree(s). Such exceptions shall be verified by City staff and acknowledged on the face of the written notice prior to removal of said trees.

### **G. Written Notice Required**

Except for developed single family residential property a property owner who requests removal of a tree(s) which the property owner considers to be endangering persons or property shall give written notice as prescribed in 20A.08.060(B). The written notice shall be reviewed by the City, and the City may request the opinion of an expert to verify that the tree presents a danger. A copy of the opinion should go to the property owner along with the City's decision not to approve the removal with an explanation that the property owner may appeal to the hearing examiner and advising the property owner that the hearing examiner will receive a copy of the opinion (or testimony) by City officials and by the City's expert and further advising the property owner to provide evidence by an expert concerning the condition of the tree(s). If the property owner fails to appeal or fails to provide evidence regarding the dangerous characteristics of the tree(s), it will be presumed not to be a dangerous tree(s).



**20A.08.070 Non-Liability Of The City**

Nothing in this ordinance shall be deemed to impose any liability upon the City nor upon any of its officers or employees nor to relieve the owner and occupant of any private property from the duty to keep trees and shrubs upon private property or under his control in a safe condition.

**20A.08.080 Protection Of Public Trees**

Willful injury or disfigurement of any public tree growing within the City shall be a violation of this ordinance. In particular, no person shall attach any sign, notice or object to any public tree or fasten any wires, cables, nails, or screws to any public tree.

**20A.08.090 Protection Of Private Trees**

Except for developed single family residential property the following provisions shall apply.

**A. Prohibited Actions**

No person shall:

- Attach any sign, notice or other object to any tree or fasten any wires, cables, nails or screws to any tree in a manner that could prove harmful to the tree.
- Pour any material on any tree or on nearby ground which could be harmful to the tree.
- Cause or encourage any unnecessary fire or burning near or around any tree.
- Construct a concrete, asphalt, brick or gravel sidewalk or otherwise fill up the ground around any tree so as to cut off air or water from the roots.
- Pile building material or equipment around any tree so as to cause injury thereto.
- Violate any term or condition of a tree removal permit.

**B. Protection During Construction**

A protective barrier shall be placed around the protected trees prior to land preparation or construction activities, and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within the protective barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

**20A.08.100 Emergencies**

In cases of emergencies involving, but not limited to, hurricanes, windstorms, floods, freezes or other natural disasters, the requirements of this ordinance may be waived by the Mayor.

**20A.08.110 Enforcement**

This ordinance may be enforced by one or more of the following:

**A. Stop Work Orders**

In the case of a failure to comply with the terms of a permit, or in the case of removal of trees in violation of this ordinance.

### **B. Injunctive Enforcement**

Any violation of the provisions of the Ordinance is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in Superior Court or other court of competent jurisdiction.

### **C. Civil Remedies and Penalties**

- Any person who removes a tree in violation of the terms of a tree removal permit or in violation of this ordinance shall be required to plant replacement trees.
- The City shall determine standards for establishing reasonable replacement trees, based on comparable caliper of trees unlawfully removed.
- The City shall issue an order to the property owner requiring planting of replacement trees and setting reasonable time limits for compliance.
- The City shall require a maintenance bond to insure compliance with the City's order guaranteeing replacement and survival of trees for a minimum period of one year.
- If the order requiring replacement trees is not complied with, then the property owner shall be subject to a civil fine of \$25 per day.
- If the noncompliance continues for more than ninety (90) days, civil penalties shall be increased to \$100 per day up to a maximum of \$5,000.
- Any person aggrieved by a final order of the City with respect to replacing trees shall have twenty days to appeal to the Hearing Examiner, under the provisions of Chapter 2.22 LMC.
- Upon noncompliance with the City's order to replace trees unlawfully removed, the unpaid civil fines shall become a lien against the property where the trees were unlawfully removed, and the City may record said lien.

### **D. Criminal Enforcement**

Any person who shall willfully violate any provisions of this ordinance shall be subject, upon conviction in a court of competent jurisdiction, to a fine not exceeding the sum of five thousand dollars (\$5,000.00) and/or one year in jail. In a prosecution under this ordinance, each tree removed, damaged or destroyed may constitute a separate offense. A penalty schedule shall be established by the administering authority and shall recognize and relate to the value of the trees removed, damaged or destroyed. (Penalty called for is set forth below.)

**PENALTY SCHEDULE**

The penalty for removal, damage or destruction of trees in violation of the Tree Preservation and Protection Code shall be in accordance with the following schedule. Each day such tree(s) have not been replaced constitutes a separate offense. Each tree removed, damage or destroyed constitutes a separate offense.

<u>Tree Diameter</u>	<u>Penalty</u>
3-4"	\$100
4-6"	150
6-10"	500
10-16"	1,000
16-20"	1,500
20-30"	2,000
Larger than 30"	3,500

The diameter of the tree shall be measured four and one half (4 1/2) feet above the ground or as can be determined from the remaining stump.

**20A.08.120 Appeals**

Any person adversely affected by a decision in the administration enforcement or final written interpretation of any terms or provisions of this ordinance may appeal such decision to the City Hearing Examiner under the provision of Chapter 2.22 L.M.C.

SECTION 6. That Title 20A, Chapter 10 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.10**

**FENCE, HEDGE & VISION OBSTRUCTION REGULATIONS**

**20A.10.050 Purpose**

The purpose of this chapter is to provide regulations for fences, hedges, and other partially or totally vision obscuring installations to assure that desirable objectives of providing privacy, security, and screening of certain uses from streets and less intense uses can be met while minimizing undesirable obstruction of views, light, air, and motorists' and pedestrians' vision. It is recognized that along streets these goals may conflict. Fences along streets provide privacy and security, but long expanses of such fencing generally are undesirable due to the visual monotony and restricted vistas such expanses create. Moreover, fencing needs along streets differ between front yards, which are traditionally open and unobscured and contain vehicular access to streets, and side and rear yards, where family activities more often take place and thus require more privacy. Therefore, it is further stated that

exceptions to the regulations of this chapter to allow site screening fences in front yards are strongly discouraged and that where these regulations allow a continuous expanse of site screening fencing along side and/or rear property lines abutting a street, the adverse aesthetic impacts of such fencing should be mitigated.

### **20A.10.100 Fence & Hedge Standards**

The following regulations shall apply to all fences, hedges, and other vision-obscuring structures:

#### **A. Height And Composition Of Fences And Hedges, And General Standards**

##### **1. Vision-Obscuring Fences And Hedges**

"Vision-obscuring fences and hedges" shall mean solid or partially open fences and hedges more than three feet in height, but not exceeding six feet in height in residential zoned areas and eight feet in height in commercial zoned areas. Maximum height shall be measured from the elevation of the ground adjacent to the fence or hedge on the higher side.

##### **2. Non-Vision Obscuring Fences And Hedges**

"Non-vision obscuring fences and hedges" shall include solid or partially open fences and hedges not exceeding three feet, and open fences not exceeding six feet in residential zones and eight feet in commercial zones. "Open fences" shall mean those fences consisting of open chain link, widely spaced board rails or other materials which provide adequate driver visibility through the fence. Rail fences shall consist of horizontal rails not more than four inches wide and at least one foot between rail edges. Deviation from horizontal rails and from these dimensions may be allowed, providing the applicant can demonstrate to the satisfaction of the appropriate City officials that such deviation will provide at least as much visibility through the fence. Maximum height shall be measured from the elevation of the ground adjacent to the fence on the higher side; however, within sight distance triangles [see Section 20A.10.100(B)(1)(b) and (B)(1)(c)] maximum height of solid or partially open fences and hedges not exceeding three feet shall be measured from the elevation of the street adjacent to such sight distance triangle.

##### **3. Maintenance**

All fences and hedges shall be maintained in a condition of repair so as not to be dangerous to human life or a danger to the property.

##### **4. Conflicting Limitations**

Where the limitations of this chapter conflict with site screening or fencing required by this or other City ordinances, requirements relating to the site screening and other required fences shall apply, subject only to adequate provisions for driver visibility.

##### **5. Continuous Fencing Along Streets**

Where continuous fencing along a street between intersections is allowed due to the length and/or number of side and/or rear lot lines abutting that street, landscaping shall be required between the fence and the property line in order to mitigate the adverse aesthetic

impacts of such fencing. Where such landscaping is required, the fence may be built along the property line except for offset sections to contain the landscaping.

Such landscaping shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on-center with branches eliminated to a height of six feet where necessary to prevent vision obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years.

## **B. Location Of Fences And Hedges**

### **1. Residential Zones**

Non-vision obscuring fences and hedges may be located on any portion of a residential zoned lot. Vision obscuring fences and hedges may be located on portions of a residential zoned lot other than the following:

- Within 15 feet of the front lot line.
- Within a triangular area at street intersections. Such "intersection sight distance triangle" is defined as having two sides of 30 feet, measured along the property lines from the property corner at the street intersection, and a third side connecting the ends of the two aforementioned sides.
- Within a triangular area adjacent on one side to a street, and on a second side to a property having frontage on and requiring access from that street. Such "driveway sight distance triangle" is defined as having two sides of 15 feet measured along the property lines from the property corner common to the subject and adjacent property, and a third side connecting the end points on the two aforementioned sides. If any adjacent lot is undeveloped, it shall be construed as having access from all adjacent streets until the direction of access has been established, either by development or by waiver of right of direct access as per RCW 58.17.165.

### **2. Commercial Zones**

In commercial zones vision obscuring or non-vision obscuring fences or hedges up to eight feet in height may be located on side and rear property lines and within side and rear yards, but not nearer to any public street than a point equal to the closest part of any building thereon to that street.

## **C. Referrals to Hearing Examiner.**

The Hearing Examiner may review applications for fence permits in the following situations:

### **1. Appeal**

As an appeal of an administrative determination when

- An applicant proposes a fence which he/she believes meets the stated purpose of this section, but does not strictly conform to the regulations;
- City staff believes that a proposed fence, while meeting regulations, may still obstruct visibility to such an extent that hazardous conditions would exist; or

- There is a disagreement between staff and an applicant regarding interpretation of the fence and hedge regulations.

In such cases, the Hearing Examiner may stipulate standards for fence composition, height, and location.

## 2. Variance

As a variance, when an applicant believes the regulations of this chapter cause hardship.

### **20A.10.200 Electric Fences**

Electric fences are permitted provided they comply with the requirements in this section.

An electric fence using an interrupted flow of current at intervals of about one second on and two seconds off shall be limited to two thousand volts at seventeen milliamperes current. All electric fences shall be posted with permanent signs a minimum of thirty-six square inches in area at intervals of one hundred feet, stating that the fence is electrified. Electric fences manufactured by an established and reputable company and sold as a complete assembled unit carrying a written guarantee that complies with the requirements of this paragraph can be installed by an owner if the controlling elements of the installation carry and "U.L. Approved" seal.

### **20A.10.300 Barbed Wire Fences**

No fences incorporating barbed wire are permitted except that barbed wire may be used on top of a six foot high solid or chain link fence surrounding a public utility, an industrial plant site or a whole property, or barbed wire may be used when the fence is not a property line fence.

### **20A.10.400 Vision Obstruction By Signs Along Public Streets**

The legal setback for signs along public streets shall be the same as the legal setback for buildings, except where otherwise specified. This limitation does not apply to signs established or required by a public agency to serve a public purpose.

SECTION 7. That Title 20A, Chapter 12 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.12**

### **NON CONFORMING USES AND STRUCTURES**

#### **20A.12.100 Purpose**

The purpose of the zones established in the zoning code is to guide the future use of land by encouraging the development of desirable residential, commercial, and industrial areas with appropriate arrangement of compatible and related uses and thus promote and protect the public health, safety, and general welfare. As a result, non conforming uses and buildings

which adversely affect the development of such areas should be subject to certain limitations. It is the general intent of this chapter that non conforming uses or non conforming buildings shall not be enlarged, expanded, extended, or intensified except as provided herein, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone. Nothing herein is intended to relax the building code or other applicable City standards.

### **20A.12.200 Non Conforming Uses**

Any existing use lawfully established prior to the regulation of this title, which is not permitted in the use zone in which it is located, is hereby declared a non conforming use and not in violation of this ordinance. (A use which requires a conditional use permit is considered a non conforming use unless a conditional use permit is obtained.) Such use may be continued so long as it remains otherwise lawful, subject to the following provisions:

#### **A. Enlargement**

Such non conforming use shall not be (a) enlarged, extended, increased or intensified; (b) extended to occupy a greater area than was occupied at the effective date of adoption or amendment of this ordinance. Provided, however, that the extension of a non conforming use throughout any parts of the building it occupies which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance shall not be prohibited; no such use shall be extended to occupy any land outside such buildings.

#### **B. Relocation**

No non conforming use shall be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

#### **C. Alteration or Improvement of Non Conforming Structures & Sites**

No existing non conforming structure or site as described in Section 20A.12.400 occupied by a non conforming use as defined in Section 20A.12.200 shall be altered or improvements made to it, except at such time the use is changed to a use permitted in the zone where the structure or site occurs. Such changes of use and improvements may be made if the following provisions are met:

- If the value of improvements to the structure within 36 consecutive months where a non conforming-to-conforming change-of-use is to occur does not exceed 10 percent of the assessed or appraised value of the structure, whichever is greater, then the following shall apply:
  - No increase in floor area or dwelling units is permitted.
  - Interior remodels or exterior alterations such as canopies, terraces, roof overhangs, or covers over walkways that do not increase floor area are permitted. Such exterior alterations which extend into required setback yards shall not project beyond the property line; and in no case shall project more than six feet from the subject structure, or extend toward a public street or more restrictive zone more than 50 percent of the required setback.
  - Height of the existing building may not be further increased beyond the height limitation in the respective zone.

- 100 percent of parking requirement shall be provided. Pre-existing paved stalls and aisles striped at 90 percent of current dimensional standards may be counted as required parking.
- All parking including pre-existing paved and striped stalls shall meet current landscaping requirements specified in the respective zone.
- All required site-screening and fencing and refuse and recycling collection areas shall be provided. However, if the available width, due to the location of an existing building, fire lane, service lane, or paved parking is less than the required width of the site-screening, the available space must be site-screened by a fence on the property line and, if possible, by mixed trees, shrubs, and low plantings (one row of evergreen conifer trees, 10 feet on center, minimum six feet tall, with ground cover) or Sitescreening evergreen hedge (spacing to be such that plants will form a dense hedge within five years, minimum plant height shall be four feet) landscaping.
- At least 50 percent of the front yard shall be landscaped per Section 20A.50.210, and meet street frontage landscaping plans per Chapter 20A.06 if they apply.
- All signs shall meet current standards, except if allowed to remain pursuant to State law:
- If the value of improvements to a non conforming structure within 36 consecutive months where a non conforming to conforming change of use is to occur is greater than 10% of the assessed or appraised value of the structure, whichever is greater, then such improvements shall be subject to the following provisions:
  - In nonresidential and multiple family zones all improvements, existing structures, accessory buildings, etc., shall conform to all development standards in the respective zone.
  - In single family zones the principal building containing one dwelling unit may remain at present setbacks, but all improvements and accessory buildings shall conform to all development standards of the zone.

#### **D. Repairs**

The following repairs may be made to a structure occupied by a non conforming use:

- Repairs to insure safety to a dangerous building declared to be so by the Building Official providing such repairs do not exceed 50% of the assessed value or appraised value whichever is greater of the building. When the value of such repairs exceeds 50% of the assessed value or the appraised value whichever is greater of the building then the repairs shall be subject to Section 20A.12.550(B).
- Repairs to the building including, but not limited to placement of interior non-bearing partitions, replacement of windows, siding, doors, wiring, heating facilities, plumbing, and roofing providing the value of such repairs does not exceed 10% of the assessed value or appraised value whichever is greater, of the building.

#### **E. Change of Use**

A non conforming use may only be changed to a permitted use. A change of occupancy shall be deemed an illegal change to a prohibited use if the new use is substantially different than the previous, lawfully established non conforming use. Such change shall be deemed substantial by application of goals, purposes, and standards of this title, including, but not limited to the following:

- The parking capacity requirement as specified in Chapter 20A.18 is greater.
- The equipment used on the site is substantially altered.



- Products or services rendered on the site change substantially.
- The new use first appears as a permitted use in a less restrictive zone.
- The new use increases the number of dwelling units on the site.

## **F. Abandonment**

A non conforming use shall be deemed abandoned when the use of the subject structure and site is unoccupied for a continuous period of 6 months. Thereafter, the structure and/or site may be occupied only by conforming uses.

### **20A.12.300 Use Of Non Conforming Lots**

Any lot having an area or dimension of less than the current minimum standards of the zone in which it is located may be used for any of the uses permitted in the respective zone subject to all other regulations including minimum yards, providing:

- The lot size was legally established before the effective date of incorporation of the City of Lynnwood, or annexation by the City of Lynnwood, or before the effective date of a City Ordinance, which caused the lot to become non conforming; and
- The width and/or dimensions in question are at least eighty percent of the current minimum standards of the respective zone.

### **20A.12.400 Non Conforming Structures And/Or Sites Occupied By A Conforming Use**

This section applies to any lawful structure and/or site occupied by a permitted use existing at the effective date of this title or amendments thereto, which said structure or site would not now be permitted under the regulations of this title for the zone for which building or site is located. Such structure(s) and/or site is hereby declared a non conforming structure and/or site and shall not be construed as being in violation of this title, so long as it remains otherwise lawful. "Site," for purposes of this chapter, means a building site as defined by Section 20A.02.175. For improvements which add no dwelling units or floor area, and the value of which is less than 10% of the assessed value or appraised value whichever is greater, of the building, see Section 20A.12.550(C). All improvements excluding those mentioned in Section 20A.12.550 shall be in accordance with the following provisions.

#### **A. Level 1 Improvements**

##### **1. Scope**

This category includes improvements to existing buildings and construction of new buildings within any 36 consecutive months providing:

- Such improvements do not increase the number of dwelling units on a site; or
- Such improvements do not increase the total floor area of a building or buildings on a site by more than 15% or 2,000 sq. ft. of floor area, whichever is less, or
- The value of such improvements according to the Lynnwood Building Official is greater than 10% and less than 25% of the assessed value or appraised value whichever is greater, of the building or buildings on the site.

##### **2. Requirements**

Level 1 Improvements shall be permitted subject to the following provisions:

- For all multiple family and nonresidential sites any addition that increases floor area shall not be allowed within the required setback from public streets and from more restrictive zones.
- For single family sites, any addition that increases the floor area shall not extend into required yards further than the leading edge of the non conforming building.
  - (i) in no case shall any addition extend closer than 5 feet to the property line, and
  - (ii) along public streets, the addition shall conform to the required setback.
- Interior remodels or repairs or exterior improvements such as canopies, terraces, roof overhangs or covers over walkways that do not increase the floor area are permitted. Such exterior improvements which extend into required setback yards shall not project beyond the property line; and in no case shall project more than six feet from the subject structure, or extend toward a public street or more restrictive zone more than 50% of the required setback.
- The lot coverage, floor area ratio or height of the existing building and proposed addition may not be further increased beyond the specified lot coverage, floor area ratio or height limitation in the respective zone.
- At least 90% of the current required number of stalls for the site including any additional floor area, shall be provided. Existing stalls and aisles, if paved and striped to at least 90% of the current dimensional standards specified in Section 20A.18.700 of the Lynnwood Municipal Code, may be considered as part of the required parking. If the site has fewer than 90% of the current required number of stalls, then plans shall provide for installation of sufficient parking equal to at least 90% of the current required parking capacity as determined by Section 20A.18.800. All new parking surfaces including previously unpaved parking areas that are being surfaced in connection with a Level 1 Alteration as defined herein must be fully landscaped, with curbing or other protection from vehicles and shall conform to current landscape standards for parking areas within the respective zone. The ten foot street frontage landscape requirement may be reduced to the average width of street frontage landscaping on adjacent private properties. However, in no case may less than five feet be provided on the private property to be developed. Adjacent undeveloped non-single family zoned property and adjacent undeveloped or developed single family zoned property shall be counted at the full ten feet for purposes of calculating the average.
- All required site-screening and fencing shall be provided. However, if the available width, due to the location of an existing building, fire lane, service lane for loading and unloading, or paved parking is less than the required width of the site-screening, the available space must be site-screened by a fence on the property line, and, if possible, within the available area by a hedge or a single row of trees.

## **B. Level 2 Improvements**

### **1. Scope**

This category includes improvements to existing buildings and construction of new buildings within any 36 consecutive months providing:

- Such improvements do not increase the number of dwelling units on a site; or
- Such improvements do not increase the total floor area of a building or buildings on a site by more than 50%; or

- The value of such improvements according to the Lynnwood Building Official is between 25% and 50% of the assessed value or appraised value whichever is greater, of the building or buildings on the site.

## 2. Requirements

Level 2 Improvements shall be permitted subject to the following provisions:

- For all multiple family and nonresidential sites, any addition that increases the floor area shall conform to all required setbacks of the respective zone and be structurally independent, i.e., the nonconformity could be removed and the addition could stand on its own and meet all applicable development standards within the respective zone.
- For single family sites, any addition that increases the floor area shall not extend into required yards further than the leading edge of the non conforming building except, (i) in no case shall any addition extend closer than 5 feet to the property line, and (ii) along public streets, the addition shall conform to the required setback.
- Interior and exterior improvements such as canopies, terraces, roof overhangs, or covers over walkways, that do not increase floor area are permitted. Such exterior improvements which extend into required setback yards shall not project more than six feet from the structure; and in no case shall be located any closer to a property boundary than the leading edge of the non conforming building, or extend toward a public street or more restrictive zone more than 50% of the required setback.
- The lot coverage, floor area ratio (FAR), or height of the existing building and proposed additions may not be further increased beyond the specified lot coverage, floor area ratio, or height limitation in the respective zone.
- If the site has fewer than 100% of the current required number of parking stalls, then plans shall provide for the installation of sufficient parking equal to 100% of the current required parking capacity including any additional floor area as determined by Section 20A.18.800; pre-existing stalls, if paved and striped and of aisle and stall width equal to at least 90% of the current dimensional standards specified in Section 20A.18.700 of the Lynnwood Municipal Code, may be considered as part of the required parking. All parking surfaces including previously paved and/or unpaved areas shall be fully landscaped and shall conform to current standards for landscaping within parking lots. The ten foot street frontage landscape requirement may be reduced to the average width of street frontage landscaping on adjacent private properties. However, in no case may less than five feet be provided on the private property to be developed. Adjacent undeveloped non-single family zoned property and adjacent undeveloped or developed single family zoned property shall be counted at the full ten feet for purposes of calculating the average.
- All required site-screening, fencing and refuse and recycling collection areas shall be provided. However, if the available width, due to the location of an existing building, fire lane, service lane for loading and unloading, or paved parking is less than the required width of the site-screening, the available space must be site-screened by a fence on the property line and, if possible, within the available area, by a hedge or a single row of trees.

- All signs shall be located according to current setback and sign area standards, except if allowed to remain pursuant to State law.

### **C. Level 3 Improvements**

#### **1. Scope**

This category includes improvements to existing buildings and construction of new buildings within any 36 consecutive months providing:

- Increase the number of dwelling units on a site; or
- Increase the total floor area of a building or buildings on a site by more than 50%; or
- Have a value according to the Lynnwood Building Official exceeding 50% of the assessed value or appraised value whichever is greater, of the pre-existing structure or structures on the site.

#### **2. Requirements**

Level 3 Improvements shall be permitted subject to the following provisions:

- All improvements, existing structures, accessory buildings, sign locations, sign area, parking facilities, landscaping, site screening, and storage yards shall conform to required setback and all other development standards for the use within the respective zone and this title. Existing structures in residential zones may remain at present setbacks, but all additions or improvements thereto shall conform to the required setbacks and all other development standards.

### **D. Alternative Method for Bringing Non-Conforming Structures or Sites into Compliance**

#### **1. Petition**

As a means of bringing a non conforming site into general compliance with the intent of the zoning ordinance, an applicant may petition under the conditional use procedures to permit an alternate parking and landscaping plan and such permit, if approved, would specify the time period for compliance. Such petition shall be accompanied by a site plan of the entire site, designating the location and size of existing buildings, parking stalls, and landscaped areas. The applicant shall provide documentation of the uses and their respective parking capacity demands. In addition, the applicant shall submit a proposed landscape and parking plan along with a proposed completion schedule.

#### **2. Decision Criteria**

In considering the approval, denial or modification of such alternate plan and compliance schedule, the Planning Commission and/or City Council shall consider all factors relevant to the public interest including, but not limited to the following:

- Whether or not the plan will adversely impact surrounding parking facilities or traffic flow or traffic circulation on nearby streets.
- Whether or not the plan provides a reasonable number of available parking stalls without unreasonably reducing the required landscaping areas within parking lots on the site. Such a plan may propose compact stalls or time-sharing cooperative

arrangements as a means of maximizing parking. In time-sharing arrangements, the applicant shall document the off-setting parking demand peaks. Street frontage landscaping shall not be relaxed.

- The plan shall specify a reasonable amount of time to make the necessary improvements. However, such time shall not exceed two years from the date of approval of such petition.
- A penalty bond equal to the amount of work to be done in the parking lot or completion of the parking lot requirements may be required prior to finalization of any building permit, occupancy permit or other authority to proceed and shall be released only after the work has been completed.

### **E. Changes of Occupancy**

A legally established non conforming structure or site occupied by a permitted use(s) may be changed to another permitted use(s) subject to the following:

- Any change of the occupants or tenants which creates a more non conforming situation in respect to the number of parking stalls, shall be deemed an illegal change of occupancy unless additional parking is provided in accordance with current standards. For the purpose of this section, only existing parking which is paved and striped with aisle and stall dimensions equal to at least 90% of those dimensions specified in Section 20A.18.700 shall be counted. All new parking stalls shall conform to the standards specified in Section 20A.18.700 and be fully landscaped.
- If a change of occupancy occurs on a site with accessory structures which are located within the required setbacks and which were intended or manifestly arranged or designed for the previous use including, but not limited to service station canopies, such accessory structures shall be removed before occupancy of said site.

## **20A.12.550 Restoration & Repairs Of Non Conforming Structures Or Structures Occupied By Non Conforming Uses**

### **A. Structures Listed on Historical or Cultural Inventories**

Nothing in this section shall prevent the full restoration of a structure which is listed on the National Register of Historic Places, Washington State Register of Historic Places, Washington State Cultural Resource Inventory, or Snohomish County Cultural Resource Inventory.

### **B. Restoration of Damaged Non-Conforming Structures & Structures Occupied by Non-Conforming Uses**

In the event that a non conforming structure as defined by this title, or a structure occupied by a non conforming use as defined by this title, is less than 50% destroyed by any cause other than by the action of the owner or applicant, nothing in this ordinance shall prevent the securing of a building permit within 6 months of the date of damage for the restoration of the building or structure. The determination of the amount of damage shall rest with the Building Official and shall be based upon the ratio of the replacement cost as determined by the Building Official to the assessed value or the appraised value of the building whichever is greater, of the building.

In the event that a non conforming structure as defined by this title, or a structure occupied by a non conforming use as defined by this title, is destroyed by any cause other than by the action of the owner or applicant, to an extent where restoration costs as determined by the Building Official would exceed 50% of the assessed value or the appraised value of the building whichever is greater, said structure shall be considered completely destroyed. In the case of a non conforming structure, said structure may be reconstructed only if it meets all of the regulations of the use zone in which it is located. If the structure was occupied by a non conforming use, said structure may be reconstructed only if it meets all of the regulations of the use zone in which it is located and only if it is to be occupied by a permitted use(s).

### **C. Repairs to Non-Conforming Structures**

On any non conforming structure occupied by a conforming use, work may be done in any 36 consecutive months on repairs, as follows;

- For repairs done solely to insure safety to a dangerous building declared to be so by the Building Official, such repairs shall not exceed 50% of value of the building as defined in Section 20A.12.550(B)(2),
- For regular repairs, maintenance or improvements to the building including but not limited to placement of interior nonbearing partitions, replacement of windows, siding, doors, wiring, heating facilities, plumbing, roofing, and fixtures to an extent not exceeding 10% of the assessed value or appraised value, whichever is greater, of the building.
- For repairs, maintenance or improvements to the building exceeding 10% of the assessed value or appraised value, whichever is greater, of the building, or which add dwelling units or floor area, such repairs shall be made in accordance with Section 20A.12.400.

### **D. Structures Occupied by Non-Conforming Uses**

In accord with Section 20A.12.200.

#### **20A.12.900 Construction Approved Prior To Title**

Nothing herein contained shall require a change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently pursued to the extent that the permit remains in force.

SECTION 8. That Title 20A, Chapter 14 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.14**

### **SETBACKS FROM CENTERLINE**

#### **20A.14.100 Building Line Established**

The building line for any building shall be the greater of the following:

- The rear line of the required yard of the respective zone, as defined; or
- The setback from centerline, according to the following table. On fully improved streets, the setback shall be measured from the centerline of improvements. On streets which are not open or are not improved to City standards, the setback shall be measured from centerlines projected by the Public Works Department.

**20A.14.200 Minimum Street Setbacks**

Street Type <sup>+</sup>	Standard Right-of-Way Width	Minimum Setback <sup>*</sup>
Freeway	Various	None
Principal Arterial	100 ft or more	100 ft
	80 ft to 100 ft	90 ft
	60 ft to 80 ft	80 ft
Minor Arterial	60 ft	55 ft
Collector	60 ft	55 ft
Access Street adjoining industrial, commercial, business and/or multiple family zones	60 ft	55 ft
Access street adjoining single-family zones	60 ft	55 ft
Notes: + As designated by the City Comprehensive Plan. * From Centerline		

**20A.14.210 Exceptions**

**A. Minor Arterials**

The following minor arterials shall comply with the Principal Arterial standards:

- 76th Ave. W., between Olympic View Dr. & 208th Street S.W.
- 168th St. S.W., between Olympic View Dr. & 44th Ave. W.
- 196th St. S.W. (Filbert Road), east of I-5
- 212th St. S.W., between 44th Ave. W. & 76th Ave. W.
- 36th Ave. W., between 196th St. S.W. & 164th St. S.W.
- 44th Ave. W., between 196th St. S.W. & 164th St. S.W.

**B. Collectors**

The following collectors shall comply within the Principal Arterial standards:

- 188th St. S.W., between 36th Ave. W. & 33rd Ave. W.
- Alderwood Mall Blvd., between 36th Ave. W. & 184th St. S.W.

**C. LI and RS Zones**

Setback from centerline along side streets of corner lots in the LI and RS zones shall be as follows:

- In the LI Zone, 30 feet plus half the adjacent right-of-way if fully dedicated; or 30 feet from the centerline as projected by the Public Works Department;
- In RS zones, 15 feet plus half the right-of-way width as projected by the Public Works Department.

SECTION 9. That Title 20A, Chapter 18 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.18**

### **OFF-STREET PARKING**

#### **20A.18.100 Parking Plans To Be Approved Prior To Building Permit Issuance**

No building permit shall be issued until plans showing provisions for the required off-street parking have been submitted and approved as conforming to the standards of this chapter. Space needed to meet the current minimum parking standards of this code for buildings or uses already established on a property may not be used to meet the requirements for another building.

#### **20A.18.200 Parking At Property Not Owned By The Applicant**

If parking is to be provided on property other than that owned by the applicant, then evidence in the form of a written contract with the party owning the other property upon which parking is to be provided must be furnished, and must include a provision for continued use of the other property for as long as it is needed to fulfill the minimum number of spaces required by this title.

#### **20A.18.300 Location Of Parking Lots**

Off-street parking shall be located on the same lot or an adjoining lot or lots to the property being served. Parking stalls located on another property shall be within two hundred feet of the property being served and not separated from the property by a street.

##### **A. Exception: Remote Parking Lots**

Employee parking may be located on a lot more than 200 feet from the property and/or separated from the property by a street designated other than a principal arterial as per the Lynnwood Comprehensive Plan by a conditional use permit. In considering any conditional use permit application, the Hearing Examiner and/or City Council shall consider all factors relevant to the public interest, including but not limited to the following:

- The distance from the building, business, or site to the proposed parking lot;
- That the pedestrian route to and from the parking lot provides for adequate pedestrian safety, which may include pedestrian crosswalks, sidewalks, walkways, and traffic signals and/or stop signs.
- That the parking lot meets all dimensional and landscaping requirements of this title; and



- That the proposed lot is adequately marked to reserve the parking for the particular building, business, or site.

### **B. Parking on Adjacent Property with Dissimilar Zoning**

More restrictively zoned property may be used for ingress and egress from the public right-of-way to property in less restrictive zones upon granting of a conditional use permit. More restrictively zoned property may also be used for parking upon granting of a conditional use permit if the land to which such auxiliary use is subordinate is found by the Hearing Examiner to be part of a comprehensively planned development subject to City approval; and provided further, that the Hearing Examiner finds that the more restrictively zoned land is a reasonable and consistent extension of said plan, and that it would not constitute or tend to induce a piecemeal encroachment of nonresidential uses into residential areas.

### **20A.18.400 Ingress & Egress Provisions**

The City Council shall have authority to fix the location, width, and manner of approach of a vehicular ingress or egress from a building or parking area to a public street and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

### **20A.18.500 Parking Lot Surfacing Requirements**

All off-street parking areas shall be graded and surfaced to standards for asphaltic concrete or concrete as set forth by the City Engineer before an occupancy permit for the building use is issued. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, curbs, bullrails, and other developments shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows. Pedestrian walks shall be curbed, or raised six inches above the lot surface.

### **20A.18.600 Parking Lot Illumination**

Lighting of areas provided for off-street parking shall be so arranged to not constitute a nuisance or hazard to passing traffic. Where lots share a common boundary with any "R" classified property, and where any RM Zone shares a common boundary with a RS Zone, the illumination devices shall be directed away from the more restrictively classified property.

### **20A.18.700 Parking Lot Development Standards**

Building sites which contain more than one hundred parking spaces shall be designed with access lanes and fire lanes not less than TWENTY feet in width, forming a continuous route or loop connecting at both ends with public streets as illustrated below. In parking lots containing less than one hundred parking spaces, emergency access shall be provided subject to approval of the Fire Chief. Emergency access shall be provided to within fifty feet of any multiple family building. If any of these requirements are impractical, due to the peculiarities of the site and/or building, other provisions for emergency access may be approved by the Fire Chief. Parking in fire lanes shall be prohibited, and indicated as being unlawful by signs and/or painting on the parking lot surface. The Police Chief shall be given written authority to enforce this parking regulation. All parking stalls and aisles shall be designed according to the "minimum standards for off-street parking", unless all parking is to be done by parking attendants on duty at all times that the parking

lot is in use for the storage of automobiles. Multi-story parking may be substituted for parking as provided herein upon approval of a conditional use permit. Nothing herein shall prohibit provision of additional parking spaces, beyond the number required by this title, which are undersized and reserved for smaller sized automobiles. Parking at any angle other than those shown is permitted, providing the width of stalls and aisles is adjusted by interpolation between the specified standards. Parking shall be so designed that automobiles need not back out into public streets.

**A. Tandem Parking**

Where tandem parking is allowed by this title it shall be developed in accordance with Section 20A.18.700 by doubling the "D" figure as found in the stall and aisle specifications for single stalls.

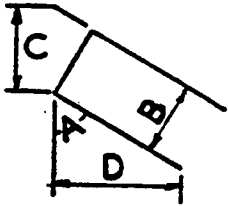
**B. Compact Car Parking Stalls**

In parking lots with ten or more parking stalls, up to 20% of those stalls may be designed for compact cars in accordance with the specifications contained in this section. These parking stalls shall be clearly designated for compact car use only.

# MINIMUM STANDARDS FOR OFF STREET PARKING

## STALL & AISLE SPECIFICATIONS

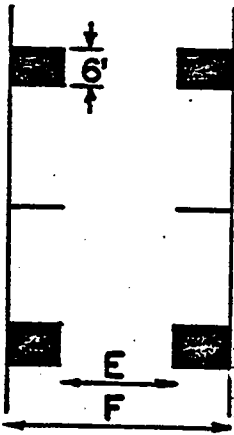
Parking Layout	Aisle	Standard Dimension			Compact Dimension			One Way		Two Way	
	A	B	C	D	B	C	D	E	F	E	F
Parallel One Side Two Sides	0	8.0	21.0	8.0	8.0	18.0	8.0	12.0	*	22.0	**
	0	8.0	21.0	8.0	8.0	18.0	8.0	22.0	*	24.0	**
	20	8.5	24.9	14.5	8.0	23.6	13.0	11.0	*	20.0	**
	30	8.5	17.0	16.9	8.0	13.8	15.0	11.0	*	20.0	**
	40	9.0	14.0	19.1	8.0	12.6	16.4	12.0	*	20.0	**
	45	9.0	12.7	19.8	8.0	11.6	17.0	13.0	*	20.0	**
	50	9.0	11.7	20.4	8.0	10.6	17.4	15.0	*	20.0	**
	60	9.0	10.4	21.2	8.0	9.4	18.0	18.0	*	22.0	**
	70	9.0	9.6	21.2	8.0	8.6	17.8	18.5	*	22.0	**
	80	9.0	9.1	20.4	8.0	8.2	17.2	24.0	*	24.0	**
Perpendicular	90	9.0	9.0	19.0	8.0	8.0	16.0	24.0	*	24.0	**
Herringbone	45	9.0	12.7	16.6	8.0	11.6	14.2	13.0	*	20.0	**



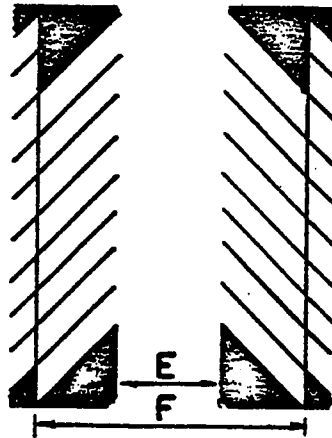
Notes:  
 \* Sum of D + E  
 \*\* Sum of 2(D) + E

## ACCEPTABLE PARKING DESIGNS

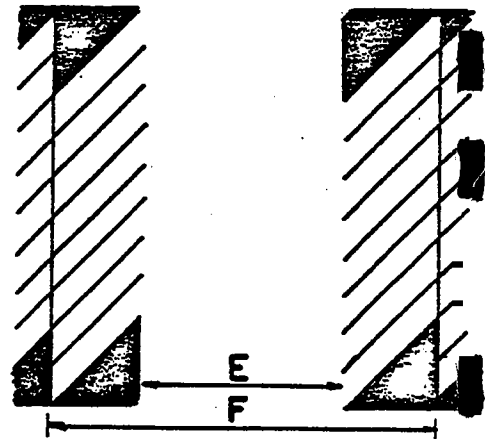
### PARALLEL



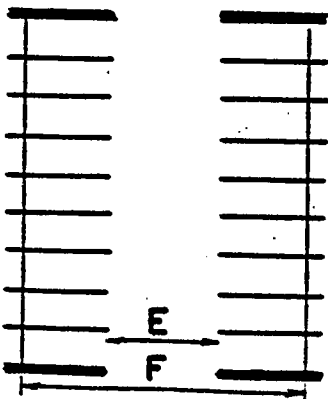
### ANGULAR ONE WAY



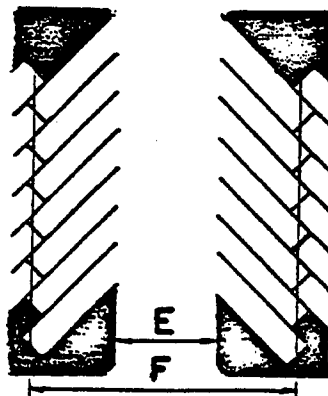
### ANGULAR TWO WAY



### PERPENDICULAR



### HERRINBONE ONE WAY



### HERRINBONE TWO WAY

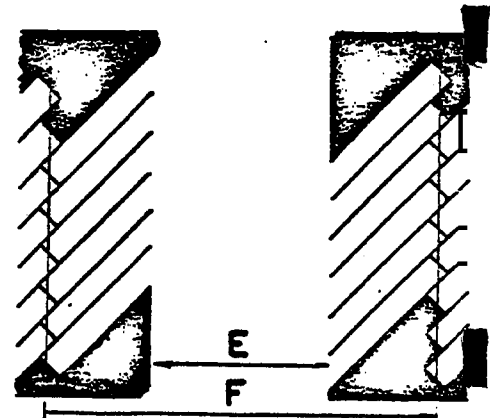


Figure 20A.18.1

**20A.18.800 Capacity Requirements**

Off-street parking shall be provided in accord with the following tables. Parking stalls designed for vehicles transporting handicapped persons shall be counted against the number of stalls required by these tables. See the Building Code for requirements for such stalls.

Automotive Uses	Number of Parking Stalls Required
Full & Self Service Stations and Gas Stations	one per employee & two per service bay
Mobile and Manufactured Home Sales	one per 3,000 SF of outdoor display area
Motor Vehicle Repair, without sales	three per employee, or one per 200 SF GFA, whichever is greater
Motor Vehicle Sales & Service	one per 1,000 SF of GFA & one per 1,500 SF of outdoor sales area

Eating and Entertainment Uses	Number of Parking Stalls Required
Adult Cabaret	one per 100 SF of GFA
Bars or Taverns	one per 100 SF GFA
Commercial Recreation	one per 40 SF GFA used for assembly plus 2 per court
Drive-In Restaurants	one per 15 SF GFA
Restaurants	one per 100 SF GFA

Institutional Uses	Number of Parking Stalls Required
Libraries	one per 250 SF GFA
Colleges, Universities or Institutions of Higher Learning	One per employee & faculty member, plus one per three full-time students (including conversion of part-time students into equivalents of full-time students)
Hospitals	one per four beds plus one per employee including doctors on staff
Schools, elementary, junior & senior high & equivalent private or parochial schools	one per employee & faculty member & one per ten senior high students; plus space for loading and unloading

Medical and Office Uses	Number of Parking Stalls Required
Dental or Medical Clinics	one per 200 SF GFA
Offices not Providing On-site Service	one per 300 SF GFA; minimum ten spaces
Offices Providing On-site Service	one per 200 SF GFA, minimum ten spaces

Key:

SF: Square Feet

GFA: Gross Floor Area

Personal Service Uses	Number of Parking Stalls Required
Banks	one per 200 SF GFA; minimum ten spaces
Barber Shops and Beauty Parlors	four per operator
Dry Cleaning	one per 400 SF GFA
Dry Cleaning or Laundry, Self-Service	one per two washing or dry cleaning machines
Laundry	one per 400 SF GFA

Places of Assembly	Number of Parking Stalls Required
Assembly Places with Fixed Seats	one per four seats or one per eight feet of bench or pew
Assembly Places without Fixed Seats	one per 50 SF GFA
Auditoriums	one per four seats or one per eight feet of bench or pew
Churches	one per four seats or one per eight feet of bench or pew
Clubs	one per four seats or one per eight feet of bench or pew
Funeral Homes or Mortuaries	one per four seats or one per eight feet of bench or pew
Lodges	one per four seats or one per eight feet of bench or pew
Stadiums	one per four seats or one per eight feet of bench or pew
Theaters	one per four seats or one per eight feet of bench or pew

Recreational Activities	Number of Parking Stalls Required
Bowling Alleys	five per lane
Dance Halls	one per two persons based on Uniform Building Code occupant load standards
Handball or Tennis Courts or Racquet Clubs	one per 40 SF GFA used for assembly plus two per court
Swimming Pools (indoor & outdoor)	one per ten swimmers, based on pool capacity as defined by the Washington State Department of Health

## Key:

SF: Square Feet

GFA: Gross Floor Area

Residential Uses	Number of Parking Stalls Required
Convalescent, Nursing or Rest Homes or Sanitariums	one per four beds plus one per employee including doctors on staff
Fraternities	one per accommodation
Hotels, Motels or other Overnight Accommodations	one per unit or room, plus additional parking in accordance with these tables for restaurants, convention facilities and any other businesses or facilities associated with the motel or hotel
Mobile and Manufactured Homes	one per dwelling and one guest stall per five dwellings
Multiple Family Residential	see requirements in the appropriate use zone
Respite Care	one per staff member plus one per 10 persons receiving care
Retirement Housing	1.5 per housing unit <sup>++</sup>
Rooming Houses	one per accommodation

Retail Uses	Number of Parking Stalls Required
Appliance Stores	
less than 6,000 SF of GFA	one per 300 SF GFA; minimum of five per tenant
6,000 SF or more GFA	ten plus one per 600 SF GFA; minimum of five stalls per tenant
Drug Store	one per 200 SF GFA
Food Store	one per 200 SF GFA
Furniture or Hardware Stores	
less than 6,000 SF of GFA	one per 300 SF GFA; minimum of five per tenant
6,000 SF or more GFA	ten plus one per 600 SF GFA; minimum of five stalls per tenant
Regional Shopping Centers developed per the PRC Zone	five per 1,000 SF gross leasable area
Shopping Centers, other than those in the PRC Zone	
Less than 15,000 SF GFA	sum of the separate uses
15,000 - 50,000 SF GFA	one per 300 SF GFA; restaurants, taverns, and drive-ins are calculated separately
Specialty Shops	
Less than 6,000 SF GFA	one stall per 300 SF GFA; minimum of five per tenant
6,000 SF GFA and above	ten & one per 600 SF GFA; minimum of five per tenant
Variety Stores	one per 200 SF GFA

Key:

<sup>++</sup> This parking ratio may be reduced by conditional use permit if it is found that such a reduction is justified based on size of units, characteristics of the resident population, proximity to stores and services, access to transit, or other factors demonstrated to lessen parking demand, and if sufficient area is set aside to provide additional parking if later found to be needed to satisfy actual parking demand. The amount of area to be set aside shall be established by the conditional use permit. Within the area to be set aside, existing trees and ground cover are to be retained to the fullest extent feasible; if such retention is not feasible or if no significant vegetation exists in the area to be set aside, that area shall be planted trees and ground cover.

SF: Square Feet

GFA: Gross Floor Area

Industrial Uses	Number of Parking Stalls Required
Apparel Manufacturing	one per employee, or one per 350 SF GFA, whichever is greater
Baking and Bottling Establishments	one per employee* or one per 600 SF GFA, whichever is greater
Canneries	one per employee* or one per 600 SF GFA, whichever is greater
Engraving	one per employee or one per 350 SF GFA, whichever is greater
Machinery Repair without sales	three per employee, or one per 200 SF GFA, whichever is greater
Manufacturing Business, including research & testing but not apparel, printing & related business	one per employee* or one per 600 SF GFA, whichever is greater
Printing or Publishing Business	one per employee or one per 350 SF GFA, whichever is greater
Storage Buildings	one per employee or one per 3,000 SF GFA, whichever is greater
Warehouses	one per employee or one per 3,000 SF GFA, whichever is greater

Other Uses	Number of Parking Stalls Required
Communication Establishments and Utilities without regular employment	one
Mixed Occupancies	The sum of the various uses computed separately. This does not apply to shopping centers.
Uses not Included on any Table	same as the most similar use, as determined by the Planning Department

Key:

\* The highest number of employees present during any one shift change, if applicable.

SF: Square Feet

GFA: Gross Floor Area

**20A.18.850 Modification Of Off-Street Parking Capacity Requirements**

The property owner(s) of building sites having 100 or more employees present during any shift change (if applicable) for the following use classifications and/or combination thereof may apply for a Conditional Use Permit to reduce the parking capacity requirements for employees up to 50 percent.

- Banks & offices providing on-site services;
- Offices not providing on-site service;
- Manufacturing, including research & testing, bottling, & baking establishments, & canneries, but not including apparel, printing, & related

**A. Review Criteria**

In reviewing such conditional use applications, the Hearing Examiner and/or City Council shall find that such reduction of parking capacity requirements will not create an adverse environmental impact on the site; on existing or potential uses adjoining the subject property or in the general vicinity of the subject property; or on the traffic circulation system in the vicinity.

**B. Alternative Commute Programs**

The applicant, owner, and/or proponent shall show through appropriate studies, reports, and/or documentation, as determined by the Public Works Director and/or Planning Director, that the alternative program(s) proposed in lieu of the parking capacity requirements will not cause the above stated impacts. Alternative programs which may be considered include, but are not limited to the following:

- Private vanpool operation;
- Transit/vanpool fare subsidy;
- Imposition of a charge for parking;
- Provision of subscription bus services;
- Flexible work hour schedule;
- Capital improvements for transit services;
- Preferential parking for carpools/vanpools;
- Reduction of parking fees for carpools & vanpools;
- Establishment of a Transportation Coordinator position to implement & monitor a carpool, vanpool & transit programs;
- Bicycle parking facilities; and
- Spacing of shifts.

**C. Covenants, Guarantees or Agreements**

If approved, the City shall require such covenants, guarantees, or agreements, as necessary to ensure that the agreed on alternative program(s) reducing the parking capacity requirements will be a permanent and effective solution. Such covenants, guarantees, or agreements shall include, but not be limited to the following:

- That the reduced parking be a condition of occupancy of the building and/or building permit;
- That measures shall be taken immediately if the alternative program(s) prove unsuccessful in reducing the required parking;
- That the level of management overseeing the alternative program(s) be specified; and



- That reports be prepared and submitted annually by the property owner(s) documenting the effectiveness of the alternative program(s).

SECTION 10. That Title 20A, Chapter 20 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## CHAPTER 20A.20

### CODE AMENDMENTS

#### 20A.20.100 Scope

This Chapter establishes the procedure and criteria that the City will use in deciding upon an amendment to the text of the Zoning Code.

#### 20A.20.200 Purpose

An amendment to the text of the City Zoning Code is a mechanism by which the City may bring its land use and development regulations into conformity with the Comprehensive Plan or respond to changing conditions or needs of the City.

#### 20A.20.300 Who May Initiate

The City Council, the Planning Commission or the Director of Planning with the concurrence of either body may initiate an amendment to the text of the Zoning Code.

#### 20A.20.400 Applicable Procedure

The City will process an amendment to the text of the Zoning Code using PROCESS IV. (LMC 1.35.400 et. seq.)

#### 20A.20.500 Decision Criteria

The City may approve or approve with modifications a proposal to amend the text of the Zoning Code if:

- The amendment is in accord with the Comprehensive Plan; and
- The amendment bears a substantial relation to the public health, safety or welfare; and
- The amendment is not contrary to the best interest of the citizens and property owners of the City of Lynnwood.

SECTION 11. That Title 20A, Chapter 22 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.22**  
**RECLASSIFICATION**

**20A.22.100 Scope**

This Chapter establishes the procedure and criteria that the City will use in making a decision upon an application for a reclassification of property from one Land Use Zone to another Land Use Zone or for any change in the conditions imposed or in the terms of a concomitant agreement executed as part of a reclassification.

**20A.22.200 Purpose**

A reclassification of property is a mechanism by which the Land Use Zone classification, conditions, or concomitant agreement applicable to property can be changed to reflect such things as changed circumstances, new land use needs or new land use policies.

**20A.22.300 Who May Apply**

The property owner or the City may apply for a reclassification of property.

**20A.22.350 Signatures On Petition For Change Of Zone Classification**

A property owner desiring a change in the zone classification or in the boundaries of the zone shall submit a petition carrying the signatures of not less than fifty-one percent of the owners of property within three hundred feet of the property under consideration, provided that:

- Either spouse may sign as owner, and any partner of a partnership or any officer or agent of a corporation may sign as owner, provided that if two or more persons sign for one ownership it shall count as one ownership;
- Each ownership shall be counted only once, regardless of its size or value;
- An ownership shall be counted only once, regardless of the number of parcels under identical ownership within the three-hundred-foot limit and regardless of whether or not all such identical ownerships are contiguous or non contiguous; and
- Any parcel, any part of which is within the three-hundred-foot limit, shall be counted;
- The signature shall indicate knowledge of, and not endorsement of, the proposed change. Upon refusal by an owner to sign, the applicant may submit an affidavit to the effect that the party was contacted but refused to sign.

**20A.22.400 Applicable Procedure**

The City will process an application for a reclassification of property through PROCESS IV. (LMC 1.35.400 et. seq.).

### **20A.22.500 Submittal Requirements**

The Director of Planning shall specify the submittal requirements, including type, detail, and number of copies for a reclassification application to be deemed complete and to be accepted for filing. The Director of Planning may waive specific submittal requirements determined to be unnecessary for review of an application.

### **20A.22.600 Decision Criteria**

The City may approve or approve with modifications an application for a reclassification of property if:

- The reclassification bears a substantial relation to the public health, safety, or welfare; and
- The reclassification is warranted because of changed circumstances or because of a need for additional property in the proposed Land Use Zone classification or because the proposed zoning classification is appropriate for reasonable development of the subject property; and
- The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and
- The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
- The reclassification has merit and value for the community as a whole; and
- The reclassification is in accord with the Comprehensive Plan; and
- The reclassification complies with all other applicable criteria and standards of the Lynnwood Municipal Code.

### **20A.22.700 Map Change**

Following approval of a reclassification of property, the City shall amend the zoning map of the City to reflect the change in Land Use Zone. The City shall also indicate on the zoning map the number of the ordinance adopting the change.

### **20A.22.800 Concomitant Agreement**

The City is specifically authorized to require that the applicant enter into a concomitant agreement with the City as a condition of the reclassification, and may through that agreement impose development conditions designed to mitigate potential impacts of the reclassification and development pursuant thereto.

### **20A.22.900 Time Limitation**

The City may, in the ordinance approving the reclassification, establish a reasonable time within which development of the subject property must begin. If the City has established such a time limitation, the reclassification may be revoked upon application of the City for reclassification if the applicant has not applied for a building permit or other necessary development permit and completed substantial construction by the specified date.

**20A.22.920 Fees**

A fee, in the amount provided by the following schedule of fees, shall be paid at the time of filing of a petition for an amendment to the zoning map, an application for a planned unit, or any other application involving a public hearing for which fees are not elsewhere specified. There shall be an additional fee for an appeal to the City Council following a denial by the Planning Commission, which shall be equal to the fee paid at the time the petition was submitted. The fee for any reclassification required by a public agency shall be fifty dollars. No part of the fee shall be returnable.

**SCHEDULE OF FEES**

AREA INCLUDED IN PETITION APPLICATION	AMOUNT OF FEE
Less than 1 acre	\$250.00
1.1 - 5 acres	400.00
More than 5 acres	550.00, plus \$50.00 per acre, or portions of an acre, in excess of 5 acres.

**20A.22.940 Periodic Updating Of Zoning Map**

From time to time, but at least every five years the City Council shall update the Zoning Map of the City and make that map the final authority regarding land uses in the City.

**20A.22.950 Hearing & Notice**

In order to effect the purpose of Section 20A.22.940, the City Council shall, from time to time, hold a public hearing to receive any comments or objections to the Zoning Map as then existing. At least thirty days but no more than sixty days prior to the hearing, notice of the hearing and its purpose shall be given by publication in the official newspaper of the City on one day in each of two successive weeks. The notice shall specify that any objections to the Zoning Map as then constituted, which are based on discrepancies between the map and any Zoning Map ordinance passed by the Council or with the Comprehensive Plan, must be made at such hearing or the zones as shown on the currant Zoning Map will become the zones for the City notwithstanding any prior action of the Council or any other provisions of the Lynnwood Municipal Code.

**20A.22.960 Hearing Objections**

At the hearing provided in Section 20A.22.950, any person may object to any part of the current Zoning Map for the reason that it is inconsistent with ordinances of the Council or with the Comprehensive Plan. Such objections must be in writing and state with specificity:

- The part or parts of the map objected to; or
- The specific ordinance of the Council or section of the Comprehensive Plan with which the map is inconsistent.

**20A.22.970 Council Ordinance - Finality**

Following the hearing, the Council shall, within fifteen days, pass an ordinance affirming the Zoning Map as it exists except for those instances where the map has been shown to the Council to be in conflict with past action. That ordinance shall supersede all prior ordinances regarding

the zoning of property. Notwithstanding any other ordinance or provision of the Lynnwood Municipal Code, the ordinance passed by the Council as provided in this section shall constitute the zones of the City. It shall supersede any prior ordinances of the Council and shall be deemed the final authority of the matters contained in it as of its effective date.

### **20A.22.980 Inconsistencies - Amendments**

In the event the Council is made aware of inconsistencies between past ordinances and the Zoning Map, as provided in Section 20A.22.960, the Council shall take the necessary steps to resolve such inconsistencies. Amendments made to resolve any inconsistencies shall be made as a City-initiated matter consistent with the procedures of PROCESS IV. (LMC 1.35.400 et. seq.) Pending resolution of such inconsistency, the property shall be deemed zoned for use according to the most restrictive use.

SECTION 12. That Title 20A, Chapter 24 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.24**

### **CONDITIONAL USE PERMITS**

#### **20A.24.050 Procedure**

The issuance of any conditional use permit must be in accordance with procedures set forth in PROCESS I (LMC 1.35.100 et. seq.).

#### **20A.24.100 Authority For Issuance**

The City Council may issue conditional use permits for any of the uses for which this title requires the obtaining of such permits, but not for any other use or purpose. In considering any conditional use permit, the Hearing Examiner and/or the Council shall prescribe any conditions that it deems to be necessary to or desirable for the public interest, and where appropriate may stipulate that the permit is temporary and establish an expiration date. However, no conditional use permit shall be granted unless it is found:

- That the use for which such a permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
- Will be in harmony with the general purpose of this title.

The Hearing Examiner and/or City Council may allow relaxation of the development standards of Title 20A if it finds that alternative amenities, improvements, proposed location of uses or structures, or other features incorporated into the proposal are in harmony with the general purpose of this title and would provide equal or better protection to the public interest than would the standards proposed to be relaxed.

### **20A.24.150 General Criteria For Issuance Of Conditional Use Permit**

In determining its findings, the Hearing Examiner and/or Council shall take into account the character and use of adjoining buildings and those in the vicinity, the number of persons residing or working in such buildings or upon such land, traffic conditions in the vicinity, compliance with any special conditional use criteria for that specific use set forth in this chapter and all factors relevant to the public interest.

In case of rejection by the City Council on any application processed, a six-month waiting period shall be necessary before reapplication.

### **20A.24.200 Application, Hearing & Notice**

Application for a conditional use permit shall be made on forms prescribed by the City, and shall be accompanied by a legal description of the property, a statement to the effect that the applicant or applicants are the sole owners of the property, and payment of a fee of:

- Ground signs in Commercial zones \$100
- All others \$200

The Hearing Examiner shall hold a public hearing on any conditional use permit application. Notice of hearing shall be in accordance with the procedures set forth in PROCESS I (LMC 1.35.100 et. seq.).

### **20A.24.300 Expiration Of Conditional Use Permits**

Any conditional use permit which is issued and not utilized within two years from the effective date of the permit, or within such shorter period of time as may be stipulated by the Council, shall expire and be of no further consequence. In order for a conditional use permit to be considered as being utilized, there shall be submitted to the City, by the applicant for the permit, a valid building permit application including a complete set of plans in the case of a conditional use permit for a use which would require new construction; an application for a certificate of occupancy and business license in the case of a conditional use permit which does not involve new construction; or in the case of an outdoor use, evidence that the site has been and is being utilized in accordance with the terms of the conditional use permit. After a use has been established in accordance with the terms of the conditional use permit, a lapse of one year during which the premises are not used for the purposes provided for in the permit shall cause the permit to expire and be of no further consequence. Any conditional use permit approved prior to the enactment of this chapter shall expire two years from the date of approval by the Hearing Examiner unless the permit has been utilized as provided in Sections 20A.24.100--20A.24.300.

### **20A.24.400 Compliance With Conditions Of Permit Required**

The conditions of the permit shall be fully complied with, and upon failure to comply the Planning Director may investigate and enforce the conditions of the C-U permit in the same manner as an ordinance violation. The Planning Director may also initiate a hearing by the Hearing Examiner to determine the degree of noncompliance. Upon finding a substantial degree of noncompliance the Hearing Examiner may recommend to the City Council that the permit be revoked. Should the Hearing Examiner recommend that the permit be revoked the City Council shall consider the matter as though it were an appeal of the Examiner's decision in accordance with LMC 1.35.150 through

1.35.160. Continuation of the use after a permit has been revoked by the City Council shall be considered an illegal occupancy and subject to each and every legal remedy available to the City.

SECTION 13. That Title 20A, Chapter 26 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.26**

### **VARIANCES**

#### **20A.26.100 Scope**

This chapter establishes the procedures and criteria that the City will use in making a decision upon an application for a variance from the provisions of the Land Use Code.

#### **20A.26.150 Purpose**

A variance is a mechanism by which the City may grant relief from the provisions of the Land Use Code where practical difficulty renders compliance with the provisions of that Code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of that Code and of the Comprehensive Plan can be fulfilled.

#### **20A.26.200 Who May Apply**

The property owner may apply for a variance from the provisions of the Land Use Code.

#### **20A.26.250 Applicable Procedure**

The City will process an application for a variance from the provisions of the Land Use Code through PROCESS I, (1.35.100 et. seq.). The Director of Planning is the applicable Department Director.

#### **20A.26.300 Submittal Requirements**

The Planning Director shall specify the submittal requirements, including type, detail, and number of copies, for a variance application to be deemed complete and accepted for filing.

These requirements shall include but not be limited to:

- A legal description of the property;
- Proof that the applicant(s) is the owner of the property;
- A site plan of the subject property detailing all existing improvements and the physical changes on the property that would be allowed by the variance;
- Payment of a \$50.00 fee for single family property and a \$150.00 fee for all other property.

### **20A.26.350 Decision Criteria**

The Hearing Examiner may approve or approve with modifications an application for a variance from the provisions of the Land Use Code if:

- The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and Land Use Zone in which the property on behalf of which the application was filed is located; and
- The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the Land Use Zone in which the subject property is located; and
- The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and Land Use Zone in which the subject property is located; and
- The special circumstances of the subject property make the strict enforcement of the provisions of this Code an unnecessary hardship to the property owner; and
- The special circumstances of the subject property are not the result of the actions of the applicant or a predecessor in interest; and
- The variance is the minimum necessary to fulfill the purpose of a variance and the need of the applicant; and
- The variance is consistent with the purpose and intent of the Land Use Code; and
- The variance is in accord with the Comprehensive Plan.

### **20A.26.400 Limitation On Authority**

The Hearing Examiner may not grant a variance to:

- The provisions of regulations establishing the allowable uses in each Land Use Zone, or
- Any procedural or administrative provisions of the Lynnwood Municipal Code; or
- Any provision of the Land Use Code which, by the terms of that Code, is not subject to a variance.

### **20A.26.450 Time Limitation**

A variance automatically expires and is void if the applicant fails to obtain a building permit or other necessary development permit and substantially completes improvements allowed by the variance within 18 months of the effective date of the variance.

### **20A.26.500 Extension**

Upon application of the property owner the Hearing Examiner may extend a variance, not to exceed one year, if:

- Unforeseen circumstances or conditions necessitate the extension of the variance; and
- Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
- The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.



**20A.26.550 Second Extension**

Upon application of the property owner, the Hearing Examiner may extend a variance a second time. No more than two extensions may be granted. A second extension, not to exceed one year, may be granted if:

- The criteria in LMC 20A.26.500 are met; and
- The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed, and
- Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted.

**20A.26.600 Assurance Device**

In appropriate circumstances the Hearing Examiner may require reasonable performance or maintenance assurance devices to assure compliance with the provisions of the Land Use Code and the variance as approved.

SECTION 14. That Title 20A, Chapter 28 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.28**

**SPECIAL USE PERMIT**

**20A.28.100 Scope**

This chapter establishes the procedures and criteria that the City will use in making a decision upon an application for a Special Use Permit for the Planned Commercial Development Zone.

**20A.28.150 Purpose**

A Special Use Permit is a mechanism by which the City may grant special use and development of individual parcels for any of the uses permitted in the PCD Zone and for which this Title requires the obtaining of such permit, but not for any other use or purpose.

**20A.28.200 Who May Apply**

The property owner(s) may apply for a Special Use Permit.

**20A.28.250 Applicable Procedure**

The City will process an application for a Special Use Permit through PROCESS I, (1.35.100 et. seq.). The Director of Planning is the applicable Department Director.

### **20A.28.300 Submittal Requirements**

The Planning Director shall specify the submittal requirements, including type, detail and number of copies, for a Special Use Permit application to be deemed complete and accepted for filing.

These requirements shall include but not be limited to:

- A legal description of the property and the particular use sought; and
- Proof that the applicant(s) is the owner of the property; and
- A site plan of all existing structures on the subject property and on adjoining properties, as well as proposed structures on the subject property, to show relationship of proposed use to existing use;
- A landscape plan to indicate all areas to be landscaped and fenced and materials to be used;
- Design of ingress, egress, and internal traffic circulation; and
- Off-street parking and loading; and
- Drawings or sketches of the exterior elevations, and/or perspective drawings of the building or structures under consideration.
- Payment of a \$350.00 fee.

### **20A.28.350 Conditions Of Approval**

In considering any special use permit, the City shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. Such conditions may include but are not limited to:

- Exact location and nature of development including additional building and parking setbacks, screenings in the form of landscape berms, landscaping, and fencing;
- Mitigating measures to eliminate or lessen the environmental impact of the development;
- Hours of use or operation, and type or intensity of activities;
- Sequence and scheduling of the development;
- Maintenance of the development;
- Duration of use and subsequent removal of structures; and
- Granting of easements for utilities or other purposes, and dedication of land or other property interests, the need for which the Council finds would be necessary to obtain the goals and purposes of the PCD Zone.
- Where reasonable and feasible to do so, property owners within the PCD Zone shall be encouraged to develop access, egress, and parking facilities cooperatively through easements or joint use agreements. Plans for cooperative development shall be submitted as specified in LMC Section 20A.46.900. Parking reductions for coordinated parking plans are also available as specified in Section 20A.46.900.

### **20A.28.400 Limitation On Authority**

No special use permit shall be granted unless it is found that the granting of the permit is consistent with the design concept and development guidelines for the zone.

SECTION 15. That Title 20A, Chapter 30 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.30**

**PLANNED UNIT DEVELOPMENT**

**20A.30.100 Purpose**

A Planned Unit Development is a mechanism by which the City may permit a variety in type, design, and arrangement of structures; and enable the coordination of project characteristics with features of a particular site in a manner consistent with the public health, safety, and welfare. A Planned Unit Development allows for innovations and special features in site development, including the location of structures, conservation of natural land features, conservation of energy, and efficient utilization of open space.

**20A.30.200 Initiation Of Planned Unit Development Projects**

Planned unit development projects may be initiated by:

- The owner of all the property involved, if under one ownership; or
- An application filed jointly by all owners having title to all of the property in the area proposed for the planned unit development project, if there is more than one owner. Whenever an application is filed by more than one owner, the application should recite a willingness by the applicants to enter into a binding agreement between all owners of lands within the proposed PUD whereby the planned unit features, such as open space, greenbelt, access parking, and similar items, shall become a covenant running with lands involved within the PUD. Additional guarantees, including, but not limited to bonds, may be required by the City Council; or
- A governmental agency.

**20A.30.250 Application Fee**

A fee, in the amount provided by the following schedule of fees, shall be paid at the time of filing of an application for a planned unit development. There shall be an additional fee for an appeal to the City Council following a denial by the Hearing Examiner, which shall be equal to the fee paid at the time the petition was submitted. The fee for any PUD application by a public agency shall be fifty dollars. No part of any fee shall be returnable.

**SCHEDULE OF FEES**

AREA INCLUDED IN PETITION APPLICATION	AMOUNT OF FEE
Less than 1 acre	\$250.00
1.1 - 5 acres	400.00
More than 5 acres	550.00, plus \$50.00 per acre, or portions of an acre, in excess of 5 acres.

### **20A.30.300 Procedure For Approval Of Planned Unit Development**

#### **Projects**

The City will process an application for a Planned Unit Development using PROCESS I. (LMC 1.35.100 et. seq.). A preliminary development plan shall be submitted to the Hearing Examiner for a recommendation to the City Council. Before approval of any plan, the City Council shall determine that such plans comply with the development policies of the comprehensive plan, the purpose of this title, and provisions of this chapter. Such preliminary approval or subsequent revision shall be binding as to the general intent and apportionment of land for buildings, stipulated use and circulation pattern, but shall not be construed to render inflexible the ultimate design, specific uses or final plan of the project.

### **20A.30.320 Final Development Plan - Submittal**

The petitioner shall within one year of the date of the preliminary approval submit a final development plan of the proposed development for approval by the Hearing Examiner. The plan will, if approved, constitute a limitation on use and design of the site. The plan as approved may not include permission for any use which is not expressed in the application and included in all notices to the public of the intended PUD. In the event that no final development plan has been submitted within one year of the date of preliminary approval the application shall expire and no further action upon the application shall be taken.

### **20A.30.340 Zoning Map Change**

The planned unit development resulting from the application of the provisions of this section shall be made a part of the zoning map and identified thereon by appropriate reference to the detailed planned unit development map and explanatory text, if any, either by number or by symbol.

### **20A.30.400 Expiration**

Upon the abandonment of a particular project authorized under this chapter or upon the expiration of three years from the final approval of a planned unit development which has not by then been completed, or commenced with an extension of time for completion granted, the authorization shall expire and the land and the structures thereon may be used only for a lawful purpose permissible within the zone in which the planned unit development is located.

### **20A.30.500 Form & Contents Of Applications**

The Planning Director shall prescribe the form on which applications are made for Planned Unit Development projects and prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified as to the correctness of information given by the signature of the applicant attesting thereto.

#### **A. Site Map**

There shall be included as a part of the application an accurate map drawn to a scale of not less than one hundred feet to the inch showing the boundaries of the site, names, and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; proposed location and dimensions of "open space," if any, within the site; proposed public

dedications, if any, within the site; location, dimensions, and design of off-street parking facilities showing points of ingress to and egress from the site; and existing topographic contours at intervals of not more than five feet together with proposed grading, drainage, and landscaping.

### **B. Written Statement**

The explanatory text shall contain a written statement of the general purposes of the project and an explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular nonresidential uses permitted to locate on the site, if any, shall constitute a limitation to those specific uses.

### **C. Area for Public Purposes**

If the planned unit development contains any area that may require acquisition for public purposes such as opening and widening of streets or alleys, such features in addition to being indicated on the planned unit development map, shall also be shown in exact detail on a separate map to be processed and adopted in the manner prescribed for adoption of official controls. Such official control shall be identified in the official controls related to such elements of the comprehensive plan as involve the identification and preservation of future rights-of-way for public thoroughfares or areas for other public uses. Provided however, in lieu thereof or in combination with such official controls, a plat may be filed and processed as required by the subdivision regulations. Hearings on the planned unit development, the official control, plat, and reclassification, if involved, shall be separately noted in the public notice of hearing, but may be held concurrently, and action on each shall be taken separately.

## **20A.30.600 Permitted Location Of Planned Unit Development Projects**

Nonresidential uses may be located in any zone within the City so long as the uses are consistent with the objectives of the Comprehensive Plan. Whenever a planned unit proposal provides for intended uses which are less restrictive or of different character than the existing zoning, the City Council shall consider that circumstance as one factor in establishing conditions upon the granting of permission to proceed with the proposed planned unit.

## **20A.30.800 Uses Permitted**

The City Council may approve any use not a direct contradiction to the objectives of the comprehensive plan, except as set forth in 20A.30.100(B). Provided however, the notices to the public relative to the PUD shall state with particularity every use to which properties within the PUD are to be put and the City Council, in granting any PUD, shall make findings as to the specific uses to be permitted within the PUD. Every other use shall be illegal unless granted through a subsequent revision of the PUD in the same manner as a rezone of property.

## **20A.30.900 Use Control In Planned Unit Developments**

### **A. Retail Uses**

In residential Planned Unit Developments accessory incidental limited retail uses will only be permitted in those developments which are planned for four hundred families or more.

Building permits or occupancy permits for such uses shall not be used until one-half of the total project is completed.

### **B. Open Space Land - Amount**

In all residential Planned Unit Developments, which include attached dwelling units or multiple dwellings, the design of the Planned Unit Development is expected to demonstrate creativity in dealing with the topography, soil, existing vegetation, streams, and water bodies and other physical conditions, to maximize common open space, or combinations of common open space and small private outdoor areas related to each residential unit. The open space of a Planned Unit Development is expected to contribute to the continuity of any existing or planned open spaces within the vicinity, whether public or private.

### **C. Open Space Land - Guarantee**

Adequate guarantee must be provided to insure permanent retention of open space land area resulting from the application of these regulations, either by private reservation for the use of residents within the development or by dedication to the public or a combination thereof.

## **20A.30.950 Permissive Variations In Requirements**

In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements, and standards of the zone in which the project is located so as to appropriately apply such regulations, requirements, and standards to the larger site. In modifying such regulations, requirements, and standards as they may apply to a Planned Unit Development project, the following limitations shall apply:

### **A. Yards & Site Screening**

The requirements for yards and site screening which would normally apply to the uses within the planned unit development, if those uses were being developed in a conventional use zone, shall apply in a planned unit development unless other proposals are approved as part of the preliminary planned unit development. Such proposals shall be accompanied by supporting material demonstrating that the variations would provide equal or greater protection to adjacent or nearby properties.

### **B. Number & Type of Dwelling Units**

In a residential planned unit development, the allowed number of units may be arranged into the types of structures allowed in higher density zones. The number of dwelling units permitted in any R Zone shall be determined by dividing the net development area by the minimum lot area per dwelling unit required in the zone in which the area is located.

Reductions in lot size requirements when parking spaces are placed within the building structure shall not apply to planned unit developments. Net development area shall be determined by subtracting from the total development area the area set aside for churches, schools or commercial use and the amount of land that would be required for streets if the land was developed under standard provisions instead of PUD. In RS zones, street right-of-way requirements under standard subdivision practices may be assumed to be fifteen percent unless demonstrated otherwise.

### **C. Permitted Residential Site Coverage**

The permitted percentage of coverage by residential buildings and structures for the net development area as determined in "B" above shall not exceed the percentage of coverage permitted in the zone in which the project is located.

### **D. Permitted Non - Residential Site Coverage**

The site coverage permitted for the nonresidential uses shall be solely in the discretion of the City Council; in exercising its discretion, the City Council shall be guided by the density and uses permitted on lands affected by this PUD, the objectives of the comprehensive plan, the site coverage permitted by the existing zoning, any fire hazards and the ability to provide fire protection and other emergency services, the amount of area needed for parking and open space to cause this PUD to be compatible to adjacent lands and uses, and such additional information as the City Council determines to be relevant to its deliberation.

### **E. Off-Street Parking**

An off-street customer parking plan shall be provided in connection with the preliminary planned unit development application, conforming to the standards of this title for the number of stalls and dimensional standards. Any proposed variations from the dimensional standards shall be shown on the parking plan and shall be accompanied by supporting material justifying the variations. The parking plan may also provide for flexibility in the number of parking stalls by designating a part of the parking plan to be made available upon demand by the City Council or their designee. Such reserve parking capacity shall be guaranteed by bond or other appropriate guarantee. The land to be reserved for potential parking improvements shall be improved with an interim landscaping, but the preliminary approval may provide that existing vegetation may be retained in lieu of the landscaping.

## **20A.30.970 Minor Adjustments In Planned Unit Development**

In issuing building permits in connection with the construction of a Planned Unit Development, the Building Department may make minor adjustments involving the location or dimensions of buildings, provided such adjustments shall not change the character or general location of buildings, and shall not increase the total amount of floor space authorized in the Planned Unit Development, or the number of dwelling units, nor decrease the amount of parking or loading facilities, nor permit buildings to locate closer to any boundary line, nor change any points of ingress and egress to the site.

SECTION 16. That Title 20A, Chapter 40 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.40**

## **USE ZONES AND ZONING MAP**

**20A.40.100 Use Zones Established**

For the purpose of this title, the City is divided into use zones as provided hereafter:

**A. Single Family Residential Zones**

<u>Essential Uses</u>	<u>Symbols</u>	<u>Description</u>
Single-family Residences	RS-12	Suburban Residential Residential Zone
	RS-9	Residential Zone
	RS-8	Residential Zone
	RS-7	Residential Zone

**B. Multiple Family Zones**

<u>Essential Uses</u>	<u>Symbols</u>	<u>Description</u>
Multiple Family Residences	RMD	Duplex Multiple Family Residential
	RML	Low-Density Multiple Family Residential
	RMM	Medium-Density Multiple Family Residential
	RMH	High-Density Multiple Family Residential
	RMHR	High Rise Multiple Family Residential

**C. Commercial Zones**

<u>Essential Uses</u>	<u>Symbols</u>	<u>Description</u>
Retail, Offices & Services	B-4	Restricted Business
	BN or B-3	Neighborhood Business
	B-2	Limited Business
	C-2	Highway Services
	PCD	Planned Commercial Development
	BC or B-1	Community Business
	MU	Mixed Use / Transit Supportive / Business
	CG	General Commercial
	PRC	Planned Regional Shopping Center

**D. Industrial Zones**

<u>Essential Uses</u>	<u>Symbols</u>	<u>Description</u>
Employment Uses	BTP	Business and Technical Park(s)
	LI	Light Industrial

**E. Public and Institutional Zones**

<u>Essential Uses</u>	<u>Symbols</u>	<u>Description</u>
Institutional Uses	P-1	Public & Semipublic Uses



**20A.40.200 Adopting Map Of Use Zone Boundaries**

The boundaries of such use zones as shall be established shall be shown on a map entitled "Map B, The Official Zoning Map of the City of Lynnwood," on file in the office of the City Clerk, which map, with all explanatory matter thereon, shall be deemed to accompany, and is by this reference incorporated herein as though fully set forth and herein made a part of this title.

**20A.40.300 Determining Boundaries Generally**

Where uncertainty exists with respect to the boundaries of any of the aforesaid zones as shown on the zoning map, the provisions of Sections 20A.40.400 through 20A.40.800 shall apply.

**20A.40.400 Boundaries Following Street Centerlines**

Where zone boundaries are indicated as approximately following the centerlines of streets, alleys or highways, the actual centerline shall be construed to be the boundary.

**20A.40.500 Boundaries Parallel To Street Centerlines**

Where zone boundaries are indicated as running approximately parallel to the centerline of a street, the boundary line shall be construed to be parallel to the centerline of the street.

**20A.40.600 Boundaries Following Lot Or Tract Lines**

Where zone boundaries are indicated on such maps as approximately following the lot or tract lines, the actual lot or tract lines shall be construed to be the boundary of such use zone.

**20A.40.700 Boundaries Dividing Tracts**

Where a zone boundary on such sectional maps divides a tract in unsubdivided property, the location of such use zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on such sectional area zone map.

**20A.40.800 Vacated Streets, Alleys**

Where a public street or alley is officially vacated or abandoned, the regulations applicable to the abutting property to which the vacated portion shall revert shall apply to such vacated or abandoned street or alley.

**20A.40.900 Order Of Restrictiveness**

The City of Lynnwood is divided into twenty-one use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

RS-12	Suburban Residential Zone
RS-9	Residential Zone
RS-8	Residential Zone
RS-7	Residential Zone

P-1	Public & Semipublic Use Zone
RMD	Duplex Multiple Family Zone
RML	Low-density Multiple Family Zone
RMM	Medium-density Multiple Family Zone
RMH	High-density Multiple Family Zone
RMHR	High Rise Multiple Family Zone
B-4	Restricted Business Zone
B-2.	Limited Business Zone
C-2	Highway Services Zone
BN or B-3	Neighborhood Business Zone
PCD	Planned Commercial Zone
BC or B-1	Community Business Zone
MU	Mixed Use / Transit Supportive / Business
CG or C-1	General Commercial Zone
PRC	Planned Regional Shopping Center Zone
BTP	Business and Technical Park(s)
LI	Light Industrial

SECTION 17. That Title 20A, Chapter 42 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.42**

### **RESIDENTIAL ZONES**

#### **20A.42.050 Zones And Purposes**

The residential zones are intended to provide for low density development that is designed to meet contemporary building and living standards.

**20A.42.100 Uses Allowed In Residential Zones**

Use	RS-12	RS-9	RS-8	RS-7	RMD	RML	RMM	RMH	RMHR
Single Family Dwellings (one per lot)	P	P	P	P	P	P	P	P	P
Two Family Dwellings	-	-	-	-	P	P	P	P	P
Multiple Family Dwellings	-	-	-	-	-	P	P	P	P
Adult Family Homes	P	P	P	P	P	P	P	P	P
Agricultural and Horticultural Activities, including plant nurseries <sup>+</sup>	C	C	C	C	C	C	C	C	C
Boarding Houses <sup>+</sup>	-	-	-	-	-	P	P	P	P
Child Day Care Centers <sup>+</sup>	C*	C*	C*	C*	C*	C	C	C	C
Churches	C	C	C	C	C	C	C	C	C
Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and group housing for any other legal purpose, but not including hospitals or mental hospitals	-	-	-	-	-	C	C	C	C
Hospitals and Nursing Homes	-	-	-	-	-	-	-	P	P
Hotels (including incidental commercial facilities which are internally oriented to serve overnight guests)	-	-	-	-	-	-	-	-	P
Manufactured Home Developments and Designated Manufactured Homes <sup>+</sup>	P	P	P	P	P	P	P	P	P
Mini-day care programs	-	-	-	-	-	P	P	P	P
Office Uses <sup>+</sup>	-	-	-	-	-	C	C	C	C
Park and Pool Lots <sup>+</sup>	C**	C**	C**	C**	C**	C	C	C	C
Professional and Business Offices	-	-	-	-	-	-	-	-	P
Public Parks	P	P	P	P	P	P	P	P	P
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards <sup>+</sup>	C	C	C	C	C	C	C	C	C
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C	C	C	C	C	C	C
* Only as an accessory to a School or Church. ** Only on properties with street frontage along streets designated as arterials. + See Section 20A.42.110.	Key: P: Use is Permitted as a primary use; see 20A.42.300 regarding Home Occupations. C: The use may be permitted through issuance of a conditional use permit. "-" Use is prohibited.								

## **20A.42.110 Limitations On Use**

### **A. Agricultural and Horticultural Activities**

Agricultural and horticultural activities, including plant nurseries must be devoted to the raising of plants. No structures, uses, or accessory uses or structures are permitted, except those specifically authorized by the conditional use permit;

### **B. Public Utility Facilities**

Public Utility facilities necessary for the transmission, distribution or collection of electric, telephone, telegraph, cable television, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards shall be subject to the following additional standards:

- Such facilities shall, whenever possible, be so located and designed to minimize adverse impacts on nearby residential areas;
- The applicant shall submit information documenting the need for the proposed facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites;
- A site development plan shall be submitted showing the location, size and design of all buildings and structures, including fences, the location, size, and nature of outdoor equipment, and the location, number, and species of all proposed landscaping.

Provided further this subsection shall not apply to utility facilities located on a property which are accessory to the residential use of that property or to the transmission, distribution or collection lines and equipment necessary to provide a direct utility connection to the property or neighboring properties, or to those utility facilities located on public right-of-way, nor shall it apply to utility facilities installed within new subdivisions, which shall be evaluated prior to plat approval and do not require a separate conditional use permit.

### **C. Park and Pool Lots**

Park and pool lots may be permitted by conditional use permit. In considering an application for such a use, the Hearing Examiner, and/or City Council shall review all impacts of the proposed use upon the surrounding neighborhood including, but not limited to location, traffic, displacement of required stalls, noise, hours of operation, ingress and egress, signage, parking lot illumination, and aesthetic impacts. In Single Family and RMD zones, park and pool lots should not be the principal use of a property, but an accessory use to a permitted or conditional use in that zone.

The applicant for such a permit shall submit a site plan indicating

- The property boundaries,
- The location of all buildings on the site with the floor areas of each use indicated,
- The location and dimensions of all existing or proposed parking stalls, including the designation of those to be available to park and pool users, and
- The location and type of all existing or proposed landscaping.

The applicant shall also submit drawings of proposed signage and an analysis of the parking demand of any existing uses on the site and the anticipated demand by park and pool users.

## **D. Child Day Care Centers**

### **1. Considerations**

Child day care centers may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the Hearing Examiner and City Council will consider the need for the activity in the area; and, all possible impacts in the area including but not limited to the following:

- Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- Any abnormal increase in demand for any public service, facility or utility;
- The size, location, and access of the proposed site; and
- Any adverse effects on the standard of livability to the surrounding area.

### **2. Requirements**

In any case, the approval of the conditional use permit shall include the following requirements:

- The applicant must be state-licensed before the operation of the facility;
- Adequate off-street parking must be provided;
- All outdoor play areas must be fenced with a minimum of eight hundred square feet plus an additional eighty square feet per additional child over ten;
- Site and sound screening standards for the outdoor play area must be met;
- The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- The applicant must indicate the ages of the children to be cared for.

## **E. Manufactured Home Developments**

Permitted under the provisions for planned unit developments. See Chapters 20A.30 and 20A.70.

## **F. Two Family Dwellings and Multiple Dwelling Units.**

In RML, RMM, RMH, & RMHR zones, if there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd-numbered unit which may stand alone.

## **G. Convalescent and Nursing Homes, Housing for the Elderly and Physically Disabled, and Group Housing for Any Other Legal Purpose but not including Hospitals or Mental Hospitals.**

### **1. Number of Residents**

The number of persons who will be residing in the property shall be generally consistent with the potential density of persons as would be expected from multiple dwelling units. Except that, the maximum number of units for housing for the elderly and handicapped shall be no greater than 1.5 times the number of units which would be allowed for multiple family housing within the respective zone, provided that the maximum population does not exceed 1.2 persons per dwelling unit. If the density exceeds 1.2 per dwelling unit, than the number of dwelling units shall be reduced correspondingly.

## 2. Impact on Surrounding Area

The allowing of the proposed use shall not adversely affect the surrounding area as to present use or character of the future development.

## 3. Staff Evaluation and Recommendation

Before any conditional use permit for the uses designated in this subsection is considered by the Hearing Examiner and City Council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the Fire, Building, and Planning Departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

- The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- The amount of space around and between buildings shall be subject to the approval of the Fire Chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
- Restriction to such intended use except by revision through a subsequent conditional use permit;

## 4. Open Space

A minimum of 200 sq. ft. of passive recreation and/or open space shall be provided. Housing for the elderly has a need for recreational open space but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50% of the requirement may be indoors, provided that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per Section 20A.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

## H. Office Uses

The intended uses shall comply with the following minimum standards:

- No portion of the building in which the offices are permitted shall be occupied as a residence;
- The office use shall be generally professional in nature, which use shall include but not be limited to medical and dental offices or clinics, accountants, architects, attorneys at law, chiropractors, engineers, land surveyors, opticians; provided, accessory retail uses may be allowed only if closely related to the principal uses of the building, such as pharmacies in medical buildings, and must be specified in the conditional use permit. When allowed, such

retail uses shall be internally oriented, with external advertising identical to the professional offices and compliance with the conditional use permit;

- There shall be no signage allowed except wall signs, ground signs, and building directories, as approved by the conditional use permit. All wall signs shall be non-internally illuminated.
- The uses shall be of a type unlikely to be open evenings or weekends and unlikely to generate large volumes of traffic;
- In considering the intended use, location of the building in proximity to existing multiple or single family residential uses, a determination shall be made that the proposed use would not be detrimental to such existing residential uses.

## **I. Hospitals and Nursing Homes**

### **1. Setbacks**

All buildings maintain a distance of not less than thirty-five feet from any single family residential zone;

### **2. Occupancy**

The accommodations and number of persons cared for conform to state and local regulations pertaining thereto.

### **3. Health Department Approval**

That the Health Department shall have approved all provisions for drainage and sanitation.

## **J. Boarding Houses**

For purposes of determining allowable density and required parking, accommodations for each resident in a boarding house shall be considered the equivalent of one-half a dwelling unit.

## **20A.42.140 Limitations For Uses Allowed In Single Family Zones When Located In Multiple Family Zones**

### **A. In RMD and RML Zones**

Any use permitted in a Single Family zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

### **B. In RMM, RMH and RMHR Zones**

Any use permitted in a Single Family Zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

**20A.42.200 Development Standards**

Standard	RS-12	RS-9	RS-8	RS-7	RMD	RML	RMM	RMH	RMHR
Minimum Lot Area <sup>+++</sup>	12,500 sf	9,600 sf	8,400 sf	7,200 sf	8,400 sf	7,200 sf	none	none	none
Minimum Lot Area per Dwelling	NA	NA	NA	NA	4,200 sf	3,600 sf	2,400 sf <sup>+</sup>	1,200 sf <sup>++</sup>	1,000 sf <sup>++</sup>
Minimum Lot Width	80 ft	75 ft	70 ft <sup>+++</sup>	60 ft	none	none	70 ft	100 ft plus one foot for every ten feet of lot depth after the first one hundred feet	100 ft plus one foot for every ten feet of lot depth after the first one hundred feet
Minimum Frontage at Street	40 ft	40 ft	30 ft <sup>+++</sup>	30 ft	75 ft	70 ft	none	none	none
Minimum Front Yard Setback									
Interior Lot	25 ft	25 ft	25 ft	20 ft	25 ft	25 ft	25 ft	25 ft.	25 ft
Corner Lot	25 ft	25 ft	25 ft	20 ft	25 ft	25 ft	25 ft	25 ft.	25 ft
Abutting a Principal Arterial Street	25 ft	25 ft	25 ft	25 ft	25 ft	50 ft	50 ft	50 ft	50 ft
Minimum Side Yard Setbacks - Corner Lot									
Street Side	15 ft	15 ft	15 ft	15 ft	15 ft	25 ft	25 ft	25 ft	25 ft
Interior Side	6 ft	5 ft	5 ft	5 ft	5 ft	5 ft	15 ft	15 ft	15 ft
Both Sides Combined	16 ft	15 ft	15 ft	10 ft	20 ft	15 ft <sup>***</sup>	none	none	none
Abutting a Principal Arterial Street	25 ft	25 ft	25 ft	25 ft	25 ft	50 ft	50 ft	50 ft	50 ft

\* Minimum distance of dwelling from any other main building in zone.  
 \*\* Excluding garage or storage.  
 \*\*\* Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five-foot side yard may be the minimum of each side.  
 + The total lot area may be "increased" at the rate of two hundred fifty square feet for every parking space provided within the apartment structure.  
 ++ The total lot area may be "increased" at the rate of two hundred square feet for every parking space provided within the multiple family housing structure.  
 +++ See Section 20A.42.210.



**DEVELOPMENT STANDARDS - continued**

Standard	RS-12	RS-9	RS-8	RS-7	RMD	RML	RMM	RMH	RMHR
Minimum Side Yard Setbacks - Interior Lot									
Each Side	6 ft	5 ft	5 ft	5 ft	5 ft	5 ft	15 ft	15 ft	15 ft
Both Sides Combined	16 ft	15 ft	15 ft	10 ft	15 ft	15 ft	none	none	none
Minimum Rear Yard Setback	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft	25 ft
Minimum Building Separation*	16 ft	none	none	none	none	none	none	none	none
Maximum Lot Coverage by Buildings	35%	35%	35%	35%	35%	35%	35%	35%	45%
Maximum Building Height	35 ft	35 ft	35 ft	35 ft	35 ft, or two stories from average finished grade	35 ft, or two stories from average finished grade	35 ft	none <sup>+++</sup>	none <sup>+++</sup>
Minimum Floor Area**	1,000 sf on one floor; 1,500 sf on two floors.	1,000 sf on one floor; 1,500 sf on two floors.	900 sf on one floor; 1,350 sf on two floors.	none	none	none	none	none	none
<p>* Minimum distance of dwelling from any other main building in zone.  ** Excluding garage or storage.  *** Unless any structure extending into the side yard is open and allows emergency access to the rear yard, in which case a five-foot side yard may be the minimum of each side.  + The total lot area may be "increased" at the rate of two hundred fifty square feet for every parking space provided within the apartment structure.  ++ The total lot area may be "increased" at the rate of two hundred square feet for every parking space provided within the multiple family housing structure.  +++ See Section 20A.42.210.</p>									

## **20A.42.210 Additional Development Standards**

### **A. Parking Requirements**

Parking requirements for the Residential Zones are as provided in Chapter 20A.18.

#### **1. Tandem Parking in Multiple Family Zones**

In the RML, RMM, RMH, and RMHR Zones, ten percent of the required parking may be in tandem parking, provided that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, ten percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.

#### **2. Driveway as Parking Space**

In the RMD Zone, driveways may be counted as one parking space.

#### **3. Landscaping in Parking Areas in the Multiple Family Zones**

##### **a. Purpose**

The purpose of these landscaping provision is:

- To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple family housing sites in this City;
- To provide an opportunity for the development of a pleasing visual environment in the multiple family housing zones of this City from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple family housing dweller (a purpose of the multiple family housing developer);
- To insure the preservation of land values in multiple family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and
- To provide adequate control over the application of landscaping standards so that these objectives are accomplished in the most effective manner and to avoid the abuse of these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

##### **b. Planting at Street Frontages**

Parking areas fronting on a street right-of-way shall provide a ten foot planting area along the entire street frontage, except for driveways. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on center with branches eliminated to a

height of six feet where necessary to prevent sight obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years.

The location and width of the planting area may be modified in accordance with the following provisions:

- That up to five feet of the ten foot total required may be installed in portions of City right-of-way which are not covered by impervious surfaces or, in the case of right-of-way which is not fully improved, are not projected to be covered by impervious surfaces upon full improvement.

c. Landscaping in Right-of-Way

Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the City with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the City against any injuries occurring within that portion of right-of-way so utilized.

d. Planting Coverage

Ten percent of parking area shall be in landscaping (exclusive of landscaping on the street frontage), provided that:

- No landscaping area shall be less than one hundred square feet in area or less than five feet in width;
- No parking stall shall be located more than forty-five feet from a landscaped area. The Planning Commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and
- All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple family housing or between parking stalls and multiple family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.

e. Style of Landscaping

The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn or combination of such materials.

f. Landscaping Adjacent to Parking Stalls

Where landscaping areas which fulfill City standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area, providing that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

g. **Additional Landscaping Along Specified Streets**

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets. See LMC Chapter 20A.06.

**B. Fences & Hedges**

Fence and hedge regulations for the Residential Zones are as provided in Chapter 20A.10.

**C. Building Height in RMH and RMHR Zones**

The front, rear, and side yard setbacks of any building that exceeds a height of forty-five feet shall be increased by one foot for each one foot that the building exceeds a height of forty-five feet.

**D. Height of Residential Buildings in RMHR Zone.**

Residential Buildings in the RMHR Zone shall be at least four stories in height, exclusive of parking areas.

**E. Minimum Lot Area**

Within RS-12, RS-9, or RS-8 zoned land the required minimum lot size standards for individual lots will be considered to be met if the average lot size of the lots in the subdivision or short subdivision (the total land area within lots divided by the number of lots) is equal to or larger than the required minimum lot size allowed in the respective zone, provided, that:

- No lot shall be smaller than 90% of the required minimum lot size in that zone;
- Not more than a 25% increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
- Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
- A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
- Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
- Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

**F. Pre-Existing Subdivisions**

Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the width of the lot is not less than sixty feet, the area of the lot is not less than seven thousand square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8 Zone.

**20A.42.220 Transition Or Buffer Strips**

Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

- Where the side yard or rear yard of a property zoned RMD, RML, RMM, RMH, or RMHR is adjacent to a property zoned RS,

- Where the side yard or rear yard of a property zoned RML, RMM, RMH, RMHR is adjacent to a property zoned RMD;
- Where the side yard or rear yard of a property zoned to a Multiple Family Residential Zone adjoins a property zoned to a Commercial or Industrial Zone.

All landscaped strips shall be a minimum of ten feet wide.

### **A. Procedure**

The Planning Director may approve the landscaping plan if it complies totally with the requirements of the Lynnwood Municipal Code existing at the time of application of plans or in the discretion of the Planning Director and prior to issuance of either a building permit or occupancy permit, cause the matter to be presented to the City Council for the purpose of determining standards for the site screening or greenbelt.

The Planning Commission shall consider all relevant factors, including, but not limited to: the existing and future planned use of the land in question, the topography, the height, and appearance of the buildings existing or to be placed upon the land in question, the character and appearance of existing buildings on adjoining lands, and existing and proposed traffic patterns and conditions.

The Planning Commission may request a precise and detailed landscape blueprint to be supplied by the applicant to assist the Planning Commission in determining the type of planting or screening, the height thereof at maturity and at various stages of maturity, and the density of any planting at various seasons of the year.

Upon receipt of such information, the Planning Commission shall, and after proper consideration, make recommendations to the City Council as to the screening and/or greenbelt recommended by it. Upon receipt of the recommendation of the Planning Commission, the City Council shall establish standards as to the screening and greenbelt on the land in question, defining the type of material to be used in the screening and/or the type and size of plants to be used in the greenbelt; the City Council may also establish a time schedule (days, weeks or years) for the installation of the screening and/or greenbelt required by it. If a greenbelt is required, the City Council may require installation of fast maturing plants to be eventually replaced (according to a time schedule also established by the City Council) by a slower growing and more permanent and ornamental type of greenbelt. The City Council shall also establish the amount of bond which shall be required prior to issuance of a building or occupancy permit.

Upon receipt of the standards established by the City Council, any permit issued by the Building Official shall be conditioned upon compliance with the screening or greenbelt standards established by the City Council.

### **B. Maintenance**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so

that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

## **C. Minimum Standards**

### **1. Planting and Fencing**

#### **a. RMD, RML, RMM, RMH, and RMHR Zones Adjoining a Single Family Residential Zone**

The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years. A permanent six-foot site screening fence shall be placed at the property line.

#### **b. RML, RMM, RMH, and RMHR Zones Adjoining the RMD Zone**

The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years. A permanent six-foot site screening fence shall be placed at the property line.

#### **c. A Multiple Family Residential Zone Adjoining a Commercial or Industrial Zone**

The planting strip shall contain the planting in the preceding paragraph; or, an evergreen hedge, with plants spaced so that they will form a dense hedge within five years, and the minimum plant height shall be four feet. A permanent six-foot site screening fence shall be placed at the property line.

### **2. Signed Plans**

All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to twenty feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill City code requirements within five years.

### **3. Installation Prior to Occupancy**

All landscaping that fulfills the City code requirements shall be installed prior to occupancy of any structure located on the same site.

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the City shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

## **D. Fence Regulations**

### **1. Definition**

For the purposes of this section a "site screening fence" means a solid one-inch thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

### **2. Exceptions**

Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence;

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the Planning Director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

## **20A.42.230 Other Transitional Requirements**

### **A. Property Abutting an RS-zoned Property**

Where the side yard of a property zoned to the RML Zone, the RMM Zone, the RMH Zone or the RMHR Zone abuts a property zoned to a Single Family Residential Zone the abutting side yard setback shall be twenty-five feet.

### **B. Property Zoned to the RMH Zone.**

Development of any property zoned to the RMH Zone shall provided a 25-foot setback at any side yard abutting an RS, RMD or RML Zone.

## **20A.42.240 Standards For Uses Allowed In Single Family Residential Zones When Located In Multiple Family Zones**

### **A. In RMD and RML Zones**

Any use permitted in a Single Family Zone shall conform to the conditions set forth in the zone in which they are first permitted, except that dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

### **B. In RMM, RMH, and RMHR Zones**

Any use permitted in a Single Family Zone shall conform to the conditions set forth in the zone in which they are first permitted, except that for residential development, dwellings, yards, open spaces, and lot coverage established for the applicable zone shall apply.

### **20A.42.300 Home Occupations**

Home Occupations are permitted upon issuance of a business license by the City Clerk's office pursuant to the provisions of Title 5 of the Lynnwood Municipal Code. To assure adherence to the definition of "home occupation," applicants for home occupation business licenses shall acknowledge in writing, certified under penalty of perjury under the laws of the State of Washington, that they will comply with the provisions of this section. Failure to so certify shall constitute an incomplete application and the same shall not be processed. Home occupation business licensees shall comply with the conditions listed in this section. Failure to so comply shall constitute a misdemeanor and grounds for revocation or suspension of said license. (Home day care is regulated separately, under Section 20A.42.400.)

#### **A. Area Used**

A home occupation may only be conducted in the principal building and not in an accessory building. The area devoted to the home occupation may comprise no more than twenty-five percent (25%) of the area of the principal building. Any extension of the home occupation to the outdoors, including but not limited to, paving of yards for parking, outdoor storage or activity, in-door storage or activity visible from outdoors (e.g., in an open garage) is prohibited.

#### **B. Access**

Access to the space devoted to the home occupation shall be from within the dwelling, and not from a separate outside entrance.

#### **C. Employment**

No one other than members of the family who are residing on the licensee's premises may perform labor or personal services on the premises, whether such persons are employees or independent contractors. Persons in building trades and similar fields using their homes or multiple family housing as offices for business activities carried on off the residential premises may have other employees or independent contractors, provided that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the dwelling site, or visit the residence during the course of business.

#### **D. Stock in Trade**

The processing, storing, and occasional sale of handicrafts made on the premises and other small products is allowed, subject to compliance with other conditions of this title. The display or storage of goods outside the premises or in a window is prohibited.

#### **E. Equipment, Use, and Activities**

No equipment may be used and no activities may be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare, or other conditions exceeding in duration or intensity those normally produced by a residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.

#### **F. Traffic**

The nature of the home occupation shall be such that it does not generate traffic in excess of normal residential traffic. Home occupations which result in travel to the site by customers or



suppliers or any other persons in excess of one (1) visit every hour are specifically prohibited; provided that this limitation may be exceeded one day each month to facilitate the holding of occasional meetings which is inherent to certain types of home occupations. Traffic generated by a home occupation is limited to the hours of 9:00 a.m. to 9:00 p.m. These restrictions shall not apply to the sale of household goods on the premises (garage sale) nor do such sales require the obtaining of a home occupation license. However, to minimize traffic impacts on a neighborhood, sales of household goods shall be limited to no more than two per year, each sale not to exceed seven (7) days. Pickup or delivery by commercial vehicles other than those of the home occupation owner shall be limited to one vehicle of one-ton rated capacity or less.

### **G. Certain Uses Specifically Prohibited**

The following uses are specifically prohibited as home occupations:

- automotive repair or detailing;
- small engine and major appliance repair;
- boarding, grooming, kenneling, or medical treatment of animals;
- contractor's shops;
- on-site sale of firewood;
- sheet metal fabrication;
- escort services;
- health care actually delivered to patients, including, but not limited to, treatments by medical doctors, chiropractors, dentists, podiatrists, naturopaths, psychologists, hypnotherapists, massage practitioners, physical or occupational therapists, nurses, acupuncturists;
- barber shops and beauty shops;
- any use with a demonstrated tendency to violate one or more of the conditions of this section.

### **H. Signs**

Any signage of a home occupation must meet the requirements of the residential sign code, LMC 20A.42.500.

## **20A.42.400 Accessory Structures And Uses**

### **A. Private Garages and Carports**

Private garages and carports are allowed in the RML, RMM, RMH, and RMHR Zones as long as they adhere to the side yard and rear yard and front yard setbacks as required herein for the applicable zone. In the RML Zone, where more than one dwelling unit is involved, private garages shall be limited to accommodating not more than two cars for each dwelling.

### **B. Solar Energy Systems**

The use of solar energy systems (for example, attached solar greenhouses, attached solar sunspaces, and solar collectors) can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The City of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and

conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of City setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

- That the solar energy system have a net energy gain;
- That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
- That the solar energy system not adversely affect solar access to adjacent properties;
- That the solar energy system comply with all other City zoning, engineering, building, and fire regulations; and
- That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to insure that the design, materials used and colors architecturally blend in with the existing structure. The City may require that the site plan and elevations and/or energy saving calculations, be prepared by an engineer, architect or builder specializing in solar energy construction.

### **C. Heat Pumps**

Provided such are baffled, shielded, enclosed, or placed on the property to insure that the dBA level does not exceed the applicable noise level at the property line. Documentation of the methods to insure compliance with these standards shall be required of the applicant prior to issuance of a permit to install a heat pump. In the event of persistent noise problems, it shall be the owner's responsibility to retain a noise consultant and to take the necessary actions to mitigate the impacts immediately. Heat pumps complying with the above standards shall be placed a minimum of 5 feet from all property lines;

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum 5 ft. setback from all property lines. Heat pumps within the 5 ft. setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

- That the heat pump does not exceed the applicable dBA noise level at the property line;
- The heat pump does not cause an adverse environmental impact; and
- The proposed location is the more desirable in lieu of the minimum 5 ft. setback. Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

### **D. Family Child Care Homes**

Family Child Care Homes are permitted as an accessory use to a dwelling.

### **E. Keeping Small Animals as Pets.**

The keeping of small animals as pets shall be permitted as an accessory use; the keeping of livestock shall not be permitted except that an occupant shall be able to keep one animal; i.e., horse, cow or sheep on a lot having a minimum of twenty thousand square feet and an additional animal for each twenty thousand square feet additional lot area. The entire square footage of roaming area shall be fenced. Fences must be of such a type and size as to prevent encroachment on adjacent property. Encroachment shall be defined as reaching over, under or through, as well as trespassing or intruding upon, the property of another. Accessory buildings used for housing animals shall be provided, and shall be a minimum of two hundred and a maximum of two hundred fifty square feet in area per animal, except as allowed by variance, and shall not be closer than twenty-five feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed thirty-six square feet in floor area when located on a residential lot and neither the building nor the fenced area for their roaming shall be closer than twenty-five feet to a property line. The keeping of mink, goats, foxes, or hogs is prohibited.

### **F. Carnivals, Circuses, and Other Temporary Special Events**

These uses are permitted if accessory to a school, Church, park, or other facility of a similar nature. Such activities shall not be subject to regulation by Chapter 5.28 of the Lynnwood Municipal Code.

## **20A.42.420 Placement Of Accessory Buildings & Structures - Interior Lots**

### **A. Distance Between Buildings & Structures**

The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the Building Code.

### **B. Accessory Buildings & Structures on Lot Lines**

On the rear one-third of a lot, accessory buildings which do not exceed one story in height (not to exceed 15 feet) and which are not greater than 600 square feet in floor area, shall be set back not less than 5 feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor sixty-four square feet in floor area may be located on lot side and rear lines.

## **20A.42.440 Placement Of Accessory Buildings & Structures - Corner & Reverse Corner Lots**

### **A. Distance Between Buildings & Structures**

The distance between a building containing a dwelling unit and any other building on the same lot shall be as set forth in the Building Code.

### **B. Accessory Buildings & Structures on Lot Lines**

On the rear one-third of a corner or reverse corner lot, accessory buildings which do not exceed one story in height (not to exceed 15 feet) and which are not greater than 600 square feet in

floor area shall be set back not less than 5 feet from interior lot side lines and lot rear lines, except that one accessory building which does not exceed eight feet in height nor sixty-four square feet in floor area may be located on interior lot side lines and lot rear lines. Any corner lot street setback requirements shall apply.

### **C. Side Yard Width**

In all cases, the width of the required side yard on the street side for the applicable zone shall be observed.

## **20A.42.500 Signs**

Only the following signs are permitted:

### **A. Occupant Identification Sign**

A sign identifying the occupants of a residence on which premises the sign is located, providing:

- There shall not be more than one sign per dwelling unit;
- The maximum size of the sign shall be two square feet for a sign placed flat against the wall of a building, or one square foot and not more than 42 inches high for a freestanding sign;
- Freestanding signs shall be permanently installed and shall be setback a minimum of five feet from a right-of-way;
- There shall be no internal illumination of, nor external illumination directed at the sign; and
- The components of the sign shall not be temporary or removable.

### **B. Restrictions or Danger in Use of Premises**

Signs no larger than two square feet referring to the restrictions or danger in use of premises on which the sign is located, including but not limited to, "No Trespassing", "Beware of Dog", and "Electrified Fen

### **C. On-Site Sale of Household Goods**

Signs advertising sale of household goods on the premises on which such signs are located, providing such signs:

- Do not exceed four square feet in area;
- Are attached to a wall or mounted in the ground so as to prevent such signs from becoming a hazard to pedestrians or motorists; and
- Are removed within one week of installation.

### **D. Real Estate Signs**

Signs advertising the sale or rental of the premises on which such signs are located, providing such signs:

- Do not exceed 10 sq. ft. per sign for individual developed single family lots;
- Do not exceed 35 sq. ft. in area per sign for the following: tracts of undeveloped land; tracts of partially developed land which may be developed at a higher density; and subdivisions; and
- Are attached to a wall or mounted in the ground so as to prevent such signs from becoming a hazard to pedestrians or motorists.

The above described signs do not require a sign permit, but this exemption shall not be construed as relieving the owner of the sign from the responsibility for its erection and maintenance in conformance with this section.

### **E. Residential Development or Institutional Identification Signs**

Ground Signs which identify residential developments or institutional uses which are allowed outright or by conditional use permit are permitted. Such signs shall be located within the development or site so identified and shall comply with the following:

- Are located five or more feet from the right-of-way;
- Do not exceed one per street entrance;
- Are so located as to minimize interference with driver visibility;
- Have no moving parts;
- Are not internally illuminated and if externally illuminated, such lighting shall be uncolored, non-blinking, and directed away from traffic;
- Consist of materials and colors which minimize reflective capabilities;
- May be located closer to right-of-way by conditional use permit.
- Such signs shall require a sign permit.

## **20A.42.900 Other Regulations**

### **A. Refuse and Recycling Collection Areas and Enclosures**

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

#### **1. Development Standards**

Refuse and recycling collection areas in all multiple family zones shall comply with the following development standard: setback a minimum of 25 ft. from a public street and 10 ft. from any interior property line.

#### **2. Enclosure**

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

#### **3. Parking**

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

#### 4. Design

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

### **B. Recreational Requirements**

In the RMM, RMH, and RMHR Zones, on-site recreational facilities shall be provided, as follows:

#### 1. Objectives

- To require the multiple family housing developer to satisfy a portion of the demand for recreational facilities that are created in a proportional ratio to the increased population density; and
- To provide standards which can be principally satisfied through proper site design that gains a maximum use of the respective land parcel.

#### 2. Requirement

All new multiple family housing developments, and all expansions of existing multiple family housing developments by the addition of new dwelling units, shall provide sufficient active recreational areas to satisfy a minimum ratio of two hundred square feet per multiple family housing unit. The site plan shall designate the location of recreational facilities and the boundaries of recreational areas.

Indoor recreational areas or rooftop recreational areas may be used to satisfy this ratio if they satisfy all requirements of this section.

#### 3. Development Standard

All recreation facilities shall be of a permanent nature.

#### 4. Use Restriction

The recreation facilities may be restricted to use by tenants only. This provision excludes use of private and semi-private patios, and balconies in meeting the recreational requirements.

### **C. Housing, Parking, Repairing, Altering & Painting of Trucks, Cars or other Vehicles within any Residential Zone.**

No trucks, cars, or other vehicles may be housed, parked, repaired, altered, painted, or otherwise worked upon within any R zone under this title, other than those vehicles specifically owned and/or registered in the name of the property owner, lessee, or occupant of such property. Any such work done by a property owner, lessee, or occupant of such property as to become an obnoxious, obscene, dirty, or an unsightly condition, or to cause inconvenience, hurt, or become a nuisance to residents of a neighborhood, shall be given notice to discontinue such work or operation, and shall immediately so do or become subject to the penalties as prescribed by this title. At no time, shall such property owner, lessee, or occupant do any type of welding (acetylene or electric) on or about such R zoned area. No home repair work as indicated above will be permitted or allowed after nine p.m. or before nine a.m. within such residential area.

SECTION 18. That Title 20A, Chapter 44 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.44**

### **PUBLIC & SEMI-PUBLIC ZONE**

#### **20A.44.050 Purpose**

This classification is intended to provide for nonresidential uses of a public or quasi-public nature to be located in or near residential areas and to establish standards which will minimize the impact of the nonresidential uses on nearby properties. Whereas, nonresidential uses are ordinarily prohibited in single-family residential zones in the public interest, it is the intent of this classification that instead of such nonresidential uses being excluded, the public interest will be served by development standards which minimize or eliminate completely any undesirable effects of the nonresidential uses on existing homes. Also, it is intended that the provisions of this chapter will prevent future development in the area from being influenced towards a type of development contrary to that shown on the adopted comprehensive plan, with the result that the residential character will be preserved in the neighborhoods where this zone is established.

#### **20A.44.100 Uses Allowed**

##### **A. Permitted Uses**

###### **1. Residential Uses**

All uses which are permitted in the RS-8 Single-Family Residential Zone are permitted.

###### **2. Institutional Uses**

The following uses are permitted, subject to the standards of this chapter:

- Churches;
- Private or semiprivate memorial buildings;
- Community club houses, convention centers, public golf courses, and accessory uses;
- Art galleries; libraries; museums;
- Private schools, universities, and colleges;
- Child day care;
- Public parks, playgrounds, and schools;
- Municipal buildings, including police stations, fire stations, and performing arts facilities;
- Clubs or fraternal societies but not including those which provide entertainment or allow alcoholic beverages.

### 3. Temporary Uses

The operation of hot air balloons in conjunction with a temporary special event, subject to issuance of a temporary special event license in accordance with Chapter 5.28 of the Lynnwood Municipal Code, except that no fee shall be required. Each applicant for such a temporary special event license shall verify that the balloon is to be operated by a licensed pilot and shall demonstrate adequate provisions for safe operation. No hot air balloon utilized in such a temporary special event shall bear any symbols, letters, or pictures whatsoever.

## B. Conditional Uses

- All uses permitted through the issuance of a Conditional Use Permit in the RS-8 Zone, except as amended by this section;
- Charitable, nonprofit or social service organizations other than those uses specifically allowed as a permitted use; and
- Medical facilities, including hospitals, convalescent homes, and nursing homes and medical or dental clinics.

## C. Factors for Consideration for Proposed Conditional Uses

In considering any Conditional Use Permit application, the Hearing Examiner and/or City Council shall consider all factors relevant to the public interest including, but not limited to:

- Consistency of the proposal with the Comprehensive Plan and with the purpose of the P-1 Zone as stated in Section 20A.44.050, especially discouraging activities of a commercial or industrial nature, whether public or private;
- Impact of the proposal on the visual and aesthetic character of the neighborhood;
- Impact of the proposal on the distribution, density, or growth rate of the population in the neighborhood;
- Orientation of facilities to developed or undeveloped residential areas;
- Preservation of natural vegetation and other natural features;
- Hours of operation;
- Ability to provide adequate on-site parking;
- Traffic impacts of the proposal on the neighborhood; and
- Conformance of the proposal with the City Noise Ordinance (Chapter 10.12).

Whenever the proposed use involves occupying a partially or totally vacated school, the applicant must demonstrate that the proposed use will have no greater impacts than the use for which the facility was first designed.

## 20A.44.110 Limitations On Use

### A. Site Plan

Before any building permit is issued for nonresidential uses which do not require a conditional use permit, a site development plan for the entire site shall be submitted and approved by the Planning Department as complying with the intent and purpose of this chapter, as well as all other applicable City ordinances. The plan shall be evaluated particularly with respect to the location, height, and orientation of buildings on the lot; the orientation of wall openings above the second floor level in relation to residential home sites, either developed or undeveloped, outside the this zone; the preservation of trees and other natural features; all to be evaluated in



relation to the preservation of the residential character of the surrounding neighborhood and the privacy of homes on adjoining land. The City shall approve the site development plan or specify any additional information required or changes to be made in the site development plan, in order for it to be approved. After the site plan has been approved, no building permit may be issued for any building which is not in compliance with the approved site development plan. The approved site plan may be amended by the developers in the same manner as the original approval. The City may require a preliminary site development plan prior to considering the rezoning of land to the semi-public zone, and if such a preliminary site development plan is required, the final site development plan shall be in general conformance with the preliminary plan.

### **20A.44.200 Development Standards**

All uses permitted in the RS-8 Zone shall be subject to RS-8 regulations. All other uses shall be subject to the regulations in this Section.

#### **A. Minimum Setbacks**

There shall be a minimum setback for nonresidential buildings of fifty feet from any public street and from any property line adjoining a single-family residential zone or use. The setback from any other property line shall be twenty-five feet. These setbacks shall be increased by one foot for each foot of height exceeding forty-five feet, measured from the lowest ground elevation at the foundation to the ceiling of the highest story occupied.

#### **B. Height**

The height of buildings is not restricted, provided that setbacks are increased with increased height in accordance with the setback regulations.

#### **C. Lot Coverage**

All buildings, including accessory buildings, shall not cover more than thirty-five percent of the area of the lot.

### **20A.44.210 Additional Development Standards**

#### **A. Parking Requirements**

Parking requirements for the Public Semi-Public Zone are as provided in Chapter 20A.18. Provided further that, at multiple family residential development, ten percent of the required parking may be in tandem parking, provided that the area in which the tandem parking is located is designated on an approved site plan and that they are assigned by the management; or, ten percent of the parking stalls required may be located in a separate parking lot utilized only for recreation vehicles provided the area does not encroach on front, side, and rear yard setbacks.

##### **1. Landscaping in Parking Areas**

###### **a. Purpose**

The purpose of these landscaping provision is:

- To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential multiple family housing sites in this City;
- To provide an opportunity for the development of a pleasing visual environment in the multiple family housing zones of this City from the viewpoint of the local resident and visitor passing through the zones (a purpose of this section) as well as from the viewpoint of the multiple family housing dweller (a purpose of the multiple family housing developer);
- To insure the preservation of land values in multiple family housing zones by creating and insuring an environmental quality which is most compatible with the development of this land; and
- To provide adequate control over the application of landscaping standards so that these objectives (i), are accomplished in the most effective manner and to avoid the abuse of these intentions by placing the described landscaping in remote parts of the site or in recreational areas where they bear no relationship to these objectives.

**b. Planting at Street Frontages**

Parking areas fronting on a street right-of-way shall provide a ten foot planting area along the entire street frontage, except for driveways. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years.

The location and width of the planting area may be modified in accordance with the following provisions:

- That up to five feet of the ten foot total required may be installed in portions of City right-of-way which are not covered by impervious surfaces or, in the case of right-of-way which is not fully improved, are not projected to be covered by impervious surfaces upon full improvement.

**c. Landscaping in Right-of-Way**

Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the City with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the City against any injuries occurring within that portion of right-of-way so utilized.

**d. Coverage**

Ten percent of parking area shall be in landscaping (exclusive of landscaping on the street frontage), provided that:

- No landscaping area shall be less than one hundred square feet in area or less than five feet in width;

- No parking stall shall be located more than forty-five feet from a landscaped area. The Planning Commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and
- All landscaping must be located between parking stalls or between parking stalls and the property lines. Landscaping which occurs between parking stalls and multiple family housing or between parking stalls and multiple family housing recreation areas shall not be considered in the satisfaction of these landscaping requirements.

e. Amount of Landscaping

The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, gravel, river rock, driftwood, rockeries, lawn or combination of such materials.

f. Landscaping Adjacent to Parking Stalls

Where landscaping areas which fulfill City standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area, providing that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

g. Additional Landscaping Along Specified Streets

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets. See LMC Chapter 20A.06.

## **B. Fences & Hedges**

Fence and hedge regulations are as provided in Chapter 20A.10.

### **20A.44.220 Transition Or Buffer Strips**

Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed where the side yard or rear yard of a property zoned to the Public Semi-Public Zone is adjacent to a property zoned RS or RMD, except that no transition or buffer strip shall be required for those uses which are permitted without a conditional use permit in the RS-8 Zone. All landscaped strips shall be a minimum of ten feet wide.

#### **A. Procedure**

The Planning Director may approve the landscaping plan if it complies totally with the requirements of the Lynnwood Municipal Code existing at the time of application of plans or in the discretion of the Planning Director and prior to issuance of either a building permit or occupancy permit, cause the matter to be presented to the City Council for the purpose of determining standards for the site screening or greenbelt.

The Planning Commission shall consider all relevant factors, including, but not limited to: the existing and future planned use of the land in question, the topography, the height, and appearance of the buildings existing or to be placed upon the land in question, the character and appearance of existing buildings on adjoining lands, and existing and proposed traffic patterns and conditions.

The Planning Commission may request a precise and detailed landscape blueprint to be supplied by the applicant to assist the Planning Commission in determining the type of planting or screening, the height thereof at maturity and at various stages of maturity, and the density of any planting at various seasons of the year.

Upon receipt of such information, the Planning Commission shall, and after proper consideration, make recommendations to the City Council as to the screening and/or greenbelt recommended by it. Upon receipt of the recommendation of the Planning Commission, the City Council shall establish standards as to the screening and greenbelt on the land in question, defining the type of material to be used in the screening and/or the type and size of plants to be used in the greenbelt; the City Council may also establish a time schedule (days, weeks or years) for the installation of the screening and/or greenbelt required by it. If a greenbelt is required, the City Council may require installation of fast maturing plants to be eventually replaced (according to a time schedule also established by the City Council) by a slower growing and more permanent and ornamental type of greenbelt. The City Council shall also establish the amount of bond which shall be required prior to issuance of a building or occupancy permit.

Upon receipt of the standards established by the City Council, any permit issued by the Building Official shall be conditioned upon compliance with the screening or greenbelt standards established by the City Council.

## **B. Maintenance**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

## **C. Minimum Standards**

### **1. Planting and Fencing**

The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years. A permanent six-foot site screening fence shall be placed at the property line.

## 2. Signed Plans

All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to twenty feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill City code requirements within five years.

## 3: Installation Prior to Occupancy

All landscaping that fulfills the City code requirements shall be installed prior to occupancy of any structure located on the same site.

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the City shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

## D. Fence Regulations

### 1. Definition

For the purposes of this Section a "site screening fence" means a solid one-inch thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

### 2. Exceptions

Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence;

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the Planning Director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

## 20A.44.400 Accessory Structures

### A. Solar Energy Systems

The use of solar energy systems can be an effective and efficient method for producing energy and reducing energy consumption. The majority of residential structures within Lynnwood were constructed before solar energy systems became a viable means for producing energy, thus lot yard setbacks and height restrictions do not take such systems into account. The City

of Lynnwood finds that it is in the best public interest to encourage solar energy systems. If it is found that a solar energy system would have a positive impact on energy production and conservation while not having an adverse environmental impact on the community, but the placement of such system requires violation of City setback or maximum height limitations, allowance of such systems may be permitted through the variance process and shall be encouraged. In viewing such variance request, the following shall be considered in making a determination:

- That the solar energy system have a net energy gain;
- That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
- That the solar energy system not adversely affect solar access to adjacent properties;
- That the solar energy system comply with all other City zoning, engineering, building, and fire regulations; and
- That the solar energy system is found to not have any adverse impacts on the area, which impacts shall include, but not be limited to, the effects of such system upon the views from neighboring properties and public ways.

In order to show that the proposed energy system will conform to the above, the applicant shall be required to submit a site plan and elevations showing the location, size, and dimensions of the solar energy system and its relation to all adjacent properties. Care shall be taken to insure that the design, materials used, and colors architecturally blend in with the existing structure. The City may require that the site plan and elevations and/or energy saving calculations, be prepared by an engineer, architect or builder specializing in solar energy construction.

## **B. Heat Pumps**

The use of heat pumps also may be an effective and efficient method for reducing energy consumption. The majority of residential structures were constructed before heat pumps became a viable means for reducing energy consumption, thus lot yard setbacks did not take them into account. In some instances the only and/or the best location of a heat pump will not comply with the minimum 5 ft. setback from all property lines. Heat pumps within the 5 ft. setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

- That the heat pump does not exceed the applicable dBA noise level at the property line;
- The heat pump does not cause an adverse environmental impact; and
- The proposed location is the more desirable in lieu of the minimum 5 ft. setback. Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

## **20A.44.500 Signs**

Only the following signs are allowed in this zone:

### **A. Ground Signs**

In accordance with Section 20A.46.500;

### **B. Incidental Signs**

In accordance with Section 20A.46.500;

### **C. Pole Signs**

A conditional use permit may be granted by the City Council for pole signs, providing there are appropriate design and aesthetic conditions to protect nearby residential areas. One or more pole signs may be allowed per property street frontage provided the leading edge of the sign is located no closer than thirty-five feet from primary arterials and twenty-five feet from all other streets. The area of such pole sign is limited in size to one hundred square feet or less and twenty-five feet in height or less. Pole signs shall be oriented to avoid reflection or glare upon future residential uses as indicated by the Comprehensive Plan, and shall not rotate, have parts that move, revolve, blink, or flutter.

### **D. Other Signs**

Those signs permitted under Section 20A.42.500.

## **20A.44.900 Other Regulations**

### **A. Refuse and Recycling Collection Areas and Enclosures**

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

#### **1. Development Standards**

Refuse and recycling collection areas in all commercial zones shall comply with the following development standards:

- Setback a minimum of 25 ft. from a public street;
- Setback a minimum of 25 ft. from any interior property line adjoining an RS or RM zone or a P1 Zone with one-family dwelling units if a business site is one acre or larger in area; or
- Setback a minimum of 15 ft. from any interior property line adjoining an RS or RM zone or P1 Zone with one-family dwelling units if a business site is less than one acre in area.

#### **2. Enclosure**

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

### 3. Parking

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

### 4. Design

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

SECTION 19. That Title 20A, Chapter 46 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## CHAPTER 20A.46

### COMMERCIAL ZONES

#### 20A.46.050 Purpose

##### **A. General**

The purpose of the regulations set forth in this chapter are

- To regulate the location, height, bulk, and size of buildings constructed for business and commercial uses, thereby assuring adequate light and air in commercial zones;
- To provide a range of use zones of varying degrees of restrictiveness in the types of businesses permitted; thereby providing for the development of shopping centers and the various other types of business and/or commercial areas in accordance with the comprehensive plan;
- To facilitate the economical provision of utilities; to provide for convenient, efficient, and safe access to commercial zones by vehicles and by pedestrians; and
- To encourage general improvement of the appearance of commercial areas.

It is further intended that the establishment of several zones for business and commercial uses, differentiated by the types of business uses permitted and by the height and character of structures allowed, will provide additional protection for residential areas wherever they exist in close proximity to business zones, excluding in such transitional areas those uses which would be detrimental to nearby residences by reasons of traffic generation or other characteristics of the business.

##### **B. Individual Zones**

The purposes of the individual zones are as follows:

#### 1. Restricted Business (B-4)

The Restricted Business Zone is intended for offices and services including municipal services in buildings of not more than two stories, and smaller retail uses. The zone should provide:



- A transitional zone between residential zones and more intensive commercial zones, or
- A zone for offices and services that are more harmonious with residential areas than typical commercial and retail uses, or
- Small commercial and retail uses that are not necessarily located in commercial centers.

It is not intended as a means by which business uses encroach into residential areas where no business existed before, or to be used as a means of extending existing business zones along arterials except when such an extension would serve to improve the transition from business to residential.

## 2. Neighborhood Business (B-3 or BN)

The Neighborhood Business Zone is intended to provide for compatible retail, professional, and personal service uses, and offices and services including municipal services of not more than two stories which generally serve the everyday needs of the residents of the surrounding neighborhood. Individual zones should be located:

- To provide for neighborhood commercial centers at appropriate locations along arterial streets within residential areas, or
- To preserve existing neighborhood commercial centers which are at appropriate locations within residential areas, but which may not be located along an arterial street, or
- As a transitional zone between residential zones and more intensive commercial zones.

The boundaries between Neighborhood Business Zones and adjacent residential zones should be well defined and have significant buffering standards to discourage encroachment into and/or degradation of those residential zones. The size of individual zones should be scaled to the intensity of residential development in the area.

## 3. Limited Business (B-2)

This zone is intended to provide areas for the location of office buildings of unrestricted height and size to accommodate executive, administrative, clerical, professional or scientific staffs of business or professional concerns, and other compatible or complementary uses, including internally oriented businesses which serve the office businesses or their personnel, and including municipal service. It is intended that this zone should be so located that it will completely occupy a large area of several City blocks, without intermingling of other small spots zoned for other uses, in order that the typically high aesthetic quality of office buildings will be consistent throughout a large area and each such building will benefit by the presence of the others. Other uses which characteristically are of similar aesthetic quality are permitted, including financial institutions. Whereas other business zones provide goods and services for households, the Limited Business Zone is intended to provide employment opportunities for the community, in an organized office zone which will enhance the image of the City.

## 4. Community Business (B-1 or BC)

The purpose of the Community Business Zone is to create a diversified central business area, consisting of retail stores, offices, service establishments, recreation and

entertainment, medical and professional services, and such other activities and uses, including municipal services, as are common to a central business district. By excluding most uses which rely on outdoor sales, display or storage, it is intended to encourage the concentration of a maximum variety of indoor stores and shops within the areas to which this classification is applied, as a contribution to the convenience of shoppers and patrons. It is recognized that the characteristics of the uses permitted in this classification produce an environment undesirable for residential purposes, and that residential uses in a commercial area may decrease the capacity of businesses to render maximum services. For these reasons, most residential uses are excluded from this classification. One exception found to be in the public interest is housing and/or long term care for the elderly and the physically disabled who, due to functional limitations imposed by advanced age and/or physical impairment, benefit from living in close walking proximity to shopping, transit, medical clinics, and other services. Contrary to the typical central business district, which by being highly concentrated in a small area is convenient for the pedestrian shopper, but cannot provide sufficient automobile parking space, it is intended that the central business area shall have adequate off-street parking through the provision that with each new building, enough spaces are provided to meet the anticipated parking demands generated by the building, either by ground-level out-of-doors parking or by parking garages.

#### 5. General Commercial (C-1 or CG)

The purpose of the General Commercial Zone is to provide for a wide variety of commercial, retail, and other uses, including municipal services. These uses are primarily related toward auto borne clientele, rather than pedestrian clientele. These uses tend to locate along arterials and, by nature of their activity, create a high degree of turning movements which impede the flow of arterial traffic and create traffic hazards. The commercial development extending along arterials generally reflects a low aesthetic quality at locations which have maximum visual exposure to residents and visitors. Because of the adverse impact of this type of development, it is not the intent of this section to encourage this type of development, but to provide a legitimate classification for existing strip development and to encourage the improvement of these facilities. It is further intended that certain uses which have heretofore been permitted but which are more of an industrial nature shall be allowed only by a conditional use permit thereby providing that the existing establishments shall not be non conforming but any new establishments may be confined to appropriate locations.

#### 6. Highway Services (C-2)

The purpose of the Highway Services Zone is to provide for the location of the facilities and services including municipal services generally needed by the traveling public at locations where such facilities and services can be reached conveniently and safely, with a minimum of traffic congestion, and to provide for appropriate regulations to assure that the presence of the businesses will not adversely affect any surrounding, more restrictively zoned land. The Highway Services Zone is to be established only upon land abutting a frontage or access road of a limited access highway.

#### 7. Planned Commercial Development (PCD)

The Planned Commercial Development Zone is intended to allow and encourage the controlled development of commercial uses and services, including municipal services in

areas where, because of traffic flows, adjacent uses or other land use factors, conventional commercial development and other alternative land uses are not desirable. It is intended that PCD Zones may be located adjacent to existing planned regional shopping centers, major highways or industrial and business park developments where appropriate, but not adjacent to single family residential neighborhoods as designated by the comprehensive plan. The purpose of the zone is to allow the planned commercial development of contiguous parcels under multiple ownerships with a degree of coordination and control not possible under other zoning classifications.

Property may only be reclassified to PCD after the comprehensive plan has been amended to designate the area as appropriate for the PCD Zone. A design concept for the area included in each PCD Zone shall be developed simultaneously with a proposal for amending the comprehensive plan to allow PCD in that zone. The design concept shall indicate major circulation and utility proposals for the zone. Consideration shall be given to internal and external vehicular and pedestrian circulation. The primary purpose of the design concept is to allow advance consideration of coordinated development of parcels in the zone. The design concept shall consist of a site plan and textual guidelines for development of the specific zone. The textual guidelines shall be developed to address specific concerns or attributes of the individual zone which may not be adequately dealt with in the zoning code.

**20A.46.100 Permitted Structures & Uses**

No building, structure or land shall be used and no building or structure shall be erected, enlarged or structurally altered, except for one or more of the uses permitted by the schedule of permitted uses.

Automotive Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Auto Parts, Accessory, and Supplies Stores	-	P	-	SP*	P	P	P
Auto Glass Stores	-	-	-	SP	P	P	P
Auto Lubrication Stores	-	-	-	SP	P	P	P
Auto Wrecking Yards <sup>+</sup>	-	-	-	-	-	-	C
Automobile Mechanical Repair	-	-	-	-	C	P	P
Automobile repair, including body & fender & mechanical repair, excluding outdoor storage, display or sales	-	-	-	-	C	-	P
Automobile Sales & Display <sup>+</sup>	-	-	-	SP	P	-	P
Automobiles, rental or sale on open lot	-	-	-	-	-	-	P
Battery Service and Sales	-	-	-	SP*	P	P	P
Car Wash	-	-	-	-	C	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	-	-	P
Park & Pool Lots <sup>+</sup>	C	C	C	-	C	C	C
Parking Garages and accessory refueling and servicing	-	-	C	SP	P	-	P
Public & Private Parking Lots for Passenger Cars	-	-	C	SP	P	-	P

**Key:**

- P = Permitted as principal use  
A = Permitted as accessory use with a principal use  
CU = May be permitted as a principal use upon approval of a conditional use permit  
AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building  
SP = Allowed by special use permit  
- = Not permitted  
-X = Not Permitted in Controlled Area.  
\* = Provided that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts  
+ = See Sections 20A.46.110 - 119.

Automotive Uses - continued	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Service stations, full, self, or gas <sup>+</sup>	-	C	-	-	C	C	C
Tire Store, not including recapping	-	-	-	SP	P	-	P
Tire Store, provided that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts				SP			
Tire, Brake, Muffler Tune-up	-	-	-	SP	P	P	P

Business Service Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Business Services, not including furniture or equipment sales	AI	P	AI	SP	P	-	P
Business and Professional Services not mentioned elsewhere in this Section	-	-	-	SP	P	-	P

Eating and Entertainment Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Fountains & Ice Cream Stands	AI	P	AI	SP	P	P	P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	SP	P	A	P
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	SP	P	A	P
Restaurants & Cafeterias providing on-premise service only to seated patrons, no alcoholic beverages served <sup>+</sup>	AI	P	AI	SP	P	P	P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges <sup>+</sup>	-	-	P	SP	P	P	P-X
Restaurants, drive-in car service <sup>+</sup>	-	-	-	-	P	C	P-X
Taverns, Bars, & Cabarets	-	-	-	SP	P	-	P

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Institutional Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Child Day Care <sup>+</sup>	C	P	-	SP	P	-	P-X
Churches, not using complimentary parking	P	P	P	SP	P	P	P-X
Churches with complimentary parking <sup>+</sup>	C	C	C	SP	C	C	C-X
Nursing & Convalescent Homes and Housing for the Elderly and Physically Disabled <sup>+</sup>	C	C	C	C	C	-	C
Libraries, Museums, Art Galleries & similar institutions	P	P	P	P	P	-	P-X
Municipal Services	P	P	P	SP	P	P	P
Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	C	P	-	SP	P	-	P-X

Medical Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Medical, Dental, Optical & Chiropractic Clinics	P	P	P	SP	P	-	P
Veterinary Clinics <sup>+</sup>	-	-	-	SP	P	-	P-X

Office Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	SP	P	-	P
Office as a Home Occupation <sup>+</sup>	C	C	C	-	C	C	C

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- P = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Personal Service Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Banks & other financial institutions	-	P	P	SP	P	-	P
Barber Shops and Beauty Parlors	P	P	AI	SP	P	AI	P
Dressmaker & Tailoring Shops	C	P	-	SP	P	-	P
Dry Cleaning & Laundry Plants	-	-	-	SP	P	-	P
Dry Cleaning & Laundry, Self-Service	-	P	-	SP	P	AI	P
Dry Cleaning & Laundry Pick-up Station for work to be done elsewhere	P	P	AI	SP	P	AI	P
Locksmith	C	P	-	P	P	P	P
Pet Grooming	P	P	P	SP	P	-	P-X

Repair Services Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Appliance Repair Shops & the like	-	P	-	SP	P	-	P
Shoe Repair	C	P	-	SP	P	-	P

Recreational Activities	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Amusement Centers located 300 feet or more from a Single Family or Multiple Family Zone*	-	-	-	P	P	P	P
Amusement centers located less than 300 feet from a Single Family or Multiple Family Zone*	-	-	-	C	C	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	SP	P	A	P-X
Carnivals (see Chapter 5.28)	-	-	P	P	P	P	P
Circuses (see Chapter 5.28)	-	-	P	P	P	P	P
Dance Halls, licensed <sup>+</sup>	-	-	-	SP	C	-	C

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Recreational Activities - continued	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	C	-	C	-	P
Health Clubs	-	-	-	SP	P	-	P
Outdoor Ancillary Playground & related equipment	-	-	-	-	C	C	C
Outdoor Commercial Recreation & Entertainment, including stadiums, race tracks, outdoor theaters, swim pools, golf courses	-	-	-	-	-	C	P
Overnight Campgrounds	-	-	-	-	-	C	C
* As measured from the property line of the parcel on which the center is located to the property line of the nearest residentially-zoned parcel.							

Residential Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Adult Family Homes	P	P	P	P	P	P	P
All uses permitted in Single Family Zones	-	-	-	P	-	-	-
Multiple Family Housing Units <sup>+</sup>	-	-	C	-	-	-	-
Caretaker or Watchman Quarters	C	C	C	-	C	C	C
Living Quarters for Homeless Mothers <sup>+</sup>	P	P	P	P	P	P	P
Motels and Motor Hotels	-	-	P	SP	P	P	P-X
Respite Care	C	C	-	SP	P	-	P

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.



Retail Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Apparel Shops	-	P	-	SP	P	-	P
Appliance Stores, including incidental repair	-	-	-	SP	P	-	P
Art Stores and Supplies	C	P	-	SP	P	-	P
Audio Sales & Service	-	-	-	SP	P	P	P
Bakery Retail Stores	-	P	-	SP	P	-	P-X
Bicycle Sales & Repair	-	-	-	SP	P	-	P-X
Boat & Equipment Sales & Display, indoors	-	-	-	SP	P	-	P
Boats & Trailer; open lots for sale or rental of	-	-	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	-	-	P
Carpet Shops	-	-	-	SP	P	-	P
Convenience Stores not located on the same or adjacent lot to a service station <sup>+</sup>	-	P	-	SP	P	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full service station, self service station, gas station <sup>+</sup>	-	C	-	-	C	C	C-X
Dairy Product Stores	C	P	-	SP	P	-	P
Department Store	-	-	-	SP	P	-	P
Drug Store	-	P	-	SP	P	-	P
Dry Goods Store	-	P	-	SP	P	-	P
Florist Shops, Accessory Greenhouses & Plant Nurseries	P	P	AI	SP	P	AI	P

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Retail Uses Continued	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Fountains & Ice Cream Stands	-	P	-	SP	P	-	P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	-	P	-	SP	P	-	P
Gift Shops	P	P	AI	SP	P	AI	P
Grocery Stores	-	P	-	SP	P	-	P
Hardware Stores	-	P	-	SP	P	-	P
Hobby Shops	C	P	-	SP	P	-	P
Music Stores & Supplies	C	P	-	SP	P	-	P
News Stands	P	P	AI	SP	P	AI	P
Office Supplies, not including furniture or equipment sales	AI	P	AI	SP	P	-	P
Pet Shops	-	-	-	SP	P	-	P-X
Retail Lumber Yards	-	-	-	-	-	-	C
Retail Stores not mentioned elsewhere in this Section	-	-	-	SP	P	-	P
Shopping Centers, including only the uses permitted in the applicable zone	-	P	-	SP	P	-	P
Stationary Store	P	P	AI	SP	P	AI	P
Variety Store	-	-	-	SP	P	-	P

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use,  
and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Light Industrial Uses <sup>+</sup>	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Assembly of Electronic, Scientific, or Precision Instruments; in existing spaces of 10,000 sq. ft. or less, inclusive of all aspects of the business	-	-	-	-	-	-	P
Assembly of Electronic, Scientific, or Precision Instruments; in existing spaces of more than 10,000 sq. ft., inclusive of all aspects of the business	-	-	-	-	-	-	C
Assembly of Glass, Light Metal, Plastic, or Wood Parts, which are extruded, stamped or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	-	-	-	C
Bottling & Packaging Plants in existing spaces of 10,000 sq. ft. or less, inclusive of all aspects of the business	-	-	-	-	-	-	P
Bottling & Packaging Plants in existing spaces of more than 10,000 sq. ft., inclusive of all aspects of the business	-	-	-	-	-	-	P
Cold Storage Lockers	-	AI	-	SP	P	-	P
Contractor's Offices & Shops in spaces of 10,000 sq. ft. or less, inclusive of all aspects of the business	-	-	-	-	-	-	P
Contractor's Offices & Shops in spaces of more than 10,000 sq. ft., inclusive of all aspects of the business	-	-	-	-	-	-	C
Garment Factories in existing spaces of 10,000 sq. ft or less inclusive of all aspects of the business	-	-	-	-	-	-	P
Garment Factories in existing spaces of more than 10,000 sq. ft inclusive of all aspects of the business	-	-	-	-	-	-	C
Heavy Equipment Yards	-	-	-	-	-	-	C
Ice Storage and Dispensing	A	A	A	-	A	A	A

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- + = See Sections 20A.46.110 - 119.

Light Industrial Uses Continued	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Laboratories, experimental, excluding activity which may involve handling hazardous materials	C	-	C	-	C	-	C
Printing, Publishing, and Binding (no noise beyond the premises)	-	C	AI	SP	P	-	P
Public Utilities Facilities <sup>+</sup>	C	P	-	SP	P	-	P
Warehouses in existing spaces of 10,000 sq. ft. or less, inclusive of all aspects of the business	-	-	-	-	-	-	P
Warehouses in existing spaces of more than 10,000 sq. ft, inclusive of all aspects of the business	-	-	-	-	-	-	C
Wholesale stores in existing spaces of 10,000 sq. ft. or less, inclusive of all aspects of the business	-	-	-	-	-	-	P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft, inclusive of all aspects of the business	-	-	-	-	-	-	C-X

Other Uses	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Adult Establishments	-	-	-	-	-	-	CA
Adult Retail Uses	-	-	-	-	-	-	CA
Charitable or Relief Supplies Collection or Storage	-	-	-	-	C	-	C
Customer parking, outdoor	A	A	A	-	A	A	A
Radio or Television Stations, not including transmitting or receiving towers	-	-	P	P	P	-	P
Recycling Collection Centers <sup>+</sup>	-	-	-	-	-	-	C
Temporary Special Events, per Chapter 5.28	-	-	P	P	P	P	P
Towers, transmitting/receiving	-	-	C	SP	P	C	P

**Key:**

- P = Permitted as principal use
- A = Permitted as accessory use with a principal use
- CU = May be permitted as a principal use upon approval of a conditional use permit
- AI = Permitted as accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building
- SP = Allowed by special use permit
- = Not permitted
- X = Not Permitted in Controlled Area.
- CA = Permitted Only in Controlled Area. See Section 20A.46.120.
- + = See Sections 20A.46.110 - 119.

### **20A.46.110 Limitations On Uses - General**

Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this section and Sections 20A.46.111 - 119 shall apply:

#### **A. General Performance Standards**

- Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
- Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
- Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets; and
- Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property are prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means.
- On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in Section 20A.46.100 provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

#### **B. Outdoor Uses**

All business uses and activities shall be located within an entirely enclosed building, except as indicated below:

##### **1. General Regulations**

Any uses and activities which are permitted to occur outdoors by Section 20A.46.100, or by other provisions of this title, subject to the following

- The use or activity shall not encroach on site screening or landscaping as currently required by this title or other City ordinances,
- The use or activity shall not block pedestrian traffic or fire lanes, and
- The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings, on sides adjoining public streets, except that such yards may be used for outdoor customer parking and for other uses and activities which are permitted outdoors:
- The highest point of any item displayed within that area shall be not more than six feet in height from an even grade and at least ten feet from the right-of-way line; and
- Items which, in the opinion of the Fire Chief, present a potential fire hazard shall be located fifteen feet from any interior property line and shall be arranged to provide twenty-foot fire lanes no more than three hundred feet apart.

##### **2. Incidental Outdoor Displays**

For uses not included in the foregoing 20A.46.100(B)(1), incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and

shall be located in areas underneath marquees, canopies, or overhanging roofs. If no marquees, canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of buildings. All limitations specified in subsection (1) shall apply.

### **3. Business Serving Customers in Automobiles**

Automobile service stations, drive-in restaurants, and other businesses which primarily service customers in automobiles as an inherent trait of the business shall not be permitted to store or display merchandise outdoors, except as specified herein and in subdivisions (1) and (2).

### **4. Commodities Requiring Outdoor Storage**

Commodities which would be damaged if required to be kept indoors, including but not limited to growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies and equipment; and public utility facilities (see Section 20A.46.118.B) are allowed outdoors subject to the provisions of (1) above.

### **5. At Properties Zoned to the Community Business Zone**

The on-site parking and storage of rental automobiles and light trucks (rated at one ton capacity or less) is allowed, however, such parking and storage shall be restricted to:

- A staging area for a maximum of five (5) vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by Section 20A.18.800 for the uses on the site. The staging area shall be paved and striped to the standards of Chapter 20A.18 and shall be designated for use by rental vehicles only.
- A storage area for a maximum of fifteen (15) vehicles. This area shall be located no closer to a public street than a point equal to the closest part of any building on the site to the street and shall be screened with landscaped area at least five feet wide containing evergreen conifer trees with a minimum height of six feet and spaced no more than 15 feet on center, backed by a six-foot fence which forms an effective barrier to sight; the remainder of the planting strip shall be planted with low evergreen plantings which will mature to a total ground cover within five years.
- No service or sales of rental vehicles shall be allowed.

### **6. Cross Reference**

See also Section 2.16.100

### **C. On Site Processing**

All products made incident to a permitted use which are manufactured, processed or treated on the premises shall be sold on the premises only, and at retail only.

**20A.46.111 Limitations On Uses - Auto-Oriented Uses****A. Automobile Agencies**

New car automobile sales and display room buildings and the repair and servicing necessary to the business are permitted as an indoor use. In the Community Business Zone, used car sales are permitted accessory to the new car agency as an indoor use, or on an open lot which does not exceed two times the area of the agency building and which is contiguous to the new car agency. The used car area shall be other than the required off-street parking area.

**B. Full Service Stations, Self Service Stations, and Gas Stations**

These uses are permitted only by means of a conditional use permit. All full service, self service, and gas station sites shall be developed in accordance with the following regulations.

**1. Purpose**

The purpose of this Subsection is to promote the public health, safety, and general welfare in the City by establishing standards for the site design and operation of full service stations, self service stations, and gas stations; and convenience stores when combined with the aforementioned uses. The need for such standards is created by the typical close spacing of curb cuts and the frequency with which vehicles enter and leave the sites. This is an inherent trait of these uses. Conflicts with normal traffic patterns on arterial streets increases the potential for automobile accidents and injury to passengers and pedestrians, and contributes to traffic congestion. By establishing standards for such uses and their ingress and egress, it is intended that the smooth flow of traffic will be facilitated and greater safety will be provided for automobile passengers and pedestrians. It is also the purpose of this chapter to establish bulk regulations including standards for landscaping and signs, consistent with the aesthetic objectives of the City as indicated in the texts of the official plans of the City and as are appropriate to the characteristics of this industry.

**2. Development Standards**

In addition to the Development Standards listed above, development of Full Service Stations, Self Service Stations, and Gas Stations, and Convenience Stores when combined with any of these stations shall comply with the following standards:

- a. **Minimum Street Frontage**  
150 feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts are also reduced.
- b. **Minimum Lot Area:**  
As provided for the applicable zone
- c. **Minimum Setbacks for Buildings and Canopies:**  
As provided for the applicable zone
- d. **Site Screening Standards for Side Yard and Rear Yard:**  
As provided for the applicable zone

e. **Off Street Parking and Landscaping:**

Same as Chapter 20A.18 except that a 20-foot wide landscaping strip shall be required along the street frontage. This 20-foot landscaping strip is in lieu of the five percent (5%) landscaping required in the interior of the parking area.

f. **Street Standards:**

All public rights of way shall be fully improved to the center of the street with paving, curb, gutter, and sidewalk to city standards.

g. **Driveways:**

Driveways shall be designed and located according to Public Works Department standards.

h. **Separation Between Parking and Pump Islands**

Where there are parking stalls backing up to pump islands, the minimum distance between pump islands and off-street parking shall be 40 feet from the end of stall to the pump island.

i. **Signs:**

As allowed for other Commercial Uses.

j. **Lighting Standards**

All lighting shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of the site, and as to prevent, to the extent practicable, reflected light rays from shining upon other properties, and as to avoid glare onto any portion of any adjacent right-of-way or into the path of oncoming vehicles.

k. **Dumpster Enclosures**

All dumpster enclosures shall meet the setback requirements for the applicable zone. The enclosure shall not exceed 6 feet in height and shall consist of a solid fence made of wood or masonry material.

L. **Building Height Limit And Maximum Lot Coverage And Interior Yard Setbacks:**

As provided for the applicable zone.

3. **Operation, Supervision, and Maintenance Restrictions**

- Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.
- Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions 20A.02.661, 20A.02.660, 20A.02.375 and 20A.02.267, as approved by conditional use permit.
- Wrecked or dismantled vehicles shall not be stored out-of-doors for more than twenty-four hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of an full service station, self serve service station, and gas station, shall require a separate occupancy permit and business license. These uses would only be allowed as an accessory use if they are permitted in that zone as a separate use.



The application for the occupancy permit and business license shall be accompanied by a site plan, and any vehicles or equipment involved shall be stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The development for the accessory use shall meet all applicable City regulations.

- All buildings, grounds, and landscaping shall be kept in a constant state of repair and maintenance. Upon failure to do so, the City shall require repair or replanting as per Section 20A.04.320.
- The work station shall be designed so that at least one qualified attendant shall have maximum view of the fueling areas. For the purpose of this Title, a qualified attendant is one who is trained in the operation of the fuel pump emergency shut-off system.
- When a convenience store is combined with a full service station, self service station or gas station, dispensing of fuel shall be subject to electronic control (within arms reach) of a qualified attendant.
- Amusement devices as defined by 5.60.030A of the LMC are not permitted in conjunction with the uses allowed by this subsection.
- All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of coolers which store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.
- Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible from a street and the parking areas.

#### 4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store

When a convenience store is combined with an automobile service station, self service station and/or gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.

#### 5. Effects of Change of Use

The addition of a convenience store to an automobile service station, self serve service station or gas station would constitute a change in use and would require complete compliance with Chapter 20A.12.

#### 6. General Criteria for Approval

In addition to the criteria found in Chapter 20A.24 no conditional use permit for the uses mentioned in this Subsection shall be approved unless:

- The proposal meets the uniform Fire and Uniform Building Code;
- The proposal meets the standards of this Chapter and Title 20A of the LMC; and
- The proposal meets all other applicable City and governmental regulations.

#### 7. Exceptions

There shall not be any relaxation of development standards as provided for in Section 20A.24.100 of the LMC. Any exceptions to these standards shall be subject to the

variance criteria as found in Title 2.22. However, the Hearing Examiner and City Council may consider these criteria as part of the conditional use permit process, instead of a separate variance application.

### **C. Park and Pool Lots**

Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the Hearing Examiner and/or the City Council shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a Park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the application.

## **20A.46.112 Limitations on Uses - Eating and Entertainment Uses**

### **A. Restaurants**

In the Limited Business Zone, it is intended to permit restaurants for the convenience of persons employed in the zone. Restaurants are permitted either as an accessory use within an office building, or as the principal use of a separate site providing it fully occupies a site equal to the minimum area specified in the development standards.

## **20A.46.113 Limitations On Uses - Institutional Uses**

### **A. Complementary Use of Parking by Churches**

Churches are allowed outright in all business and commercial zones (except for the PCD Zone wherein churches require a special use permit) subject to the same conformance to development standards as would apply to any other permitted use. This provision is applicable to either new construction or the occupancy by a church of a pre-existing building or portion thereof, whether the building or grounds involved are designed as a church building, according to the definition of churches in Chapter 20A.02, or the space being used is such that typical occupants or tenants would be commercial uses.

In the event that a multiple business site which includes a church does not have an adequate number of parking spaces to meet the code requirements for all the uses on the site, but would have sufficient spaces without the church, complementary use of parking by the church may be allowed by conditional use permit. The purpose in requiring a conditional use permit is to assure that the times of peak use of parking by the church and the other uses on the site will not coincide to such an extent that frequent parking shortages occur, impacting public streets and resulting in unauthorized parking on other properties in the area.

No Conditional Use Permit shall be approved if the evidence indicates that such parking shortages are likely to occur. Adherence by any and/or all occupants of the site to a schedule that makes complementary parking workable may be made a condition of the conditional use permit.

In the event that parking shortages as described above do occur after such a conditional use permit has been approved, revocation of the permit may be considered under normal conditional use permit hearing procedures. Infrequent parking overflows, such as those occurring during annual religious holidays, are not to be construed as constituting a parking shortage for the purposes of this section.

## **B. Child Day Care Center**

### **1. Considerations**

A child day care center may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the Hearing Examiner and City Council will consider the need for the activity in the area; and, all possible impacts in the area including but not limited to the following:

- Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- Any abnormal increase in demand for any public service, facility or utility;
- The size, location, and access of the proposed site; and
- Any adverse effects on the standard of livability to the surrounding area.

### **2. Requirements**

In any case, the approval of the conditional use permit shall include the following requirements:

- The applicant must be state-licensed before the operation of the facility;
- Adequate off-street parking must be provided;
- All outdoor play areas must be fenced with a minimum of eight hundred square feet plus an additional eighty square feet per additional child over ten;
- Site and sound screening standards for the outdoor play area must be met;
- The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- The applicant must indicate the ages of the children to be cared for.

## **20A.46.114 Limitations on Uses - Medical Uses**

### **A. Veterinarian Clinics**

Veterinarian clinics designed for treatment and care of pet animals, such as cats and dogs, shall be operated by a registered veterinarian. The animals must be confined within a building which shall have an exterior of masonry construction (or other building materials and/or construction techniques providing equivalent soundproofing, as approved by the Building Official), provided that openings may be provided for ingress and egress according to fire code regulations and for a customer entrance of other than masonry construction (or equivalent) if the front entry is isolated from the balance of the building by a full wall partition. All rooms housing animals shall have mechanical ventilation adequate to provide an exchange of fifty cubic feet of air per minute per animal housed therein. The animal runs shall be surfaced with a minimum of two inches concrete or other impervious materials. Drainage must be away

from adjoining properties and should be controlled upon the property involved. There shall be no cremation or other disposal of animals on the premises or incineration of refuse.

### **20A.46.115 Limitations on Uses - Office Uses**

#### **A. Residential/Office Use as a Home Occupation**

An office use in combination with a residence is allowable as a home occupation by means of a conditional use permit, subject to the limitations to home occupations as stated in Section 20A.02.415, except as follows: The number of employees who do not reside in the same building shall be limited to two.

In considering the requested permit, the adequacy of parking shall be of prime consideration. Any application shall demonstrate provision for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the Planning Director may suspend or terminate the permit upon thirty days' written notice. During the thirty-day period, the holder of the permit may request review of the revocation by the City Council. The building may be enlarged, but the office area shall not exceed twenty-five percent of the total square footage of the building.

### **20A.46.116 Limitations On Uses - Residential Uses**

#### **A. Motels & Motor Hotels**

The initial development must contain at least twenty units composed of multiple unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

#### **B. Multiple Family Housing**

Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

#### **C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled**

These uses may be allowed by conditional use permit.

##### **1. Staff Evaluation and Recommendation**

Before any conditional use permit for the uses designated in this subsection is considered by the Hearing Examiner and City Council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the Fire, Building, and Planning Departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each

requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

- The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- The amount of space around and between buildings shall be subject to the approval of the Fire Chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
- Restriction to such intended use except by revision through a subsequent conditional use permit;

## 2. Development Standards

Housing for the elderly and physically disabled facilities shall conform to the following criteria:

- Lot area per dwelling unit - 1,000 sq. ft. minimum per unit
- Passive recreation and/or open space - 200 sq. ft. minimum per unit

In the City's higher density multiple family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50% of the requirement may be indoors, provided that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per Section 20A.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

## D. Living Quarters, Homeless Teenage Mothers

Living quarters designed for homeless teenage mothers and their children are permitted in any commercial zone of the City. For the purposes of this section, "living quarters for homeless teenage mothers" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage mothers and their children.

### 1. Supervision and Maximum Occupancy

Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21; including mothers, children, and adult supervisor(s).

## 2. Development Regulations and Standards

Subdivision and Zoning Development Standards for living quarters for teenage mothers shall be the same as for the Low Density Multiple Family Residential Zone. Such quarters shall be treated as an R Occupancy for Fire and Building Codes.

## 3. Expiration

- Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non use of any living quarters for teenage mothers for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.
- Except as provided for above, this Subsection shall expire on December 15, 1992.

### 20A.46.117 Limitations On Uses - Retail Uses

#### A. Convenience Stores

Convenience stores located on the same lot and within the same building and operated as a single business with full service, self service and/or gas station are permitted only by means of a conditional use permit. Rapid customer turnover is an inherent trait of service stations and convenience stores. Convenience stores sell alcoholic beverages, full service, self service, and gas stations do not. The proximity of these uses with their conflicting traffic patterns and types of traffic increases the risk to pedestrian and traffic safety. Additional control over the location of convenience stores in proximity to said uses is therefore necessary.

### 20A.46.118 Limitations On Uses - Light Industrial Uses

#### A. General

##### 1. Scope of Conditions

Wherever these uses are permitted under conditional use permit proceedings, the Hearing Examiner and/or City Council may stipulate the type of machinery allowable, that the performance standards and landscaping requirements of the Light Industrial Zone shall apply, that the use must be conducted entirely within a building which is constructed so as to contain the expected noise, and such other conditions as are necessary to assure compatibility with surrounding properties.

##### 2. Requirements for Uses Occupying 10,000 Sq. Ft. or Less that are Permitted as a Principal Use

Certain Light Industrial uses taking up 10,000 square feet or less are allowed without a conditional use permit. No such use will be allowed without a conditional use permit when:

- There is a person, corporation, partnership or association with an ownership interest in the business; and
- Such person, corporation, partnership or association or any combination thereof has an ownership interest in another business at the same business site or park

which has not obtained a conditional use permit because it uses 10,000 square feet or less of floor space; and

- The combined space of both businesses or uses exceed 10,000 square feet.

### **B. Public Utility Facilities**

This use includes facilities owned by a public utility and directly used in the performance of a public service but does not include offices or warehouses of a public utility. Public utility offices and warehouses are permitted in the same zones and on the same basis as other offices and warehouses.

### **C. Auto Wrecking Yards and Recycling Collection Centers**

These uses may be permitted by conditional use permit. In considering such a conditional use permit application, the Hearing Examiner and/or City Council shall take into account all impacts upon the surrounding neighborhood with particular emphasis on visual, noise, water quality, and dust impacts. Due to the demonstrated tendency of wrecking yards and recycling collection centers to be visually offensive, such uses should not be located adjacent to residential zoning or to established business uses of such a low intensity or having such an aesthetic emphasis as to be adversely impacted by close proximity to a wrecking yard or recycling collection center. The Hearing Examiner and/or City Council may prescribe any conditions deemed necessary to minimize the impacts of such uses.

## **20A.46.119 Limitations On Uses - Other Uses**

### **A. Licensed Dance Halls**

All conditional and special use permit applications for Licensed Dance Halls shall be evaluated for potential adverse impacts related, but not limited to: noise, traffic, and the adequacy of on-site parking. Applications shall also be evaluated for locational and design considerations which might foster potential nuisances or criminal activities. The minimum standards which shall be required of any such proposed use are as follows:

- A separation of at least three hundred feet between the building which the dance hall occupies and the nearest residentially zoned property, as measured in a straight line without regard to any intervening building, shall be required.
- The parking standards for dance halls stated in LMC Chapter 20A.18 shall apply.
- All abutting streets shall be improved to the standards of the Lynnwood Public Works Department.

### **B. Charitable or Relief Supplies Collection and Storage**

Centers for the collection, temporary storage and distribution of charitable or relief supplies may be permitted upon approval of a conditional use permit. In considering such a conditional use permit application, the Hearing Examiner and/or City Council may impose restrictions on outdoor storage, truck parking, and use of machinery, and may impose such other conditions as are necessary to assure compatibility with surrounding properties.

## **20A.46.120 General Commercial Area For Controlled Uses**

Adult Establishments and Adult Retail Uses shall be permitted in the CG or C-1 Zone in the area described in Subsection A, below, and subject to the locational and developmental standards

contained in this section. In the event of invalidation by a court of competent jurisdiction of these provisions, adult establishments and adult retail uses shall be permitted to locate only in CG or C-1, and subject to locational and development standards of LMC 20A.46.120.

### **A. Location of Controlled Use Area**

These regulations apply to all General Commercial Zones south of a line approximately 800 feet south of 212th Street S.W. between 68th Ave. W. and Hwy. 99 and south of 212th Street S.W., between 67th Ave. W. and 68th Ave W., and between 66th Ave. W. and 67th Ave. W., south of a line varying between 175 and 195 feet north of 212th Street S.W. as more particularly set forth below:

Beginning at the Southeast corner of the Southwest quarter of the Southeast quarter of Section 20, Township 27 North, Range 4 East, W.M.; thence West 679.56 feet; thence North 175 feet to the true point of beginning; thence West 132.6 feet to a point 8 feet East of the East line of Lot 15, Block 6, of the Plat of Seattle Heights, Division No. 3; thence North 20 feet more or less, to a point 8 feet East of the Northeast corner of said Lot 15; thence West 132.5 feet, more or less, along the North line of said Lot 15 and the prolongation thereof, to the Northwest corner of said Lot 15; thence continuing West along the prolongation of said line 30 feet, more or less, to a point which is the intersection with the centerline of 67th Avenue West; thence South 195.2 feet, more or less, along said centerline to a point which is the intersection of the centerlines of 67th Avenue West and 212th St. S.W.; thence West along the centerline of 212th St. S.W. to a point which is the intersection of the centerlines of 212th St. S.W. and 68th Avenue West; thence South along the 68th Avenue West centerline 830 feet, more or less, to the intersection of the centerline of said right-of-way and the Easterly prolongation of a line located parallel to and 160 feet South of the North line of Lot 19, Plat of Solner's 5 Acre Tracts; thence West along said line and the prolongation thereof, to the intersection with the East line of Lot 21, Plat of Solner's 5 Acre Tracts, said point being 160 feet, more or less, South of the Northeast corner of said Lot; thence North 20 feet, more or less; thence North 89°51'00" West 130.14 feet, more or less, to the East line of the Highway 99 right-of-way.

### **B. Uses Permitted**

Except for those uses listed in Section 20A.46.120.E, below, all uses permitted outright in the General Commercial Zone are allowed in this controlled area and all adult establishments are allowed, subject to the location standards of Section 20A.46.120.C.

Adult retail uses are allowed in this controlled use area subject to:

- the same location standards as set forth in Section 20A.46.120.C for adult establishments;
- the same variance from separation requirements as set forth in Section 20A.46.120.D for adult establishments; and
- the same development standards as set forth in Section 20A.46.120.F for adult establishments.

### **C. Location Standards**

Any adult establishment use which locates in the City of Lynnwood shall, in addition to any other requirements, meet the following:



### 1. Separation from Locations

No adult establishment use shall be allowed to locate within 300 feet of any property zoned residential or P-1, or any property which is occupied by living quarters for homeless teenage mothers.

### 2. Measurement of Distance

The 300 foot separation shall be measured by following a straight line, without reference to intervening structures, between the nearest point on a line defining a residentially zoned or P-1 zoned property or property which is occupied by living quarters for homeless teenage mothers and the nearest point of the building or portion thereof used by an adult establishment.

## D. Variance from Separation Requirements

Whenever the proponent of an adult establishment subject to the separation requirements pertaining to adult establishments 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 adult establishment and property zoned P-1 or residential or which is occupied by living quarters for homeless teenage mothers, the proponent(s) may apply to the Hearing Examiner for a variance from such requirements. In determining when a variance should be granted, and if so, to what extent, the Hearing Examiner shall consider the following, in addition to the general criteria for variance established in Chapters 2.22 and 20A.26;

- Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;
- Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and
- Any other fact or circumstance which has a significant effect upon the need for the full separation distance required by this chapter.

If after considering these criteria the Hearing Examiner finds that an effective separation between the proposed adult establishment and property zoned residential or P-1 or which is occupied by living quarters for homeless teenage mothers can be achieved without requiring the full distance of separation provided by this chapter, the Hearing Examiner shall determine the degree of variance to be allowed and shall grant such variance. Otherwise, the application for variance shall be denied.

## E. Prohibited Uses

The following uses are found to be incompatible with adult establishments and are prohibited in the Controlled Use Area set forth above

- Pet grooming, pet shops, and veterinary clinics
- Churches, libraries, museums, art galleries & similar institutions
- Schools, including pre-schools, child day care, and nursery school
- Fountains & ice cream stands; restaurants & cafeterias; drive-in car service, and take-out restaurants
- Bakery retail stores; convenience stores
- Hotels/motels & motor hotels
- Indoor amusement enterprises centers, as defined
- Bicycle sale & repair
- Wholesale stores

## F. Development Standards

The development standards in the Controlled Use Area are the same as General Commercial, except as follows:

### 1. Signage

All sign regulations throughout the Controlled Use Area shall be as follows:

#### a. Wall Signs

Sign programs in which each tenant has its own wall sign shall meet the following standards:

- All wall signs on the site shall be of a uniform color and letter style compatible with building materials used elsewhere on the site;
- There shall be not more than one wall sign per business, the top of such wall signs shall not be higher than the top of the first floor of the building;
- The maximum sign area of individual tenant wall signs shall be 8 square feet, the maximum height of letters shall not exceed 24 inches;
- The wall signs shall not be illuminated either internally or externally;
- The wall signs shall be constructed with materials which minimize reflective capabilities;
- The sign shall be printed on or mounted flush against the wall and shall have no moving parts;
- Sign components must be securely attached to the wall and must not be temporary or removable.
- The sign shall be located on the building frontage occupied by the tenant to which the sign relates, and
- Tenants which share a common exterior entrance shall be restricted to a total of 8 square feet of wall sign area.

#### b. Building Wall Signs

The following additional signage is allowed only to buildings of two or more stories, not including basements, in which a single tenant occupies 51% or more of the floor area. In addition to each tenant having a wall sign, the sign program that is reviewed in connection with development plan approval may provide for a wall sign generally representative of the building, i.e. a building wall sign. Such building wall sign shall meet the following standards:

- Except as otherwise provided all building wall signs on the site shall conform to the wall sign standards for the LI Zone.
- The maximum height of letters of any building wall sign shall not exceed 24 inches; and
- The length of the building wall sign shall be no more than 50% of the length of the elevation on which the sign is mounted.

#### c. Ground Signs

Ground signs may be allowed if necessary in order to direct traffic to points of access to the site, and subject to the following:

- Except as otherwise provided all ground signs on the site shall conform to the wall sign standards for the LI Zone.

- A maximum of two ground signs are allowed per street per property, 300 feet apart.
- The maximum height shall be 3' 6".
- The maximum area shall be 25 sq. ft. per side.
- The signs shall be located a minimum of 5 feet from the public right-of-way unless an alternate setback is specifically approved as part of development plan approval.

## 2. Other Standards

The following standards apply to adult establishments in the Controlled Use Area:

- The starting of an adult establishment constitutes a change in use and is subject to the non conforming chapter in addition to these development standards;
- Landscaping shall be a wall of trees created by two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site screening fence shall be placed on the side and rear property lines;
- All parking areas shall be visible from the street fronting the establishment and shall not allow access to the rear of any structures;
- The parking areas shall be fully illuminated with street light standards.

### **20A.46.130 Prohibited Uses**

The following uses shall be prohibited in all Commercial zones.

- Advertising signs not related to business conducted on the same premises as the sign.
- Devices to attract attention to the premises, including but not limited to balloons with or without letters or pictorial figures on them; spotlights; searchlights.
- Heliports and helistops.

### **20A.46.200 Development Standards**

The following standards shall apply to all structures and non-structural uses in the Commercial Zones:

### A. General Area & Dimensional Standards

No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with the following standards and in conformance with the adopted building code (for purposes of determining the required yards along public street, the classification of streets indicated on the comprehensive plan shall apply):

Minimum Standards	B-4	B-3 or BN	B-2	PCD	B-1 or BC	C-2	C-1 or CG
Area (unless adjacent to similar zoned land)	none	3 ac.	1 ac.	none	none	1 ac.	none
Maximum Area	none	6 ac.	none	none	none	none	none
Front Yard							
Located on a principal arterial	50 ft	50 ft	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Located on all other streets	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft
Side Yard							
Located on a principal arterial	50 ft	50 ft	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Located on all other streets	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft	40 ft
Interior Yards	10 ft.	none *	15 ft.	none *	none *	none *	none *
Rear Yard	25 ft.	none *	25 ft.	none *	none *	none *	none *
Maximum Building (stories)	2	2	none	none	none	none	none
Maximum Lot Coverage	35%	35%	35%	35%	35%	35%	35%
Key:							
* Except where adjoining a residential zone; see 20A.46.220 & .230							

### B. Exceptions

#### 1. Restricted Business Zone Uses.

Uses which are permitted in the Restricted Business Zone may be developed in other use zones under the dimensional standards and height limitations of the Restricted Business Zone.

#### 2. Setback Exceptions

If, within three hundred feet of the midpoint of any proposed building, at least fifty percent of the frontage in the same block is improved with principal buildings, some of which have front yards of less than the required depth, the minimum front yard of the new building shall be the average of the existing yards within the three hundred feet in either direction of the building, provided:

- The average shall be derived by multiplying the length of each building by its minimum setback, with vacant frontage included and considered as having the setback required under the preceding paragraph; without regard to parcel

boundaries; totaling these; and dividing by the total length of the frontage considered;

- Any land or buildings on the same side of the same block within three hundred feet of the midpoint of the proposed building may be considered in deriving the minimum setback, except for buildings which are of a type or sub-type of construction not allowable for new buildings in the particular fire zone applying, or buildings which are considered unsafe structures. Such unsafe structures and non conforming buildings shall be considered in the same manner as vacant land; and
- In any case the setback shall not be less than twenty-five feet.

## **20A.46.210 Additional Development Standards**

### **A. Site Screening Standards for Outdoor Displays & Outdoor Storage Areas**

Any outdoor displays or outdoor storage which are permitted in Commercial zones, and which are not affected by the standards of Sections 20A.46.220, above, shall be enclosed within a site screening fence of sufficient height to effectively screen the outdoor display or storage from view, and not less than six feet high in any case, set back five feet from the property line. The outer five feet shall be landscaped with evergreen conifer trees with a minimum height of six feet spaced a maximum of 15 feet on center and low evergreen plantings which will mature to a total ground cover within five years. Provided, however, that where these requirements do not apply because the principal use of a property involves the display of merchandise for view from the streets, the display area shall be improved as a parking lot (except for paving where the nature of the merchandise makes paving impractical) with a ten-foot planting strip along the entire street frontage, as per Paragraph 20A.46.210.B.2, below. Display areas shall be segregated from the required customer parking so that there is always sufficient customer parking to meet the minimum parking requirements of this code.

### **B. Parking**

#### **1. Capacity Requirements**

For calculating the required number of parking stalls see Chapter 20A.18.

#### **2. Landscaping in Parking Areas**

##### **a. Purpose**

The purpose of these landscaping provision is:

- To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this City;
- To insure the preservation of land values in commercial zones by creating and insuring an environmental quality which complements the commercial objectives of the respective land.

b. Planting at Street Frontages

Parking areas fronting on a street right-of-way shall provide a ten foot planting area along the entire street frontage, except for driveways. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years.

The location and width of the planting area may be modified in accordance with the following provisions:

- That up to five feet of the ten foot total required may be installed in portions of City right-of-way which are not covered by impervious surfaces or, in the case of right-of-way which is not fully improved, are not projected to be covered by impervious surfaces upon full improvement.

c. Landscaping in Right-of-Way

Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the City with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the City against any injuries occurring within that portion of right-of-way so utilized.

d. Coverage

Five percent of the parking area shall be in landscaping (exclusive of landscaping on the street frontage), provided that:

- No landscaping area shall be less than twenty-five square feet in area or less than three feet in width;
- No parking stall shall be located more than forty-five feet from a landscaped area. The Planning Commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and
- All landscaping must be located between parking stalls, at the end of parking columns, or between parking stalls and the property lines.

e. Landscaping Adjacent to Parking Stalls

Where landscaping areas which fulfill City standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area, providing that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

**f. Additional Landscaping Along Specified Streets**

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets. See LMC Chapter 20A.06.

**20A.46.220 Transition Or Buffer Strip**

Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

- Where the side yard or rear yard of a property zoned to any Commercial Zone is adjacent to a property zoned Single Family Residential
- Where the side yard or rear yard of a property zoned to any Commercial Zone is adjacent to a property zoned Multiple Family Residential of Public & Semi-Public,

**A. Procedure**

The Planning Director may approve the landscaping plan if it complies totally with the requirements of the Lynnwood Municipal Code existing at the time of application of plans or in the discretion of the Planning Director and prior to issuance of either a building permit or occupancy permit, cause the matter to be presented to the City Council for the purpose of determining standards for the site screening or greenbelt.

The Planning Commission shall consider all relevant factors, including, but not limited to: the existing and future planned use of the land in question, the topography, the height, and appearance of the buildings existing or to be placed upon the land in question, the character and appearance of existing buildings on adjoining lands, and existing and proposed traffic patterns and conditions.

The Planning Commission may request a precise and detailed landscape blueprint to be supplied by the applicant to assist the Planning Commission in determining the type of planting or screening, the height thereof at maturity and at various stages of maturity, and the density of any planting at various seasons of the year.

Upon receipt of such information, the Planning Commission shall, and after proper consideration, make recommendations to the City Council as to the screening and/or greenbelt recommended by it. Upon receipt of the recommendation of the Planning Commission, the City Council shall establish standards as to the screening and greenbelt on the land in question, defining the type of material to be used in the screening and/or the type and size of plants to be used in the greenbelt; the City Council may also establish a time schedule (days, weeks or years) for the installation of the screening and/or greenbelt required by it. If a greenbelt is required, the City Council may require installation of fast maturing plants to be eventually replaced (according to a time schedule also established by the City Council) by a slower growing and more permanent and ornamental type of greenbelt. The City Council shall also establish the amount of bond which shall be required prior to issuance of a building or occupancy permit.

Upon receipt of the standards established by the City Council, any permit issued by the Building Official shall be conditioned upon compliance with the screening or greenbelt standards established by the City Council..

## **B. Maintenance**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

## **C. Minimum Standards**

### **1. Planting and Fencing**

a. Where a property zoned to any Commercial Zone is adjacent to a property zoned Single Family Residential

The purpose of this landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. This planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site screening fence shall be placed at the property line.

b. Where a property zoned to any Commercial Zone is adjacent to a property zoned Multiple Family Residential of Public & Semi-Public

The planting strip shall be at least ten feet in width and shall consist of either of the following two options:

- One row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years; or
- A sitescreening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A permanent six-foot site screening fence shall be placed at the property line.

### **2. Signed Plans**

All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to twenty feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill City code requirements within five years.

### **3. Installation Prior to Occupancy**

All landscaping that fulfills the City code requirements shall be installed prior to occupancy of any structure located on the same site.



If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the City shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

## **D. Fence Regulations**

### **1. Definition**

For the purposes of this section a "site screening fence" means a solid one-inch thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

### **2. Exceptions**

Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence;

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the Planning Director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

## **20A.46.230 Other Transitional Requirements**

### **A. Commercial Property Abutting an RS-zoned Property**

Where the interior yard of a property zoned to the B-4 Zone abuts a property zoned to a Single Family Residential Zone, the minimum side yard setback shall be 10 feet and the minimum rear yard setback shall be 25 feet.

Where the interior yard of a property zoned to any other Commercial Zone abuts a property zoned to a Single Family Residential Zone, the minimum side yard setback shall be 25 feet and the minimum rear yard setback shall be 50 feet.

### **B. Commercial Property Abutting a Multiple Family Residential Property.**

Where the interior yard of a property zoned to the B-4 or B-3/B-N Zones abuts a property zoned to a Multiple Family Residential Zone, the minimum side yard setback shall be 10 feet and the minimum rear yard setback shall be 25 feet.

Where the interior yard of a property zoned to any other Commercial Zone abuts a property zoned to a Multiple Family Residential Zone the minimum side yard setback shall be 15 feet and the minimum rear yard setback shall be 25 feet.

### **20A.46.500 Commercial Signage**

This section concerns business signs, and applies in all Commercial zones except the Planned Regional Shopping Center Zone. Only those signs which do not conflict with regulations contained in this and other City ordinances, and which are consistent with the definition of a business sign in Section 20A.02.670, are permitted subject to the following standards; provided, however, that no person shall display or cause to be displayed on his premises, or premises under his control, any business sign which is not permanently installed, except for searchlights.

#### **A. Allowable Sign Area**

##### **1. Freestanding Signs**

###### **a. General**

The total allowable sign area for freestanding signs on individual and multiple business sites shall be seventy-five square feet plus one-half foot for each lineal foot of street frontage over two hundred fifty feet, up to a maximum of one hundred fifty square feet.

The allowable sign area for freestanding signs on business sites which qualify for more than one pole sign, as per Subparagraph B(1)(a), below, shall be calculated at seventy-five square feet plus one-half square foot for each lineal foot over two hundred fifty feet. However, no sign face shall exceed one hundred fifty square feet in area. The allowable sign area shall be computed separately for each street frontage, and only the sign area derived from the street frontage along a street may be oriented toward that street. Only one face of a double faced sign shall be considered in computing its area, providing both sides pertain to the same business.

###### **b. Additional Area for Multiple Business Sites**

Multiple business sites shall be allowed an additional twenty square feet of freestanding sign area for each commercial tenant or occupant in excess of one up to a total of eighty square feet of additional pole sign area. Such additional sign area shall not be used to increase the sign area of any tenant or occupant beyond that amount which would be allowed if located in an individual business site. Sign structures containing this additional sign area shall be constructed in such a way to be easily modified to reflect changes in the number of tenants on the site. Any multiple business site which is at least one hundred fifty thousand square feet in lot area and contains at least ten separate businesses shall be allowed one additional freestanding sign for identification of the site generally. Such signs shall not exceed one hundred sixty square feet in area.

**c. Additional Area for Pole Signs At Least 50 Feet from a Street**

For all pole signs located at least fifty feet from a street, sign area may be increased five percent for each ten feet the sign is from the street, up to a maximum of two hundred square feet of total sign area per sign.

**2. Signs Attached to Buildings**

The total allowable sign area for each establishment for signs attached to a building shall be sixty square feet, or one square foot for each lineal foot of building frontage, whichever is greater, up to a maximum of two hundred square feet. The allowable sign area shall be computed separately for each building frontage, and only the sign area derived from that frontage may be oriented along that frontage. Only one face of a double face sign shall be considered in computing its area, providing both sides pertain to the same business. For purposes of determining sign area, awning signs are part of the sign area allowed for signs attached to buildings.

**3. Transfer of Allowed Area from Freestanding Signs to Signs Attached to Buildings**

Freestanding sign area may be applied to signs attached to buildings provided, however, that such area be apportioned equally to all tenants. A record of any such transfer must be filed with the Planning Department.

**B. Number of Pole Signs**

Along each public street abutting an individual or multiple business site, that site may have one permanently installed pole sign per the following schedule:

<u>Street Frontage per Street</u>	<u>Pole Signs Allowed</u>
1 - 300 feet	1
301 - 600 feet	2
601 - 900 feet	3
901+ feet	4

Sites with less than three hundred lineal feet of street frontage on one street may be allowed additional pole signs by conditional use permit provided that such signs are in keeping with the intent of this title.

Whenever a conditional use permit for additional numbers of pole signs is considered, the City Council may require that the height, area, and/or specific dimensions of signs be reduced and/or the setback from property lines be increased.

Sites which qualify for additional pole signs may substitute ground signs for those additional pole signs.

**C. Location, Height & Size for Specific Types of Signs**

The location and height of all signs shall be as provided below. However, in all cases the height of signs may be further limited by the maximum height for buildings specified in the respective zone.

These limitations do not apply to private traffic direction signs directing traffic movement within the premises of a business, not exceeding three square feet in area for each sign, and not illuminated, or to traffic directions painted on the surface of a parking lot or driveway.

The legal setback for signs along public streets shall be the same as the legal setback for buildings, except where otherwise specified. This limitation does not apply to signs established or required by a public agency to serve a public purpose.

## 1. Pole Signs

### a. Location

Pole signs shall be located no closer to the street than fifteen feet in front of the building line as stated in the schedule of development standards. However, this section shall not be construed as requiring a sign to be located at a greater distance from the street than the leading edge of a non conforming building, occupied by the business to which the sign pertains.

Except by conditional use permit, sites with more than one pole sign shall space those signs a minimum of two hundred feet apart, as measured along the street frontage.

Except by conditional use permit, sites which qualify for additional pole signs over one, shall locate such additional pole signs at least fifty feet from abutting interior property lines.

Whenever a conditional use permit for closer spacing of pole signs is considered, the City Council may require that the height, area, and/or specific dimensions of signs be reduced and/or the setback from property lines be increased.

### b. Height

Pole signs may be a maximum of thirty feet in height above the average ground level at the base of the sign. When signs are located on sites which have street frontage within one hundred feet of a Single Family Residential or Multiple Family Residential zoned property as measured from either the front or side property line of the site, illuminated sections shall not exceed twenty feet in height if visible from those properties.

## 2. Ground Signs

One permanently installed ground sign [except as per Section 20A.46.500.B], may be allowed by conditional use permit along each public street abutting an individual or multiple business site, subject to a finding in the Conditional Use process that such sign(s) are found to be necessary in order to facilitate traffic flow to and from the site, or within the site.

The Conditional Use permit shall consider if the proposed sign(s) address the following standards and the general objectives of City sign regulations under "purpose of sign regulations."

- The signs are so located as to minimize interference with drivers' or others' visibility in intersection or at place of ingress or egress;

- The signs have no moving parts, are not self-illuminated, and indirect lighting, if used, shall be uncolored, non blinking, and directed away from traffic;
- The signs consist of materials and colors which minimize reflection capabilities;
- The sign components are securely attached to the sign structure and not temporary or removable; and

Such signs shall be located five or more feet from the right-of-way, unless, in connection with the Conditional Use Permit, it is found necessary or desirable in the public interest to locate the sign nearer to the right-of-way, and that it will not interfere with visibility as indicated above.

### 3. Wall, Projecting, & Marquee Signs, & Non-Rigid Awnings

Wall and projecting signs and non-rigid awnings shall not extend higher than one foot above the wall to which they are attached; marquee signs shall not extend higher than two feet above the leading edge of the marquee to which they are attached. Projecting and marquee signs and non-rigid awnings shall be at least eight feet above any walkway and 16 feet above any area used by vehicular traffic. Marquee signs shall not block windows or doorways. Non-rigid awnings shall have a maximum dimension of four feet from top to bottom. The maximum allowed visible surface of a non-rigid awning(s) which include or constitute an awning sign shall not exceed 2.5 square feet per lineal foot of building facade.

### 4. Roof Signs

One roof sign may be mounted on a roof of any structure except as limited by the Building Code or other City ordinances providing guide wires are not used and that the structure of any roof sign with projecting members shall be first approved by the Fire Chief. The roof sign shall not extend higher than 35 feet above the average ground level of the foundation of the building to which it is attached. When signs are located on sites which have street frontage within 100 feet of a Single Family Residential or Multiple Family Residential zoned property as measured from either the front or side property line of the site, illuminated sections shall not exceed 20 feet in height if visible from those properties.

### 5. Incidental Signs

Incidental signs, each not more than three square feet in area, do not require a sign permit and may be in excess of the allowable sign area providing they are attached to a building below the roof line and providing there are no more than four such signs located outdoors for a new business. Signs less than three square feet in area which are exclusively directional such as exit signs, may not be counted as one of the four allowable signs or as part of the allowable sign area.

## D. Other Regulations

### 1. Moving Parts or Changeable Copy

No sign shall rotate or have a part or parts which move or revolve, or shall have blinking, flashing, fluttering, or moving lights; provided, however, electronically changing message signs shall be allowed. These signs shall not change messages at a rate less than one message every thirty seconds except for signs which provide alternate messages only as to

times and temperature, which may change at a rate of not less than one message every two seconds. All such signs shall be equipped with a device which automatically dims the intensity of the lights during hours of darkness.

## 2. Illumination

The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness will not be objectionable to surrounding areas. Any illuminated sign shall be oriented away from the surrounding residences, and away from streets.

## 3. Structural Requirements

All signs shall comply with the pertinent requirements of the Uniform Building Code, Uniform Sign Code, and National Electric Code as adopted by the City, insofar as standards of construction are concerned, but this Section shall govern the size and location of signs.

The back sides of single-faced signs shall be covered and finished in such a manner that no braces or other structural members are exposed to view from beyond the property.

## E. Sign Variances

Requests to relax standards of this Section shall be processed as variances and shall meet all the criteria for granting of variances, unless otherwise provided for. In considering any application for a variance to relax the required setback for pole signs (freestanding signs over 4 feet in height), the Hearing Examiner shall take into account the following factors and all others in the public interest in determining whether special circumstances exist which warrant a variance:

- The extent to which vegetation and/or topography of the subject and/or adjacent properties would obscure a pole sign at the required setback on the subject property, provided that removal of the obstructing vegetation and/or topography is beyond the control of the owner of the subject property or contrary to City policies or ordinances.
- The size of the subject property as it relates to possible locations for the proposed sign.
- The extent to which nearby existing pole signs located at less than the required setback would obscure a pole sign at the required setback on the subject property.
- The extent to which visibility of the proposed sign might be enhanced by mounting the sign lower or higher (but not exceeding the required height limit) than nearby obstructions, rather than by reducing the required setback.
- The width, alignment, and extent of improvement of right-of-way toward which the proposed sign would be oriented, insofar as this determines the angle at which the sign would be viewed by the traveling public.

If the Hearing Examiner determines that a variance to relax a standard pole sign setback is warranted the Examiner may require periodic review of any reduction granted and/or provisions for eventual relocation to the required setback if existing and anticipated future conditions so indicate. If provisions for relocation appear appropriate, the Examiner may require installation of wiring and a foundation at the required setback concurrent with erection of the sign at a lesser setback and a bond or other suitable guarantee of relocation.

## **F. Searchlights**

The Building Department is hereby authorized to issue permits for searchlights. Said regulations shall encompass the following criteria:

- That the duration of time for display of the searchlight shall not be more than ten days;
- That no permit for display of a searchlight shall have been approved for the same applicant during the twelve-month period prior to the most recent application;
- That the searchlight be so located as to minimize interference of driver visibility at intersections or at points of ingress and egress;
- That the searchlight be located thirty-five or more feet from the right-of-way, and directed away from traffic on nearby streets;
- The intensity and color of light and the duration of its operation shall not constitute a nuisance as defined in Section 10.08.010;
- That a fee of twenty-five dollars shall be paid in connection with any such permit.

### **20A.46.510 Real Estate Signs**

Signs advertising the sale, lease or rental of the premises on which the sign is located shall not require a sign permit, but this exemption shall not be construed as relieving the owner of the sign from responsibility for its erection and maintenance, in conformance with all applicable laws. Each such sign shall not exceed thirty-five square feet in area, and if freestanding, shall be subject to the regulations of this section pertaining to the location of freestanding business signs.

### **20A.46.900 Other Regulations**

#### **A. Refuse and Recycling Collection Areas and Enclosures**

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

##### **1. Development Standards**

Refuse and recycling collection areas in all commercial zones shall comply with the following development standards:

- Setback a minimum of 25 ft. from a public street;
- Setback a minimum of 25 ft. from any interior property line adjoining an RS or RM zone or a P1 Zone with one-family dwelling units if a business site is one acre or larger in area; or
- Setback a minimum of 15 ft. from any interior property line adjoining an RS or RM zone or P1 Zone with one-family dwelling units if a business site is less than one acre in area.

##### **2. Enclosure**

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured.

in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

### 3. Parking

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

### 4. Design

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

## **B. Procedural Requirements for Proposed Rezoning to the Neighborhood Business Zone**

The minimum and maximum area specified in Section 20A.46.200(A) shall apply to all future rezones to the Neighborhood Business Zone.

In addition the applicants shall provide such market information as may be required by the Planning Commission or City Council in determining whether the proposed development will promote the general welfare of the City. Businesses which are non conforming in another zone but which would be conforming if zoned neighborhood business may be rezoned neighborhood business without regard to the minimum and maximum area, upon a finding that such a rezone would be in the public interest and/or the businesses in question would be consistent with the general intent of the Neighborhood Business Zone.

## **C. Requirements for Development of Properties in the Community Business & General Commercial Zones**

### 1. Plans

Shopping centers or other multistore retail developments in the Community Business and General Commercial zones shall be subject to the same site plan and utility plan requirements as are required in the Neighborhood Business Zone. The plan shall include a landscaping plan as per Subsection 20A.46.210.B, provided however, that an alternate arrangement to 20A.46.210.B.2.d may be approved by the Planning Commission if it finds that the alternate plan would be more effective in meeting the stated objectives of Subsection 20A.46.210.B.

### 2. Site Utilization

Unless the site plan provides for full utilization of the lot or parcel, the utilized part shall be officially divided from the remainder under the City Subdivision Regulations and the subdivision shall conform to all normal subdivision requirements. As a condition of the subdivision, the City may require that all parcels of the subdivision have common access to public streets.



#### **D. Requirements for Development of Properties in the Highway Services Zone**

Prior to the issuing of the building permit for any structure in the Highway Services Zone, a site plan indicating the provisions for acceleration and deceleration lanes, ingress and egress driveways, curbing and external traffic circulation and parking, the location of structures, and the floor area devoted to the various uses must be reviewed and approved by the Public Works and Planning Departments, and the State Highway Department.

#### **E. Cooperative Development of Adjacent Properties in Commercial Zones And Non-Residential Projects Developed in Zones Other Than Commercial Zones, Except the Planned Regional Center Zone**

It is hereby declared to be the policy of the City to encourage in the zones referred to in this caption adjoining properties that are so situated as to be developed or redeveloped through cooperative plans for access, egress, and parking facilities to do so by a relaxation of the total parking requirements for such properties. Property owners desiring to take advantage of said policy may submit detailed plans to the City, and if such plans are approved by the appropriate City Departments, the required off-street parking for each respective parcel may be reduced by twice the number of stalls that could be accommodated by the actual square footage of land provided by each respective parcel for a common driveway, provided:

- That such reduction in parking will not reduce parking by more than ten percent of the amount otherwise required;
- A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;
- In circumstances where buildings already exist, that the plans include a reasonable effort to coordinate, redesign or refinish the exterior of the buildings in a unified manner so as to improve the visual image of the street and vicinity;
- The plans provided for streets adjoining the properties involved to be improved to City standards, including sidewalk, curb, and gutter, or reasonably equivalent guarantee of such improvement are provided in Section 16.04.250;
- Traffic flow is improved through joint use of the same entrances;
- That the parties owning the properties have entered into a written agreement suitable for filing with the County Auditor, defining their rights, duties, reciprocal easements, and generally providing for maintenance and repair in such a manner that the Planning Commission is reasonably assured that the property will have an orderly, permanent management, which agreement shall notify persons dealing with the title to said lands that the right to reduced parking is conditional upon the continued existence of the common driveway; and
- The City has received consent by all owners that additional building permits on any of the land so affected will not be issued by the City unless separate and/or additional parking is provided.

#### **F. Surface Water Disposal**

All building permit applications and site plans required herein shall provide adequate facilities for the disposal of runoff surface water.

#### **G. Elimination of Non-Conforming Uses**

All site plans shall provide for the elimination of non conforming uses.

### **20A.46.910 East 196th PCD Overlay Regulations**

The following provisions apply to the area rezoned to PCD in Ordinance 1950. All PCD regulations shall apply to this area. The provisions set forth in this Section shall control over any other provisions of the Title for PCD zone development which conflict with these sections. Ambiguity between general PCD regulations and this section shall be resolved in favor of this section.

#### **A. Development Standards**

All uses in the PCD zone as defined in LMC 20A.46.100 requiring a special use permit shall comply with the following development standards .

##### **1. Setbacks.**

Buildings shall be located in such a manner that convenient and attractive access for pedestrians is provided and a pedestrian friendly environment is created. If appropriate for the type of proposed use, (e.g. office building) amenities such as pedestrian plazas between the buildings and public sidewalks should be utilized. No particular pattern is required in terms of the location of sidewalks, landscaping, pedestrian amenities and buildings so long as reasonable consideration is given to the pedestrian environment and access. For example, in some locations it may be desirable to locate public sidewalks within the frontage landscaped area or to the interior of the frontage landscaping rather than adjacent to the street traffic lanes. In other locations, a pattern of public sidewalk, frontage landscaping, pedestrian plaza, and building may be more appropriate.

##### **2. Parking Lots**

###### **a. General.**

It is not the intent of these standards to set forth rigid design criteria for parking lots but rather to establish goals and standards which can be met through a variety of design solutions.

###### **b. Pedestrian Circulation.**

Parking lots shall be laid out to maximize easy and safe circulation and to have an attractive appearance, while remaining accessible. They shall also be designed and improved in a manner that will enhance pedestrian access. To facilitate pedestrian access and safety, designs shall attempt to minimize the number of curb cuts in sidewalks and utilize design features such as raised walkways for the primary pedestrian access routes. Design of the pedestrian circulation system shall consider connections to the public sidewalks, to adjoining developments and to an overall pedestrian circulation system within the district as though established. Buildings should provide at their entrance an area raised above auto traffic pavement covered for weather protection. This entrance feature shall be directly accessed by the primary pedestrian circulation system within the development. Direct access from adjoining property shall be anticipated and developed when feasible.

c. Pedestrian Facilities.

The City is considering developing plans for a trail system connecting various locations in the area including a future transit station, Alderwood Mall, the regional trail system, Lynnwood High School and Alderwood Middle School. Such facilities shall be considered in site design.

d. Parking Aisles.

Parking aisles should be arranged to facilitate pedestrian access without weaving through parked cars and to minimize pedestrian/landscaping conflicts; for example, where practical, aisles should be perpendicular to the main building entrance or to pedestrian walkways in front of the buildings.

e. Vehicular Circulation.

Wherever possible, development plans shall include provisions for mid-block traffic connections (through public streets or private easements) to provide for convenient circulation within the district. Parking, access and egress between adjacent properties shall be considered except where natural features make it impractical. Consolidation of parking is encouraged and for that purpose multiple parcels may be treated as a single parcel.

f. General Provisions for Parking Lot Landscaping.

Parking lots shall be landscaped to interrupt the visual impact of massive occurrences of asphalt paving. The following standards are to be interpreted with a degree of flexibility to achieve the spirit and intent of the guidelines, taking into account irregularities in parcel size and shape, topography and existing trees. It is the intent of these standards to supersede specific landscape requirements in the zoning code which tend to limit design flexibility. For example, if it is practical to save some of the existing trees on a site, there may be a relaxing of other landscape standards in order to encourage and facilitate tree retention.

g. Major Landscape Areas.

Major landscape areas shall be located within the site so that there are not uninterrupted expanses of asphalt in excess of approximately 250 feet. A major landscape area should average approximately fifteen feet in width, or greater, and run the length of the parking column. These major landscape areas may incorporate a pedestrian walk within the minimum required width; however, when incorporated, the landscape width shall be increased by 50% of the width of the sidewalk.

h. Landscaped Islands.

To break up long rows of parking stalls, in addition to the major landscape areas discussed above, smaller landscaped islands should be located on average, depending on the design constraints of a particular site, in the following amounts and locations. Along each parking column a 300 square foot area approximately every 175 to 200 feet or an 150 square foot area approximately every 90 to 100 feet.

i. Perimeter Screening.

Where practical, taking into account topography, for example, views of parked cars shall be partially screened from adjacent properties and roadways. Possible screening techniques include low hedges (2-3 feet high), earth berms or walls.

## **B. Gateway Frontage Landscaping.**

The following standards apply to project frontages in the area defined in LMC 20A.06.200 along 196th S.W., 198th S.W. and 28th Ave W., as such streets are intended to be developed as gateways to the City of Lynnwood. The width of the landscape area along a particular frontage may vary to account for parcel shapes and to encourage creativity in site design. Along these specified street frontages, a landscape area of at least 15 feet in depth is required, but the landscape area must average at least 20 feet in depth over the entire length of the particular frontage. Such landscape areas may be interrupted by curb cuts and pedestrian access connections and the areas of such interruptions shall not be included as part of the frontage length in the averaging calculations. Where appropriate, sidewalks may be included within the required depths if they are incorporated within the interior of the landscape area

## **C. Service Areas.**

Service areas shall be located and constructed in such a way to attempt to minimize their visual impact from adjoining streets. Reasonable measures, such as landscaping, walls, fencing or a combination thereof, shall be implemented to effectively screen all loading dock areas taking into account site constraints and topography.

## **D. Character Of Buildings**

### **1. Rooftop Equipment.**

Reasonable measures shall be implemented to visually screen rooftop mechanical equipment taking into account site characteristics such as topography.

### **2. Facades.**

Buildings shall be constructed to avoid presenting blank walls to the street frontage. Techniques to meet this objective may include use of landscaping, dividing facades into increments through offsets, recesses, windows, weather protection or other features which serve to minimize the expanse of blank walls or break down the scale.

## **E. Signage**

Signs shall be of high quality. It is recognized that individual commercial establishments must be properly identified, but it is also recognized that signage should be the minimum necessary to provide such identification. Excessively large signs and flashing or animated signs are recognized as being inconsistent with the existing character of the area and will be discouraged.

Standards for illumination and structural integrity shall be as specified in Section 20A.46.500 of the Zoning Code or other applicable City regulations. Sign size and location shall be as specified by Section 20A.46.500 of the Zoning Code for business signs, provided however not more than one free standing sign per site per street frontage shall be permitted.

While free-standing signs of high quality may be allowed for area identification, emphasis shall be placed upon use of building face signs where they will function as effectively as a free-standing sign.

Where possible, signs shall be coordinated in scale and materials with those currently used on adjacent sites within the district.

**F. Additional Criteria For Issuance Of Special Use Permit.**

The following development guidelines and policies are to be used in evaluating proposed special permit application within the zone. The guidelines and policies highlight specific concerns associated with the zone.

**1. Access Control.**

Minimizing traffic congestion on adjacent streets through proper control of site access is a high priority. Coordinated access points may be required for many sites. As a condition to the issuance of a special use permit, a property owner may be required to provide for joint access to and/or from adjacent parcels. This shall be accomplished through easements or joint use agreements approved by the City Attorney. Curb cuts allowed at the time of development may only be temporary and may be closed when more suitable access is developed on adjacent sites. Specifically, when an individual property owner is given a special permit, he may, at the City's discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater convenience, enjoyment and safety of vehicular traffic in the City.

Internal access roadways shall be provided in locations generally consistent with the intent of this Chapter. The internal access system may be private and provided for by easement as each site within the district develops. When a property owner requests a special use permit for his parcel, he shall develop the internal access roadways necessary to serve his property.

As an incentive for development of joint parking facilities, parking requirements may be reduced as provided for in Section 20A.46.900 of the Zoning Chapter.

SECTION 20. That Title 20A, Chapter 48 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

**CHAPTER 20A.48**

**PLANNED REGIONAL SHOPPING CENTER ZONE**

**20A.48.050 Purpose**

The purpose of this classification is to provide for the location and development of planned shopping centers under standards and regulations which relate to the conditions of a modern shopping center, recognizing it to be distinctly different than an ordinary business area, in design,

in ownership and management, and in community impact. Whereas an ordinary business area develops gradually and therefore is regulated in the public interest on a parcel by parcel basis or as each building is constructed, a planned shopping center is developed all at once or in large stages. It is the intent of this classification that the public interest shall be served by regulations and standards which will apply to the shopping center as a whole rather than applying the regular standards of other business zones to each individual business within the shopping center. It is further intended that through the provisions of this zone, shopping centers will be so located and internally arranged as to complement the existing or planned land use pattern in the immediate vicinity of the shopping center so that any adverse effect of the shopping center on nearby property will be minimized, and that safe and efficient access to the shopping center will be provided with the minimum of traffic congestion on public streets in the vicinity. It is also a purpose of this zone that the applicant or developer may be required to provide data to aid the Planning Commission and City Council in determining if a change in the zoning map could be in the public interest.

### **20A.48.100 Uses Allowed**

#### **A. Permitted Uses**

All uses permitted in the BN and BC zones are permitted in this classification, except for the following:

- Outdoor used automobile sales; and
- Funeral parlors and mortuaries.

### **20A.48.110 Limitations On Uses - General**

Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this section and Sections 20A.48.111 - 119 shall apply:

#### **A. General Performance Standards**

- Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
- Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
- Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets; and
- Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property are prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means.
- On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in Section 20A.48.100 provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.

#### **B. Outdoor Uses**

All business uses and activities shall be located within an entirely enclosed building, except as indicated below:

## 1. General Regulations

Any uses and activities which are permitted to occur outdoors by Section 20A.48.100, or by other provisions of this title, subject to the following

- The use or activity shall not encroach on site screening or landscaping as currently required by this title or other City ordinances,
- The use or activity shall not block pedestrian traffic or fire lanes, and
- The use or activity shall observe the same minimum front, side, and rear yards as apply to buildings, on sides adjoining public streets, except that such yards may be used for outdoor customer parking and for other uses and activities which are permitted outdoors:
- The highest point of any item displayed within that area shall be not more than six feet in height from an even grade and at least ten feet from the right-of-way line; and
- Items which, in the opinion of the Fire Chief, present a potential fire hazard shall be located fifteen feet from any interior property line and shall be arranged to provide twenty-foot fire lanes no more than three hundred feet apart.

## 2. Incidental Outdoor Displays

For uses not included in the foregoing 20A.48.100(B)(1), incidental outdoor displays are permitted in conjunction with the indoor sales of similar merchandise conducted by the same business. Such displays shall be displayed on racks, pallets, or in neat stacks and shall be located in areas underneath marquees, canopies, or overhanging roofs. If no marquees, canopies, or overhanging roofs exist, such displays shall be not more than eight feet from the walls of buildings. All limitations specified in subsection (1) shall apply.

## 3. Business Serving Customers in Automobiles

Automobile service stations, drive-in restaurants, and other businesses which primarily service customers in automobiles as an inherent trait of the business shall not be permitted to store or display merchandise outdoors, except as specified herein and in subdivisions (1) and (2).

## 4. Commodities Requiring Outdoor Storage

Commodities which would be damaged if required to be kept indoors, including but not limited to growing stock in connection with horticultural nurseries, whether the stock is in open ground, pots or containers; open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies and equipment; and public utility facilities (see Section 20A.48.118.B) are allowed outdoors subject to the provisions of (1) above.

## 5. Rental Automobiles and Light Trucks

The on-site parking and storage of rental automobiles and light trucks (rated at one ton capacity or less) is allowed, however, such parking and storage shall be restricted to:

- A staging area for a maximum of five (5) vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by Section 20A.18.800 for the uses on the site. The staging area shall be paved and striped to the standards of Chapter 20A.18 and shall be designated for use by rental vehicles only.

- A storage area for a maximum of fifteen (15) vehicles. This area shall be located no closer to a public street than a point equal to the closest part of any building on the site to the street and shall be screened with landscaped area at least five feet wide containing evergreen conifer trees with a minimum height of six feet and spaced no more than 15 feet on center, backed by a six-foot fence which forms an effective barrier to sight; the remainder of the planting strip shall be planted with low evergreen plantings which will mature to a total ground cover within five years.
- No service or sales of rental vehicles shall be allowed.

## 6. Cross Reference

See also Section 2.16.100

## C. On Site Processing

All products made incident to a permitted use which are manufactured, processed or treated on the premises shall be sold on the premises only, and at retail only.

## 20A.48.111 Limitations On Uses - Auto-Oriented Uses

### A. Automobile Agencies

New car automobile sales and display room buildings and the repair and servicing necessary to the business are permitted as an indoor use. In the Community Business Zone, used car sales are permitted accessory to the new car agency as an indoor use, or on an open lot which does not exceed two times the area of the agency building and which is contiguous to the new car agency. The used car area shall be other than the required off-street parking area.

### B. Full Service Stations, Self Service Stations and Gas Stations

These uses are permitted only by means of a conditional use permit. All full service, self service, and gas station sites shall be developed in accordance with the following regulations.

#### 1. Purpose

The purpose of this Subsection is to promote the public health, safety, and general welfare in the City by establishing standards for the site design and operation of full service stations, self service stations, and gas stations; and convenience stores when combined with the aforementioned uses. The need for such standards is created by the typical close spacing of curb cuts and the frequency with which vehicles enter and leave the sites. This is an inherent trait of these uses. Conflicts with normal traffic patterns on arterial streets increases the potential for automobile accidents and injury to passengers and pedestrians, and contributes to traffic congestion. By establishing standards for such uses and their ingress and egress, it is intended that the smooth flow of traffic will be facilitated and greater safety will be provided for automobile passengers and pedestrians. It is also the purpose of this chapter to establish bulk regulations including standards for landscaping and signs, consistent with the aesthetic objectives of the City as indicated in the texts of the official plans of the City and as are appropriate to the characteristics of this industry.



## 2. Development Standards

In addition to the Development Standards listed above, development of Full Service Stations, Self Service Stations, Gas Stations and Convenience Stores when combined with any of these stations shall comply with the following standards:

a. Minimum Street Frontage

150 feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts are also reduced.

b. Minimum Lot Area:

As provided for the applicable zone

c. Minimum Setbacks for Buildings and Canopies:

As provided for the applicable zone

d. Site Screening Standards for Side Yard and Rear Yard:

As provided for the applicable zone

e. Off Street Parking and Landscaping:

Same as Chapter 20A.18 except that a 20-foot wide landscaping strip shall be required along the street frontage. This 20-foot landscaping strip is in lieu of the five percent (5%) landscaping required in the interior of the parking area.

f. Street Standards:

All public rights of way shall be fully improved to the center of the street with paving, curb, gutter, and sidewalk to city standards.

g. Driveways:

Driveways shall be designed and located according to Public Works Department standards.

h. Separation Between Parking and Pump Islands

Where there are parking stalls backing up to pump islands, the minimum distance between pump islands and off-street parking shall be 40 feet from the end of stall to the pump island.

i. Signs:

As allowed for other Commercial Uses.

j. Lighting Standards

All lighting shall be so arranged and shielded as to confine all direct light rays entirely within the boundary lines of the site, and as to prevent, to the extent practicable, reflected light rays from shining upon other properties, and as to avoid glare onto any portion of any adjacent right-of-way or into the path of oncoming vehicles.

k. Dumpster Enclosures

All dumpster enclosures shall meet the setback requirements for the applicable zone. The enclosure shall not exceed 6 feet in height and shall consist of a solid fence made of wood or masonry material.

l. Building Height Limit And Maximum Lot Coverage And Interior Yard Setbacks:  
As provided for the applicable zone.

3. Operation, Supervision, and Maintenance Restrictions

- Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.
- Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions 20A.02.661, 20A.02.660, 20A.02.375 and 20A.02.267, as approved by conditional use permit.
- Wrecked or dismantled vehicles shall not be stored out-of-doors for more than twenty-four hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of an full service station, self serve service station, and gas station, shall require a separate occupancy permit and business license. These uses would only be allowed as an accessory use if they are permitted in that zone as a separate use. The application for the occupancy permit and business license shall be accompanied by a site plan, and any vehicles or equipment involved shall be stored or parked in areas defined on the site plan and shall be kept in a neat and orderly manner. The development for the accessory use shall meet all applicable City regulations.
- All buildings, grounds, and landscaping shall be kept in a constant state of repair and maintenance. Upon failure to do so, the City shall require repair or replanting as per Section 20A.04.320.
- The work station shall be designed so that at least one qualified attendant shall have maximum view of the fueling areas. For the purpose of this Title, a qualified attendant is one who is trained in the operation of the fuel pump emergency shut-off system..
- When a convenience store is combined with a full service station, self service station or gas station, dispensing of fuel shall be subject to electronic control (within arms reach) of a qualified attendant.
- Amusement devises as defined by 5.60.030A of the LMC are not permitted in conjunction with the uses allowed by this subsection.
- All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of coolers which store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.
- Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible from a street and the parking areas.

#### **4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store**

When a convenience store is combined with an automobile service station, self service station and/or gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.

#### **5. Effects of Change of Use**

The addition of a convenience store to an automobile service station, self serve service station or gas station would constitute a change in use and would require complete compliance with Chapter 20A.12.

#### **6. General Criteria for Approval**

In addition to the criteria found in Chapter 20A.24 no conditional use permit for the uses mentioned in this Subsection shall be approved unless:

- The proposal meets the uniform Fire and uniform Building Code;
- The proposal meets the standards of this Chapter and Title 20A of the LMC; and
- The proposal meets all other applicable City and governmental regulations.

#### **7. Exceptions**

There shall not be any relaxation of development standards as provided for in Section 20A.24.100 of the LMC. Any exceptions to these standards shall be subject to the variance criteria as found in Title 2.22. However, the Hearing Examiner and City Council may consider these criteria as part of the conditional use permit process, instead of a separate variance application.

### **C. Park and Pool Lots**

Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the Hearing Examiner and/or the City Council shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a Park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the application.

## **20A.48.112 Limitations on Uses - Eating and Entertainment Uses**

### **A. Restaurants**

In the Limited Business Zone, it is intended to permit restaurants for the convenience of persons employed in the zone. Restaurants are permitted either as an accessory use within an office building, or as the principal use of a separate site providing it fully occupies a site equal to the minimum area specified in the development standards.

## **20A.48.113 Limitations On Uses - Institutional Uses**

### **A. Complementary Use of Parking by Churches**

Churches are allowed outright in all business and commercial zones (except for the PCD Zone wherein churches require a special use permit) subject to the same conformance to development standards as would apply to any other permitted use. This provision is applicable to either new construction or the occupancy by a church of a pre-existing building or portion thereof, whether the building or grounds involved are designed as a church building, according to the definition of churches in Chapter 20A.02, or the space being used is such that typical occupants or tenants would be commercial uses.

In the event that a multiple business site which includes a church does not have an adequate number of parking spaces to meet the code requirements for all the uses on the site, but would have sufficient spaces without the church, complementary use of parking by the church may be allowed by conditional use permit. The purpose in requiring a conditional use permit is to assure that the times of peak use of parking by the church and the other uses on the site will not coincide to such an extent that frequent parking shortages occur, impacting public streets and resulting in unauthorized parking on other properties in the area.

No Conditional Use Permit shall be approved if the evidence indicates that such parking shortages are likely to occur. Adherence by any and/or all occupants of the site to a schedule that makes complementary parking workable may be made a condition of the conditional use permit.

In the event that parking shortages as described above do occur after such a conditional use permit has been approved, revocation of the permit may be considered under normal conditional use permit hearing procedures. Infrequent parking overflows, such as those occurring during annual religious holidays, are not to be construed as constituting a parking shortage for the purposes of this section.

### **B. Child Day Care Center**

#### **1. Considerations**

A child day care center may be permitted by issuance of a conditional use permit. Before approval or denial of an application, the Hearing Examiner and City Council will consider the need for the activity in the area; and, all possible impacts in the area including but not limited to the following:

- Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- Any abnormal increase in demand for any public service, facility or utility;
- The size, location, and access of the proposed site; and
- Any adverse effects on the standard of livability to the surrounding area.

#### **2. Requirements**

In any case, the approval of the conditional use permit shall include the following requirements:

- The applicant must be state-licensed before the operation of the facility;
- Adequate off-street parking must be provided;
- All outdoor play areas must be fenced with a minimum of eight hundred square feet plus an additional eighty square feet per additional child over ten;
- Site and sound screening standards for the outdoor play area must be met;
- The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- The applicant must indicate the ages of the children to be cared for.

### **20A.48.114 Limitations on Uses - Medical Uses**

#### **A. Veterinarian Clinics**

Veterinarian clinics designed for treatment and care of pet animals, such as cats and dogs, shall be operated by a registered veterinarian. The animals must be confined within a building which shall have an exterior of masonry construction (or other building materials and/or construction techniques providing equivalent soundproofing, as approved by the Building Official), provided that openings may be provided for ingress and egress according to fire code regulations and for a customer entrance of other than masonry construction (or equivalent) if the front entry is isolated from the balance of the building by a full wall partition. All rooms housing animals shall have mechanical ventilation adequate to provide an exchange of fifty cubic feet of air per minute per animal housed therein. The animal runs shall be surfaced with a minimum of two inches concrete or other impervious materials. Drainage must be away from adjoining properties and should be controlled upon the property involved. There shall be no cremation or other disposal of animals on the premises or incineration of refuse.

### **20A.48.115 Limitations on Uses - Office Uses**

#### **A. Residential/Office Use as a Home Occupation**

An office use in combination with a residence is allowable as a home occupation by means of a conditional use permit, subject to the limitations to home occupations as stated in Section 20A.02.415, except as follows: The number of employees who do not reside in the same building shall be limited to two.

In considering the requested permit, the adequacy of parking shall be of prime consideration. Any application shall demonstrate provision for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the Planning Director may suspend or terminate the permit upon thirty days' written notice. During the thirty-day period, the holder of the permit may request review of the revocation by the City Council. The building may be enlarged, but the office area shall not exceed twenty-five percent of the total square footage of the building.

## **20A.48.116 Limitations On Uses - Residential Uses**

### **A. Motels & Motor Hotels**

The initial development must contain at least twenty units composed of multiple unit type buildings, and shall provide hotel services, including a main lobby, desk attendant, and room service. When accessory uses providing services for the motor hotel patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco, and travel are included, they shall be primarily oriented internally. Provisions for public functions such as banquets or meetings need not be oriented internally.

### **B. Multiple Family Housing**

Dwelling units may be permitted in office buildings on the fourth floor or higher, providing no more than one-half the floor area of the building (not including basements) is used for residential purposes. All provisions normally applying to high-rise multiple family housing shall apply.

### **C. Convalescent and Nursing Homes and Housing for the Elderly and Physically Disabled**

These uses may be allowed by conditional use permit.

#### **1. Staff Evaluation and Recommendation**

Before any conditional use permit for the uses designated in this subsection is considered by the Hearing Examiner and City Council, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the Fire, Building, and Planning Departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:

- The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, design measures to minimize incompatibility between the proposal and surrounding businesses;
- Compliance with all applicable state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of persons accommodated or cared for, and any structural requirements deemed necessary for such intended use;
- The amount of space around and between buildings shall be subject to the approval of the Fire Chief as being adequate for reasonable circulation of emergency vehicles or rescue operations and for prevention of conflagration;
- The proposed use will not adversely affect the surrounding area as to present use or character of the future development;
- Restriction to such intended use except by revision through a subsequent conditional use permit;

## 2. Development Standards

Housing for the elderly and physically disabled facilities shall conform to the following criteria:

- Lot area per dwelling unit - 1,000 sq. ft. minimum per unit
- Passive recreation and/or open space - 200 sq. ft. minimum per unit

In the City's higher density multiple family zones, developments are required to provide active recreational space to help satisfy a portion of the demand for recreational facilities. Housing for the elderly has a similar need but is of a passive nature. Therefore, passive recreation space and/or open space shall be provided. Up to 50% of the requirement may be indoors, provided that the space is utilized exclusively for passive recreation or open space (i.e., arts and crafts rooms, solariums, courtyards). All outdoor recreation and/or open space areas shall be set aside exclusively for such use and shall not include areas held in reserve for parking, as per Section 20A.18.800. All open space and/or recreational areas shall be of a permanent nature, and they may be restricted to use by tenants only. The use of private and semi-private patios and balconies in meeting these requirements is not permitted.

## D. Living Quarters, Homeless Teenage Mothers

Living quarters designed for homeless teenage mothers and their children are permitted in any commercial zone of the City. For the purposes of this section, "living quarters for homeless teenage mothers" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage mothers and their children.

### 1. Supervision and Maximum Occupancy

Such living quarters must have an adult supervisor residing therein. The maximum number residing therein at any one time shall not exceed 21; including mothers, children, and adult supervisor(s).

### 2. Development Regulations and Standards

Subdivision and Zoning Development Standards for living quarters for teenage mothers shall be the same as for the Low Density Multiple Family Residential Zone. Such quarters shall be treated as an R Occupancy for Fire and Building Codes.

### 3. Expiration

- Notwithstanding below herein, uses established in accordance with this provision shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. Non use of any living quarters for teenage mothers for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.
- Except as provided for above, this Subsection shall expire on December 15, 1992.

### **20A.48.117 Limitations On Uses - Retail Uses**

#### **A. Convenience Stores**

Convenience stores located on the same lot and within the same building and operated as a single business with full service, self service and/or gas station are permitted only by means of a conditional use permit. Rapid customer turnover is an inherent trait of service stations and convenience stores. Convenience stores sell alcoholic beverages, full service, self service, and gas stations do not. The proximity of these uses with their conflicting traffic patterns and types of traffic increases the risk to pedestrian and traffic safety. Additional control over the location of convenience stores in proximity to said uses is therefore necessary.

### **20A.48.118 Limitations On Uses - Light Industrial Uses**

#### **A. General**

##### **1. Scope of Conditions**

Wherever these uses are permitted under conditional use permit proceedings, the Hearing Examiner and/or City Council may stipulate the type of machinery allowable, that the performance standards and landscaping requirements of the Light Industrial Zone shall apply, that the use must be conducted entirely within a building which is constructed so as to contain the expected noise, and such other conditions as are necessary to assure compatibility with surrounding properties.

##### **2. Requirements for Uses Occupying 10,000 Sq. Ft. or Less that are Permitted as a Principal Use**

Certain Light Industrial uses taking up 10,000 square feet or less are allowed without a conditional use permit. No such use will be allowed without a conditional use permit when:

- There is a person, corporation, partnership or association with an ownership interest in the business; and
- Such person, corporation, partnership or association or any combination thereof has an ownership interest in another business at the same business site or park which has not obtained a conditional use permit because it uses 10,000 square feet or less of floor space; and
- The combined space of both businesses or uses exceed 10,000 square feet.

#### **B. Public Utility Facilities**

This use includes facilities owned by a public utility and directly used in the performance of a public service but does not include offices or warehouses of a public utility. Public utility offices and warehouses are permitted in the same zones and on the same basis as other offices and warehouses.

#### **C. Auto Wrecking Yards and Recycling Collection Centers**

These uses may be permitted by conditional use permit. In considering such a conditional use permit application, the Hearing Examiner and/or City Council shall take into account all



impacts upon the surrounding neighborhood with particular emphasis on visual, noise, water quality, and dust impacts. Due to the demonstrated tendency of wrecking yards and recycling collection centers to be visually offensive, such uses should not be located adjacent to residential zoning or to established business uses of such a low intensity or having such an aesthetic emphasis as to be adversely impacted by close proximity to a wrecking yard or recycling collection center. The Hearing Examiner and/or City Council may prescribe any conditions deemed necessary to minimize the impacts of such uses.

### **20A.48.119 Limitations On Uses - Other Uses**

#### **A. Licensed Dance Halls**

All conditional and special use permit applications for Licensed Dance Halls shall be evaluated for potential adverse impacts related, but not limited to: noise, traffic, and the adequacy of on-site parking. Applications shall also be evaluated for locational and design considerations which might foster potential nuisances or criminal activities. The minimum standards which shall be required of any such proposed use are as follows:

- A separation of at least three hundred feet between the building which the dance hall occupies and the nearest residentially zoned property, as measured in a straight line without regard to any intervening building, shall be required.
- The parking standards for dance halls stated in LMC Chapter 20A.18 shall apply.
- All abutting streets shall be improved to the standards of the Lynnwood Public Works Department.

#### **B. Charitable or Relief Supplies Collection and Storage**

Centers for the collection, temporary storage and distribution of charitable or relief supplies may be permitted upon approval of a conditional use permit. In considering such a conditional use permit application, the Hearing Examiner and/or City Council may impose restrictions on outdoor storage, truck parking, and use of machinery, and may impose such other conditions as are necessary to assure compatibility with surrounding properties.

### **20A.48.200 Development Standards**

#### **A. Minimum Setbacks**

There shall be a minimum setback for buildings of fifty feet from any public street right-of-way and fifty feet from any property line adjoining an RS or RM zone, with the following exceptions:

- Buildings which are to be used for professional offices, and which do not exceed a height of twenty-five feet above the average finished grade around the foundation of the building, shall be set back fifty feet from any property line adjoining an RS Zone and twenty-five feet from any property line adjoining an RM Zone; and
- Signs identifying the shopping center complex shall be set back at least two feet from the property line.

#### **B. Maximum Building Height**

Building height is not restricted.

### **C. Maximum Lot Coverage by Buildings**

The maximum lot coverage by buildings is thirty-five percent.

## **20A.48.210 Additional Development Standards**

### **A. Site Screening Standards for Outdoor Displays & Outdoor Storage Areas**

Any outdoor displays or outdoor storage permitted in this Zone, and which are not affected by the standards of Sections 20A.48.220 shall be enclosed within a site screening fence of sufficient height to effectively screen the outdoor display or storage from view, and not less than six feet high in any case, set back five feet from the property line. The outer five feet shall be landscaped with evergreen conifer trees with a minimum height of six feet spaced a maximum of 15 feet on center and low evergreen plantings which will mature to a total ground cover within five years. Provided, however, that where these requirements do not apply because the principal use of a property involves the display of merchandise for view from the streets, the display area shall be improved as a parking lot (except for paving where the nature of the merchandise makes paving impractical) with a ten-foot planting strip along the entire street frontage, as per Section 20A.48.210.B.2.b. Display areas shall be segregated from the required customer parking so that there is always sufficient customer parking to meet the minimum parking requirements of this code.

### **B. Parking**

#### **1. Required Number of Stalls**

See Chapter 20A.18.

#### **2. Landscaping in Parking Areas**

##### **a. Purpose**

The purpose of these landscaping provision is:

- To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this City;
- To insure the preservation of land values in commercial zones by creating and insuring an environmental quality which complements the commercial objectives of the respective land.

##### **b. Planting at Street Frontages**

Parking areas fronting on a street right-of-way shall provide a ten foot planting area along the entire street frontage, except for driveways. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum

height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years. This landscaping plan (providing for coordination of the landscaping throughout the PRC Zone) shall be submitted and approved prior to the issuing of the first building permit.

The location and width of the planting area may be modified in accordance with the following provisions:

- That up to five feet of the ten foot total required may be installed in portions of City right-of-way which are not covered by impervious surfaces or, in the case of right-of-way which is not fully improved, are not projected to be covered by impervious surfaces upon full improvement.

c. Landscaping in Right-of-Way

Property owners who install landscaping on portions of right-of-way not covered by impervious surfaces shall provide the City with a written release of liability for damages which may be incurred to the planting area from any public use of the right-of-way and an indemnity to the City against any injuries occurring within that portion of right-of-way so utilized.

d. Coverage

Five percent of the parking area shall be in landscaping (exclusive of landscaping on the street frontage), provided that:

- No landscaping area shall be less than twenty-five square feet in area or less than three feet in width;
- No parking stall shall be located more than forty-five feet from a landscaped area. The Planning Commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section, (OR alternatives to this provision may be approved by the City Council upon its findings that an alternate design would be more effective in interrupting the large expanse of asphalt in the parking area. The City Council may delegate this authority.); and
- All landscaping must be located between parking stalls, at the end of parking columns, or between parking stalls and the property lines.

e. Landscaping Adjacent to Parking Stalls

Where landscaping areas which fulfill City standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area, providing that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

f. Additional Landscaping Along Specified Streets

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets. See LMC Chapter 20A.06.

## **C. Fences & Hedges**

Fences and hedge regulations are as provided in Chapter 20A.10

### **20A.48.220 Transition Or Buffer Strips**

Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

- Where the side yard or rear yard of a property zoned to this Zone is adjacent to a property zoned Single Family Residential
- Where the side yard or rear yard of a property zoned to this Zone is adjacent to a property zoned Multiple Family Residential or Public & Semi-Public,

#### **A. Procedure**

The Planning Director may approve the landscaping plan if it complies totally with the requirements of the Lynnwood Municipal Code existing at the time of application of plans or in the discretion of the Planning Director and prior to issuance of either a building permit or occupancy permit, cause the matter to be presented to the City Council for the purpose of determining standards for the site screening or greenbelt.

The Planning Commission shall consider all relevant factors, including, but not limited to: the existing and future planned use of the land in question, the topography, the height, and appearance of the buildings existing or to be placed upon the land in question, the character and appearance of existing buildings on adjoining lands, and existing and proposed traffic patterns and conditions.

The Planning Commission may request a precise and detailed landscape blueprint to be supplied by the applicant to assist the Planning Commission in determining the type of planting or screening, the height thereof at maturity and at various stages of maturity, and the density of any planting at various seasons of the year.

Upon receipt of such information, the Planning Commission shall, and after proper consideration, make recommendations to the City Council as to the screening and/or greenbelt recommended by it. Upon receipt of the recommendation of the Planning Commission, the City Council shall establish standards as to the screening and greenbelt on the land in question, defining the type of material to be used in the screening and/or the type and size of plants to be used in the greenbelt; the City Council may also establish a time schedule (days, weeks or years) for the installation of the screening and/or greenbelt required by it. If a greenbelt is required, the City Council may require installation of fast maturing plants to be eventually replaced (according to a time schedule also established by the City Council) by a slower growing and more permanent and ornamental type of greenbelt. The City Council shall also establish the amount of bond which shall be required prior to issuance of a building or occupancy permit.

Upon receipt of the standards established by the City Council, any permit issued by the Building Official shall be conditioned upon compliance with the screening or greenbelt standards established by the City Council.

## **B. Maintenance**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

## **C. Minimum Standards**

### **1. Planting and Fencing**

- a. Where a property zoned to the PRC Zone is adjacent to a property zoned Single Family Residential

The purpose of this landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. This planting strip shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site screening fence shall be placed at the property line.

- b. Where a property zoned to the PRC Zone is adjacent to a property zoned Multiple Family Residential of Public & Semi-Public

The planting strip shall consist of either of the following two options:

- One row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet, the remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years; or
- A sitescreening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A permanent six-foot site screening fence shall be placed at the property line.

### **2. Signed Plans**

All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to twenty feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill City code requirements within five years.

### **3. Installation Prior to Occupancy**

All landscaping that fulfills the City code requirements shall be installed prior to occupancy of any structure located on the same site.

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the City shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code requirements and approved development plans, then all funds shall be refunded.

## **D. Fence Regulations**

### **1. Definition**

For the purposes of this section a "site screening fence" means a solid one-inch thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

### **2. Exceptions**

Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence;

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the Planning Director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

## **20A.48.500 Signs**

Only the following signs are permitted, subject to the following limitations:

### **A. Identifications Signs**

Signs identifying the shopping center are permitted; however, the number shall not exceed the number of public streets abutting the property;

### **B. Wall Signs**

Wall signs are permitted, provided such signs shall be subject to the development standards for signs in Commercial Zones (see Section 20A.46.500).

### **C. Off-Site Signs**

Signs separated from an establishment may be allowed by the Hearing Examiner through the process for appeals of administrative determinations if the Examiner finds that the signs would be consistent with the intent of this section.

### **D. Non-Illuminated Signs**

An unlighted sign pertaining to the rental, lease or sale of the premises upon which it is displayed is permitted.

### **20A.48.510 Prohibited Signs**

Blinking or flashing signs are prohibited, and illuminated signs shall not be permitted within the area of the setback for buildings except for signs identifying the shopping center; see Subsection 20A.48.200.A, above.

### **20A.48.800 Procedures And Standards For Consideration Of Rezoning To This Zone**

#### **A. Ownership**

A PRC Zone may be established only upon land held in single ownership or under unified control, which land contains no public streets or alleys, except streets deemed necessary by the City for the movement of vehicular traffic and except any rights-of-way for public utility purposes. In the event that a vacation of streets, alleys or plats is necessary in order to meet the requirements of this section, a proper petition for the vacation shall be filed with the City on or before the date of public hearing of the rezone request. Rededication of the vacated streets in the event that the proposed shopping center is not constructed, may be provided for in a contractual agreement between the developer and the City. When portions of an established PRC Zone are sold to third parties, said purchasers shall be subject to all of the provisions of this chapter.

#### **B. Size**

The minimum area for each PRC Zone shall be fifty acres.

#### **C. Elimination of Non-Conforming Use**

If a PRC Zone is established upon a tract of land which would contain a non conforming use after the passage of the amendment to the zoning map, the development plan for the tract shall include the elimination of the non conforming use.

#### **D. Submittal Requirements**

##### **1. Market Analysis**

As part of an application for the PRC Zone, the applicant shall submit a market analysis, acceptable to the City Council and Planning Commission and conducted by a recognized market analyst, which shall serve as a guide to the City Council and Planning Commission for the evaluation of the application in terms of the need or desirability to change the zoning in the public interest; the amount of land included in the rezoning application which can be realistically supported in commercial use; and a finding that the proposed development will promote the general welfare of the City.

## 2. Proof of Ability to Complete Project

Prior to the submission of a petition for rezoning an area to PRC Zone, the developer shall submit all evidence deemed necessary by the Council and/or the Planning Commission of its ability to undertake the proposed project.

## 3. Preliminary Site Plan

The applicant or developer shall submit a preliminary site development plan for the shopping center showing a unified and organized arrangement of buildings, off-street parking, internal vehicular traffic and pedestrian circulation, and service facilities which are feasible for the property on which the center is proposed and which planned development shall minimize any adverse effect of the center on the properties surrounding the proposed development. The City of Lynnwood may require the site development plan to be submitted before holding a public hearing on the establishment of this zone. The plan shall contain information showing compliance with the requirements of this chapter and all other applicable City ordinances. Any changes in the site plan shall be filed with the City of Lynnwood and no building permit shall be issued for any structure which is not in conformance with the site plan currently on file with the City.

## 4. Traffic Circulation Plan

The location of a PRC Zone shall have an acceptable relationship to the arterial street plan for the City of Lynnwood. For this purpose the applicant or developer shall submit a traffic circulation plan showing the adequacy of the streets providing access to the shopping center to carry the traffic generated by the shopping center, proper methods of ingress and egress to and from the center, necessary acceleration and deceleration lanes and necessary traffic control devices, including channelization.

## E. Contractual Agreement

### 1. Public Improvements

In the event that the traffic to be generated by the shopping center is found to create a need for street construction, widening or other street improvements, the financial responsibility of the developer for all or any part of the costs of street construction, widening or resurfacing, acceleration and deceleration lanes, traffic control devices and signs, including channelization, sidewalks, curbs and gutters, and utilities, shall be made the subject of a contractual agreement between the developer and the City, provided that in any event the developer shall be required to construct proper ingress and egress driveways to the shopping center and street curbing as required by City ordinance. An ordinance establishing the PRC Zone shall not be considered until the developer and the City have entered into a contractual agreement as contemplated herein.

### 2. Rezoning for Non-Performance

The agreement shall further provide that if the developer fails to proceed with the construction within the time provided for in this chapter, that the developer shall not oppose proceedings to have the area reclassified, and shall take no further action to construct buildings in the development other than to complete any buildings under actual construction.



### 3. Bond

Further the agreement may contain a provision requiring the developer to post a good and sufficient bond running to the City of Lynnwood with a surety company licensed to do business in the state of Washington in an amount equal to the estimated cost of the street and utility development conditioned that the developer shall faithfully perform all the provisions of the contract concerning the development of the streets and utilities and shall save the City free and harmless from all loss and damage occasioned to any person or property as a result of the developer performing the provisions of the contract.

### F. Timing

A building permit must be secured and construction begun in accordance with the approved final site development plan for a PRC Zone within two years from the effective date of the ordinance establishing the zone. Application may be made to the City for not more than one-year extension of the time limit for commencement of construction. Construction begun in accordance with the approved final site development plan must be completed within five years of the date construction is commenced; provided, however, that an alternate schedule for development of the center may be made a part of the contract required by this chapter. In the event that construction is not begun or not completed within the time limits specified by this chapter or by the contract, the Planning Commission shall review the zoning of the zone and the development which has taken place and, if deemed necessary, initiate proceedings to reclassify the zone.

## **20A.48.900 Other Regulations**

### A. Surface Water Disposal

A shopping center shall have adequate facilities for disposal of runoff surface water shown on plans to the satisfaction of the City of Lynnwood prior to the issuing of the first building permit.

### B. Refuse and Recycling Collection Areas and Enclosures

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

#### 1. Development Standards

Refuse and recycling collection areas in all commercial zones shall comply with the following development standards:

- Setback a minimum of 25 ft. from a public street;
- Setback a minimum of 25 ft. from any interior property line adjoining an RS or RM Zone or a P1 Zone with one-family dwelling units if a business site is one acre or larger in area; or
- Setback a minimum of 15 ft. from any interior property line adjoining an RS or RM zone or P1 Zone with one-family dwelling units if a business site is less than one acre in area.

## 2. Enclosure

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

## 3. Parking

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

## 4. Design

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

### C. Elimination of Non-Conforming Uses

All site plans shall provide for the elimination of non conforming uses.

SECTION 21. That Title 20A, Chapter 50 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## CHAPTER 20A.50

### INDUSTRIAL ZONES

#### 20A.50.050 Zones And Purposes

##### **A. Business and Technical Park Zone (BTP)**

The purpose of this zone is to provide a zone within the City for business and technical parks. Although primarily intended for business and technical parks, other compatible uses are not excluded, particularly those of a professional or business office, wholesale, manufacturing, and research development nature, providing they are capable of operating in a manner that is consistent with the intent of the zone. It is specifically intended to be a practical zone for tracts which, by reason of small size, might otherwise be difficult to develop into a business park or technical park as usually understood by the general public.

It is expected that the character of development in the BTP Zone will be of high aesthetic standards: BTP zoned areas are anticipated to be in highly visible locations, reflecting on the

entire community. Also, the BTP Zone has been designed to serve as a transitional zone near residential areas, and adequate aesthetic treatment of the BTP areas can minimize the impact of this use on nearby residences.

**B. Light Industrial Zone (LI)**

The LI Light Industrial Zone is established to provide an area where light manufacturing and wholesaling operations involving little retail contact may be carried on providing the uses conform to the performance standards of Section 20A.50.150 of this title.

The character of development of this area will be such that it will be in keeping with the highest standards of industrial parks, promoting beauty, comfort, and generally improving the area.

**20A.50.100 Uses Allowed In The Industrial Zones**

Use	BTP	LI
Accessory Greenhouses	A*	-
Assembly of Wood, Light Metal, Glass, Or Plastic Parts or Components which are extruded, stamped, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding, in spaces of 10,000 sq. ft. or less (inclusive of all aspects of the business).	P	-
Assembly of Wood, Light Metal, Glass, Or Plastic Parts or Components which are extruded, stamped, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering, or minor welding, in spaces of more than 10,000 sq. ft. (inclusive of all aspects of the business).	C	-
Athletic Clubs containing such facilities as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	-	P
Auditoriums	-	P
Auto Wrecking Yards*	-	C
Automotive and Machinery Repairing and Storage	-	P
Banks and Other Financial Institutions	C	-
Barber Shops and Beauty Parlors	A*	-
Blacksmithing, Welding, and Metal Fabricating Shops	-	P
Bookstores, News Stands, and Stationery Stores	A*	-
Bottling and Packaging Plants	C	-
Building Material Yards	-	P
Business and Professional Offices including offices of a clerical or administrative nature	P	-
Business Services and Office Supplies	P	-
Cabinet, Millwork, or Wood Prefabrication Operations	C	P
Child Day Care (e.g. day care for children of employees or of patrons)	-	A
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	-	P
Employees' Cafeterias	A	P
Florist Shops	A*	-
Food and Dry Goods Distribution Operations	P	P
Food and Dry Goods Processing and Packaging	C	P
Freight Warehouse Terminals	C	P
Furniture Manufacture and Repair Shops	C	P
Key:		
P: Use is permitted as a primary use		
C The use may be permitted through issuance of a conditional use permit.		
A: Use is permitted as an accessory conditional use and must be related to the principal use of the tenant space or property.		
A* These accessory conditional accessory uses may occupy no more than 25% of the floor area.		
"- " Use is prohibited.		
+ See Section 20A.50.110.		

**Uses Allowed in the Industrial Zones - continued**

Use	BTP	LI
Gift Shops	A*	-
Indoor and/or Outdoor Tennis Courts, Racquet Clubs, and Handball Courts	C	-
Laboratories, Experimental, which do not involve handling hazardous material	C	-
Laundry and Dry Cleaning Plants	-	P
Manufacturing, Rebuilding or Repairing Nonmetal Products	-	P
Mass Transit Storage and Maintenance Facilities*	-	C
Mini-Warehouses	P	-
Municipal Services	P	P
Office Buildings related to permitted uses conducted on the same premises but not within the same building; and office buildings relating to business or commerce conducted at other locations even though such business or commerce may not, itself, be permitted in the applicable zone	-	P
Park and Pool Lots*	C	P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	A	-
Plant Nurseries	A*	-
Printing, Publishing and Binding	P	-
Printing Plants	-	P
Public Utility Facilities	C	-
Recycling Collection Centers*	-	C
Repair Shops for household appliances	A*	-
Residences for Watchmen or Custodians	-	P
Restaurants providing on-premises service only to seated patrons	A*	-
Retail Lumber Yards	-	P
Veterinary Clinics and Veterinary Hospitals <sup>+</sup>	C	-
Wholesale Warehouses (i.e. wholesale stores)	P	-
Wholesale Warehouses (i.e. wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	C	P
Wood, Coal and Oil Fuel Yards	-	P
<p>Key:</p> <p>P: Use is permitted as a primary use</p> <p>C: The use may be permitted through issuance of a conditional use permit.</p> <p>A Use is permitted as an accessory conditional use and must be related to the principal use of the tenant space or property.</p> <p>A* These accessory conditional accessory uses may occupy no more than 25% of the floor area.</p> <p>"-" Use is prohibited.</p> <p>+ See Section 20A.50.110.</p>		

**20A.50.110 Limitations On Uses****A. Veterinarian Clinics**

Veterinarian clinics designed for treatment and care of pet animals, such as cats and dogs, shall be operated by a registered veterinarian. The animals must be confined within a building which shall have an exterior of masonry construction (or other building materials and/or construction techniques providing equivalent soundproofing, as approved by the Building Official), provided that openings may be provided for ingress and egress according to fire code regulations and for a customer entrance of other than masonry construction (or equivalent) if the front entry is isolated from the balance of the building by a full wall partition. All rooms housing animals shall have mechanical ventilation adequate to provide an exchange of fifty cubic feet of air per minute per animal housed therein. The animal runs shall be surfaced with a minimum of two inches concrete or other impervious materials. Drainage must be away from adjoining properties and should be controlled upon the property involved. There shall be no cremation or other disposal of animals on the premises or incineration of refuse.

**B. Park and Pool Lots**

Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the Hearing Examiner and/or the City Council shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the application.

**C. On-Site Hazardous Waste Treatment and Storage Facilities**

"On site hazardous waste treatment and storage facilities" are permitted as an accessory uses to any activity generating hazardous waste and lawfully allowed in the B.T.P. Zone, provided that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210."

**D. Facilities for the Storage and Maintenance of Mass Transit Vehicles**

Facilities for the storage and maintenance of mass transit vehicles may be permitted by a conditional use permit. In considering such a conditional use the Hearing Examiner and/or City Council shall review all impacts upon the surrounding neighborhood with particular emphasis on traffic impacts. The applicant shall be required to provide a traffic study detailing the roads which would be impacted, expected volumes, park usage times, noise, effect of vehicle size, and any other relevant factors, and shall propose measures for mitigating traffic impacts.

**E. Auto Wrecking Yards and Recycling Collection Centers**

These uses may be permitted by conditional use permit. In considering such a conditional use permit application, the Hearing Examiner and/or City Council shall take into account all impacts upon the surrounding neighborhood with particular emphasis on visual, noise, water quality, and dust impacts. Due to the demonstrated tendency of wrecking yards and recycling

collection centers to be visually offensive, such uses should not be located adjacent to residential zoning or to established business uses of such a low intensity or having such an aesthetic emphasis as to be adversely impacted by close proximity to a wrecking yard or recycling collection center. The Hearing Examiner and/or City Council may prescribe any conditions deemed necessary to minimize the impacts of such uses.

## **F. BTP Zone - General Considerations for Conditional Use Permits**

In considering any conditional use permit application in the BTP Zone, the Hearing Examiner and/or City Council shall consider all factors relevant to the public interest, including but not limited to the following:

### **1. Traffic**

Whether or not the proposal would change the nature of traffic in the area;

- The rate of traffic generation of the proposed use in comparison with existing or planned uses in the area;
- The proportion of the traffic consisting of heavy vehicular devices;
- Traffic related impacts such as noise, emissions, and safety; and
- The hours during which the maximum traffic flow will occur, particularly for locations near residential areas.

### **2. Machinery**

Machinery, equipment or activities associated with the proposal:

- The ability of the project to operate in compliance with the state noise law and without creation of other nuisances to nearby properties due to ground or air vibrations, electrical and/or other interferences with air waves.

### **3. Appearance**

Visual impact of the project on adjacent and nearby properties:

- Light and glare; and
- Outdoor storage or other outdoor activities.

### **4. Property Values**

Whether or not the design of the project including the exterior building materials to be used would adversely impact property values, and whether its design would be compatible with nearby properties in the vicinity.

### **5. Access**

Feasibility of coordinated street access.

## **20A.50.120 Adult Establishments And Retail Uses**

### **A. Adult Establishments Permitted**

Adult establishment uses shall be permitted in the Light Industrial Zones only, provided that the Light Industrial Zone is located south of 196th Street SW, and provided the use meets the locational standards set forth below.

## **B. Adult Retail Uses Permitted**

Adult retail uses shall be permitted in the Light Industrial Zones only, provided that the Light Industrial Zone is located south of 196th Street SW, and provided the use meets the locational standards set forth below.

## **C. Location Standards**

Any adult establishment use which locates in the City of Lynnwood shall, in addition to any other requirements, meet the following:

### **1. Separation from Locations**

No adult establishment use shall be allowed to locate within 300 feet of any property zoned residential or P-1, or any property which is occupied by living quarters for homeless teenage mothers.

### **2. Measurement of Distance**

The 300 foot separation shall be measured by following a straight line, without reference to intervening structures, between the nearest point on a line defining a residentially zoned or P-1 zoned property or property which is occupied by living quarters for homeless teenage mothers and the nearest point of the building or portion thereof used by an adult establishment.

## **D. Variance from Separation Requirements**

Whenever the proponent of an adult establishment or an adult retail use subject to the separation requirements pertaining to adult establishments or adult retail uses 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 adult establishment or the adult retail use and property zoned P-1 or residential or which is occupied by living quarters for homeless teenage mothers, the proponent(s) may apply to the Hearing Examiner for a variance from such requirements.

### **1. Criteria**

In determining when a variance should be granted, and if so, to what extent, the Hearing Examiner shall consider the following, in addition to the general criteria for variance established in Chapters 2.22 and 20A.26;

- Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;
- Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and
- Any other fact or circumstance which has a significant effect upon the need for the full separation distance required by this chapter.

### **2. Decision**

If after considering these criteria the Hearing Examiner finds that an effective separation between the proposed adult establishment or adult retail use and property zoned residential or P-1 or which is occupied by living quarters for homeless teenage mothers can be achieved without requiring the full distance of separation provided by this chapter, the



Hearing Examiner shall determine the degree of variance to be allowed and shall grant such variance. Otherwise, the application for variance shall be denied.

### **20A.50.150 Performance Standards - Light Industrial Zone**

Any dissemination incident to a permitted use shall comply with the standards established in this section.

#### **A. Noise**

The noise emanating from a premise used for industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness and shall not exceed those standards contained in Chapter 10.12 of the Lynnwood Municipal Code.

#### **B. Lighting**

Industrial and exterior lighting shall not be used in such a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.

#### **C. Fire and Safety Hazards**

The storage and handling of inflammable liquids, liquefied petroleum, gases, and explosives shall comply with rules and regulations falling under the jurisdiction of the Fire Chief, the laws of the state and other local ordinances.

#### **D. Electrical Interference**

Provisions must be made for necessary shielding or other preventive measures against interferences occasioned by mechanical, electrical, electronic, and nuclear equipment, use, or processes with electrical apparatus in nearby buildings or land uses.

#### **E. Odors**

The emission of obnoxious odors of any kind shall not be permitted nor the emission of any toxic or corrosive fumes or gases. Dust created by an industrial operation shall not be exhausted or wasted directly into the atmosphere.

#### **F. Smoke or Particulate Matter**

- The emission of smoke or particulate matter of a density equal to or greater than number 3 on the Ringlemann Chart as currently published and used by the US. Bureau of Mines, is prohibited at all times.
- Dust and other types of air pollution borne by the wind from such sources as storage areas and roads, shall be minimized by landscaping, paving, oiling or other acceptable means.
- Emission of particulate matter in excess of 0.2 grain per cubic foot of conveying gas or air measured at any property line, is prohibited.
- The rate of emission of particulate matter from all sources on any property shall not exceed a net weight of one pound per acre of property during any one hour.

### **G. Liquid and Solid Wastes**

Storage of animal or vegetable waste which attracts insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view from eye level from any property line.

### **H. Open Storage**

All storage shall be located within an area no closer to the street right-of-way line than designated in Section 20A.50.200 and shall be enclosed with a heavy wire fence or of a similar type, with the top of the fence not to be less than six feet above the adjoining street level, or by an attractive hedge or board fence at least six feet high.

In case of the open storage of lumber, coal or other combustible material, a roadway shall be provided, graded, surfaced, and maintained from the street to the rear of the storage area to permit free access of fire trucks at any time.

## **20A.50.160 Performance Standards - Business And Technical Park Zone**

Any dissemination incident to a permitted use shall comply with the standards established in this section.

### **A. Noise**

The noise emanating from a premises used for industrial activities shall be in accordance with state noise law.

### **B. Lighting**

Industrial and exterior lighting shall not be used in a manner that produces glare on public highways and neighboring property. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property, and to not interfere with the use of nearby properties.

## **20A.50.200 Development Standards**

### **A. Categories**

#### **1. Business and Technical Park Zone**

This Section establishes two categories of development standards for the Business and Technical Park Zone based upon the manner in which the subject site is oriented to residential zones. These categories are defined as:

##### **a. Transitional**

Transitional sites are those sites which have street frontage within one hundred feet of an RS Zone as measured from either the front or side property line of the industrial site.

b. General

General sites are those sites which are surrounded by multiple family, business, commercial and/or industrial zoning so there is no RS Zone within one hundred feet of the front or side property line of the industrial site.

## 2. Light Industrial Zone

This Section establishes two categories of development standards for the Light Industrial Zone based upon the manner in which the subject site is oriented to residential zones.

These categories are defined as:

a. Transitional

Transitional sites are those sites any part of which is within one hundred feet of any residential zone or a P-1 Zone as measured from any property line of the industrial site; and

b. General

General sites are those which are surrounded by business, commercial and/or industrial zoning so there is no residential or P-1 Zone within 100 feet of any property line of the industrial site.

## B. Development Plan Approval - Transitional Sites

The following standards apply to those sites which are transitional as defined in Subsection A, unless other standards are approved in connection with a planned unit development as per Chapter 20A.30 or preliminary plan development approval as required by this chapter.

Transitional sites shall be subject to development plan approval prior to issuance of building permits, except that in the Light Industrial Zone improvements which are classified as Level 1 modifications under Chapter 20A.12 shall be subject to the provisions of that chapter and shall not require development plan approval. The procedures for development plan approval shall be in accordance with planned unit development procedures as provided in Chapter 20A.30, except as follows:

- The fee for development plan approval is \$350 each for preliminary and final approval. The fee is not required if the property is already zoned LI or BTP, and the request for development plan approval is merely to fulfill the requirements of this section;
- Preliminary and final development plan approval as stated in Chapter 20A.30 may be consolidated into one application, providing sufficient details are provided for final approval; and
- The preliminary and final development plans shall have been designed by one or more professionals competent in land use planning, landscape architecture, architecture, engineering and/or other professional services necessary to accomplish the development in accordance with the intent of this chapter.

**C. Development Standards**

Dimension	BTP		LI	
	Trans <sup>+</sup>	Gen'l	Trans <sup>+</sup>	Gen'l
Maximum Building Height <sup>++</sup>	35 ft <sup>**</sup>	35 ft <sup>**</sup>	35 ft	35 ft
Minimum Front Setback				
Abutting Arterials				
All Buildings, Fences, and other Outdoor Uses other than parking	50 ft	50 ft		
Office Buildings			70 ft	50 ft
Service Buildings			100 ft	70 ft
Service Yards			100 ft	70 ft
Abutting Access and Collector Streets				
All Buildings, Fences, and other Outdoor Uses other than parking	40 ft	40 ft		
Office Buildings			70 ft	50 ft
Service Buildings			100 ft	70 ft
Service Yards			100 ft	70 ft
Minimum Street Side Yard Setback				
Abutting Arterials				
All Buildings, Fences, and other Outdoor Uses other than parking	50 ft	50 ft		
Office Buildings			40 ft	40 ft
Service Buildings			40 ft	40 ft
Service Yards			20 ft	15 ft
Abutting Access and Collector Streets				
All Buildings, Fences, and other Outdoor Uses other than parking	40 ft	40 ft		
Office Buildings			30 ft	30 ft
Service Buildings			30 ft	30 ft
Service Yards			10 ft	10 ft
Minimum Interior Side Yard				
Abutting any Residential Zone	25 ft	25 ft	20 ft	none
Abutting BN or BC Zones	none	none	20 ft	none
Abutting Other Commercial, Industrial or Business Zones	none	none	none <sup>+</sup>	none
Minimum Lot Area	1 ac.	1 ac.	1 ac.	1 ac.
Minimum Lot Width	150 ft	150 ft	none	none
Key:				
* Unless other standards are approved in connection with a planned unit development, preliminary development plan approval, or conditional use permit; see also 20A.50.220 & .230				
** Or three stories, whichever is less, unless a greater height is specifically allowed as part of the development plan approval.				
+ A four-hour fire wall is required.				
++ See Section 20A.50.210.				

## **20A.50.210 Additional Development Standards**

### **A. Building Height**

#### **1. BTP Zone**

For those buildings taller than three stories, the floor area to lot area ratio (FAR) shall not exceed 0.4, unless specifically allowed in the development plan approval. In connection with any such development plan approval, the applicant shall demonstrate that the additional floor area will not adversely impact traffic flow and volumes on the public streets, as compared to other existing or anticipated developments on other properties in the same zone and vicinity.

#### **2. LI Zone**

A height variance may be obtained when a proof of conformance with the general intent of this chapter has been established.

### **B. Setbacks for Fences**

All setbacks in Subsection A, above, shall also apply to fences.

### **C. Landscaping Requirements for Sites in the Light Industrial Zone.**

- On a transitional site, at least fifty percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.
- On a general site, at least twenty-five percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.
- Where interior property lines of a site being developed are not affected by other landscaping standards and are not adjoined by buildings, trees shall be planted inside and along the property line with a spacing of forty feet or less between the trees.

### **D. Parking Requirements**

#### **1. Required Number of Stalls**

Requirements for parking are provided in Chapter 20A.18 of this code. At transitional sites in the BTP Zone, the landscaping requirement along zoning boundaries which occur along streets may be counted to fulfill front yard parking lot landscaping, providing the building is located no closer to the street than the minimum allowable setback.

#### **2. Landscaping in Parking Areas**

##### **a. Purpose**

The purpose of these landscaping provision is:

- To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- To encourage the preservation of mature evergreens and other large trees which are presently located on most of the potential industrial sites in this City;

- To implement the objective of the industrial section of the zoning title by creating and insuring an environmental quality which is in keeping with the highest quality of industrial parks.

b. Planting at Street Frontages

Parking areas fronting on a street right-of-way shall provide a ten foot planting area along the entire street frontage, except for driveways. Planting shall consist of ornamental landscaping of low plantings and high plantings. The minimum height of trees shall be eight feet for evergreen trees and ten feet for all other species. Trees shall be spaced a maximum of twenty-five feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of thirty inches, in bark or decorative rock, shall be provided so as to achieve fifty percent ground cover within two years.

c. Landscaping in Right-of-Way

Additional plantings may be placed on street right-of-way behind the sidewalk line if the property owner provides the City with a written release of liability for damages which may be incurred to the planting area from future street expansion or utility installation and/or agrees to relocate plantings at owner's expense.

d. Coverage

Ten percent of the parking area shall be in landscaping (exclusive of landscaping on the street frontage), provided that:

- No landscaping area shall be less than one hundred square feet in area or less than five feet in width;
- No parking stall shall be located more than forty-five feet from a landscaped area. The Planning Commission may approve landscaping plans involving alternatives to this specification for individual properties if it finds that the alternative plans would be more effective in meeting the above stated purposes of this section; and
- All landscaping must be located between parking stalls or between parking stalls and the property lines.

e. Landscaping Adjacent to Parking Stalls

Where landscaping areas which fulfill City standards are adjoined by angular or perpendicular parking stalls, landscaping in the form of ground cover materials or plants may be installed in that portion of any parking stall which will be ahead of the wheels and adjacent to the landscaped area, providing that curbing or wheel stops are installed in a position which will protect the plants from damage. Such landscaping shall not be construed to be part of the percentage of landscaped area required by this chapter nor a reduction of the parking stall.

f. Additional Landscaping Along Specified Streets

Along streets where it may be desirable and feasible to obtain a higher degree of continuity in landscaping from property to property than is provided for here, the City Council, upon recommendation by the Planning Commission, may designate specific street frontage landscaping plans for those streets. See LMC Chapter 20A.06.

### **E. Surface Water Disposal**

Each industrial area shall have adequate facilities for disposal of runoff surface water.

### **F. Screening of Service Yards**

Service yards shall be site-screened so that a visual barrier is established between the storage yard and local streets and arterials.

Screening shall be installed on side yard setbacks between street right-of-way and service buildings or storage yards (except for driveways). It shall consist of either:

- one row of evergreen conifer trees, spaced a maximum of ten feet on center. Minimum tree height shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total ground cover within five years; or,
- a sitescreening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A variance may be granted to substitute lawn or low plantings in those cases where the improvements to the main property have been so constructed that all of the aesthetic standards and objectives of the landscaping requirements have been satisfied and it is found that the use of the plantings would be an unnecessary and/or duplicative expense resulting in hardship to the applicant.

### **G. Development Standards - Cooperative Programs**

In the BTP Zone, cooperative development of adjacent properties is encouraged. Section 20A.46.900.E provides incentives which should be considered when contemplating development, particularly the development of relatively small properties.

### **20A.50.220 Transition Or Buffer Strip**

Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

- Where the side yard or rear yard of a property zoned to any Industrial Zone is adjacent to a property zoned Single Family Residential or Multiple Family Residential; or
- Where the side yard or rear yard of a property zoned to any Industrial Zone is adjacent to a property zoned Public & Semi-Public.
- Where the side yard or rear yard of a property zoned to any Industrial Zone is adjacent to a property zoned to any Commercial Zone, except the General Commercial and PRC Zones.

### **A. Procedure**

The Planning Director may approve the landscaping plan if it complies totally with the requirements of the Lynnwood Municipal Code existing at the time of application of plans or in the discretion of the Planning Director and prior to issuance of either a building permit or occupancy permit, cause the matter to be presented to the City Council for the purpose of determining standards for the site screening or greenbelt.

The Planning Commission shall consider all relevant factors, including, but not limited to: the existing and future planned use of the land in question, the topography, the height, and appearance of the buildings existing or to be placed upon the land in question, the character, and appearance of existing buildings on adjoining lands and existing and proposed traffic patterns and conditions.

The Planning Commission may request a precise and detailed landscape blueprint to be supplied by the applicant to assist the Planning Commission in determining the type of planting or screening, the height thereof at maturity and at various stages of maturity, and the density of any planting at various seasons of the year.

Upon receipt of such information, the Planning Commission shall, and after proper consideration, make recommendations to the City Council as to the screening and/or greenbelt recommended by it. Upon receipt of the recommendation of the Planning Commission, the City Council shall establish standards as to the screening and greenbelt on the land in question, defining the type of material to be used in the screening and/or the type and size of plants to be used in the greenbelt; the City Council may also establish a time schedule (days, weeks or years) for the installation of the screening and/or greenbelt required by it. If a greenbelt is required, the City Council may require installation of fast maturing plants to be eventually replaced (according to a time schedule also established by the City Council) by a slower growing and more permanent and ornamental type of greenbelt. The City Council shall also establish the amount of bond which shall be required prior to issuance of a building or occupancy permit.

Upon receipt of the standards established by the City Council, any permit issued by the Building Official shall be conditioned upon compliance with the screening or greenbelt standards established by the City Council.

## **B. Maintenance**

Whenever greenbelts or landscaping are required to be installed according to City zoning requirements, the plant material shall be regularly maintained and kept in a healthy condition in accordance with zoning requirements and approved development plans. Maintenance shall also include regular weeding, removal of litter from landscaped areas, and repair or replanting so that the greenbelts or landscaping continue to comply with zoning requirements and/or development plans.

## **C. Minimum Standards**

### **1. Planting and Fencing**

Planting and fencing shall be installed and maintained as specified below, except that in the BTP Zone ornamental landscaping of low plantings and high plantings may be substituted for dense plantings where there is potential impairment of drivers' visibility by dense plantings near streets, thereby softening the visual impact of the industrial buildings on the residential area where it is not practical for the foregoing reasons to attempt to screen the building from view entirely. This ornamental landscaping shall consist of trees (with a minimum of height of eight feet for evergreen trees and ten feet for all other species) spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction; and low evergreen plantings, or a mixture of



low evergreen and deciduous plantings, with a maximum height of thirty inches, in bark or decorative rock, provided so as to achieve 50 percent ground cover within two years.

a. Where a property zoned to any Industrial Zone is adjacent to a property zoned Single Family Residential or Multiple Family Residential

The purpose of this landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. This planting strip shall be at least 20 feet in width and shall consist of two rows of evergreen conifer trees. The trees shall be staggered and spaced a maximum of ten feet on center, so as to form an effective visual barrier within five years. The minimum tree height shall be six feet. A permanent six-foot site screening fence shall be placed at the property line.

b. Where a property zoned to any Industrial Zone is adjacent to a property zoned Public & Semi-Public

The planting strip shall be at least ten feet in width and shall consist of a sitescreening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A permanent six-foot site screening fence shall be placed at the property line.

c. Where a property zoned to any Industrial Zone is adjacent to a property zoned to any Commercial Zone, except the General Commercial and PRC Zones.

The planting strip shall be at least five feet in width and shall consist of a sitescreening evergreen hedge that provides a sight, sound, and psychological barrier between zones with some degree of incompatibility. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.

A permanent six-foot site screening fence shall be placed at the property line.

## 2. Signed Plans

All landscaping plans shall bear the seal of a registered landscape architect or signature of a professional nurseryman and be drawn to a scale no less than one inch to twenty feet. The landscape architect or professional nurseryman shall certify that the species of plants are fast-growing and that the design of the plan will fulfill City code requirements within five years.

## 3. Installation Prior to Occupancy

All landscaping that fulfills the City code requirements shall be installed prior to occupancy of any structure located on the same site.

If, due to extreme weather conditions or some unforeseen emergency, all required landscaping cannot be installed prior to occupancy, then a cash deposit or guarantee account with the City shall be provided as financial security to guarantee installation of the remaining landscaping. The security shall be equal to the cost of the remaining landscaping including labor and materials or a minimum of \$500. The security shall not extend for a period of more than 30 days. If, within 30 days, the remaining landscaping is

installed according to code requirements and approved development plans, then all funds shall be refunded.

## **D. Fence Regulations**

### **1. Definition**

For the purposes of this section a "site screening fence" means a solid one-inch thick board (nominal dimensional standards) fence. One made of brick, rock or masonry materials may be substituted for a board fence;

### **2. Exceptions**

Where a fence is required by the above standards, no fence will be required in those cases where a fence already exists which meets the intent of this section. However, if the existing fence is ever removed, demolished or partially destroyed, then the owner of the property first being required by the section to provide the necessary fence will be responsible for replacing the fence;

In those cases where the slope of the land is such that the location of a fence required by the above standards is impractical or ineffective in satisfying the intent of this section, the Planning Director may, at his discretion, permit a location which more adequately satisfies the intent of this section.

## **20A.50.500 Signs**

### **A. Objectives**

Signage permitted should be the minimum necessary for the expected business uses, and should also reflect the transitional nature of the applicable zone by minimizing light, glare, and other adverse signage impacts on nearby residences. Signs must comply with the following standards.

### **B. Signs at Transitional Sites**

On transitional sites, signs may be allowed by development plan approval, or amendment thereto. The applicant shall propose a sign program and, if approved, all signs on the site shall comply with it. The program shall specify the design, size, and location for each sign. Sign programs may provide for each tenant to have a wall sign and/or may include a building wall sign relating to the building instead of specific tenants, as provided below. The review of the sign program under development plan approval shall consider the extent to which the sign program adheres to the sign standards and the general aesthetic objectives of the applicable zone, and the general purpose of the city's sign regulations.

#### **1. Individual Tenant Wall Signs**

Sign programs in which each tenant has its own wall sign shall meet the following standards:

- All wall signs on the site shall be of a uniform color and letter style compatible with building materials used elsewhere on the site;
- There shall be not more than one wall sign per business,

- The top of such wall signs shall not be higher than the top of the first floor of the building;
- The maximum sign area of individual tenant wall signs shall be 8 square feet;
- The maximum height of letters shall not exceed 24 inches;
- The wall signs shall not be illuminated either internally or externally;
- The wall signs shall be constructed with materials which minimize reflective capabilities;
- The sign shall be printed on or mounted flush against the wall and shall have no moving parts;
- Sign components must be securely attached to the wall and must not be temporary or removable.
- The sign shall be located on the building frontage occupied by the tenant to which the sign relates, and
- Tenants which share a common exterior entrance shall be restricted to a total of 8 square feet of wall sign area.

## 2. Building Wall Signs

The following additional signage is allowed only to buildings of two or more stories, not including basements, in which a single tenant occupies 51% or more of the floor area. In addition to each tenant having a wall sign (in the BTP Zone, the following signage is an alternative to the Individual Tenant Wall Signs discussed above), the sign program that is reviewed in connection with development plan approval may provide for a wall sign generally representative of the building, i.e. a building wall sign. Such building wall sign shall meet the following standards:

- Except as otherwise provided all building wall signs on the site shall conform to the Individual Tenant Wall Sign standards, above. (In addition, in the BTP Zone, the above sign that is representative of the building is not restricted to being located on any particular tenant's space, or to the maximum sign area indicated above.)
- The maximum height of letters of any building wall sign shall not exceed 24 inches;
- The length of the building wall sign shall be no more than 50% of the length of the elevation on which the sign is mounted.
- In the BTP Zone, signs as provided for individual tenants, above, shall be limited to the first floor.

## 3. Ground Signs

Ground signs may be allowed if necessary in order to direct traffic to points of access to the site, and subject to the following:

- Except as otherwise provided all ground signs on the site shall conform to the wall sign standards, above.
- A maximum of two ground signs are allowed per street per property, 300 feet apart.
- The maximum height shall be 3' 6".
- The maximum area shall be 25 sq. ft. per side.
- The signs shall be located a minimum of 5 feet from the public right-of-way unless an alternate setback is specifically approved as part of development plan approval.

#### 4. Directional Freestanding Signs

This additional signage is provided in order that there may be sufficient signs to direct traffic within a site. Such signs shall be subject to the following standards:

- The maximum size per side shall be 65 square feet.
- The maximum height shall be 15 feet.
- The sign shall be located a minimum of 50 feet from the street right-of-way, or the same setback as the building nearest the street, whichever is greater.
- No more than one such sign shall be allowed per site ingress.
- There shall be no internal illumination; any external illumination shall be uncolored and non-blinking.
- The sign is to be oriented or screened for viewing from within the site, and not from the street or adjacent properties.

### C. Signs at General Sites

#### 1. Sites in the Business and Technical Park Zone

On general sites, ground signs and freestanding signs as regulated above are subject to conditional use permits instead of development plan approval, but the criteria for approval and the standards shall be the same. Wall signs are permitted outright, subject to the following:

Wall signs shall be printed on or mounted flush against the wall, shall not extend above the wall, and otherwise shall be regulated by the same limitations and restrictions as ground signs except for location, height, and sign area. The total allowable sign area for wall signs and ground signs, is 80 square feet per site or 10 square feet per tenant, whichever is greater, for each abutting public street. Up to 80 square feet of the sign area may be used by a single tenant. Only the sign area relating to each street may face that street or be oriented to it.

For buildings of two or more stories, the alternative provisions for wall signs on transitional sites shall also be available on general sites, subject to the same standards as on transitional sites, but shall be permitted outright.

#### 2. Sites in the Light Industrial Zone

On general sites, signs allowed in transitional sites are permitted outright, subject to the following:

- Except as otherwise provided all signs shall comply with the appropriate sign standards for a transitional sites;
- The total allowable cumulative sign area for wall signs and ground signs, is 80 square feet per site for each abutting public street or 10 square feet per tenant, whichever is greater. Up to 80 square feet of the allowable sign area may be used by a single tenant. Only the sign area relating to each street may face that street or be oriented to it.

## **20A.50.900 Other Regulations**

### **A. Refuse and Recycling Collection Areas and Enclosures**

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

#### **1. Development Standards**

Refuse and recycling collection areas shall comply with the following development standards:

- Setback a minimum of 25 ft. from a public street;
- Setback a minimum of 25 ft. from any interior property line adjoining an RS or RM zone or a P1 Zone with one-family dwelling units if a business site is one acre or larger in area; or
- Setback a minimum of 15 ft. from any interior property line adjoining an RS or RM zone or P1 Zone with one-family dwelling units if a business site is less than one acre in area.

#### **2. Enclosure**

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

#### **3. Parking**

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

#### **4. Design**

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

SECTION 22. That Title 20A, Chapter 52 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## **CHAPTER 20A.52**

### **MIXED USE/TRANSIT SUPPORTIVE/BUSINESS ZONE**

#### **20A.52.050 Purpose**

The Mixed Use/Transit Supportive/Business Zone is meant to provide the opportunity for a high intensity development of mixed uses that would support transit and that would encourage pedestrian activity. This zoning classification is meant to be an interim classification until the City has developed a detailed High Capacity Transit overlay zoning classification. The special permit process shall be used to ensure that development is consistent with this Chapter. The purpose of this zone will be met by development in which the potential conflicts arising from the mixed uses allowed within the zoning classification are minimized and opportunities to ensure that proposed uses complement other uses within the zone are maximized. This zone is intended to allow and encourage the controlled development of commercial uses in areas where, because of traffic flows, adjacent uses or other land use factors, conventional commercial development, and other alternative land uses are not desirable. Portions of this area may be adjacent to single and/or multiple residential neighborhoods and it is the further purpose to allow these uses to be compatible, based on a degree of coordination and control not possible under other zoning classification. Further, this zone is intended to give recognition, based on current factors, to the future Transit Overlay Zoning and Growth Management Act (GMA) standards.

#### **20A.52.100 Outright Permitted Uses**

The following uses are permitted outright, provided such use complies with all zoning regulations of the City.

- All uses permitted in RS-8 zoning classification.
- Libraries, museums, art galleries, and similar institutions.

#### **20A.52.120 Uses Allowed By Special Use Permit**

The following uses are allowed in the Mixed Use/Transit Supportive/ Business Zone subject to the conditions and procedures set forth below and only by issuance of a special use permit.

- Until such time as the City of Lynnwood has completed its GMA planning specifying the density and development standards that will be applied to residential development within the High Capacity Transit areas within the City, a maximum density of 24 dwelling units per acre will be allowed in the Mixed Use/Transit Supportive/Business Zone. The development standards of the City's RMH zoning classification will apply, except as otherwise changed by the development standards of the Mixed Use/Transit Supportive/Business Zone. Maximum residential density may be increased for nursing and convalescent uses, housing for the elderly, and housing for the physically disabled, as provided by LMC 20A.42.110.G and LMC 20A.46.110.N;
- Banks and other financial institutions
- Business, professional, and medical offices buildings, including offices of a clerical or administrative nature
- Carnivals and circuses as an accessory use (no additional special use permit required)
- Child day care
- Churches with parking in accordance with standards of Chapter 20A.18 (see 20A.46.110)

- Municipal services
- Motels and motor hotels (see 20A.46.110)
- Parking garages and accessory refueling and servicing
- Professional services not mentioned elsewhere in this section
- Public utilities facilities (see 20A.46.110)
- Radio and television stations, not including transmitting or receiving towers.

### **20A.52.130 Special Use Permits Subject To General Compliance With Density Standards**

The following uses will be permitted as part of a mixed use development subject to Special Use Permits, and subject to general compliance with the spirit of the density standards of this zone. These uses may be located alone in one building when a plan for development of the entire site committing a substantial majority of such site to buildings with transit supportive densities (design standards with FAR of 2/1) has been reviewed as a part of the special use permit process:

- Assembly of electronic, high-tech, and related enterprises including minor processes such as cutting, drilling, soldering, or minor welding, in spaces of 10,000 sq. ft. or less (inclusive of all aspects of the business)
- Commercial schools, dancing, music, trade, etc.
- Laboratories, including experimental, which do not involve the handling of hazardous materials
- Restaurants providing on-premises service only, to seated patrons, with cocktail lounges
- Veterinary clinics.

### **20A.52.140 Accessory Uses**

The following uses shall not exceed a total of 20% of Gross Floor Area of the building in which located.

#### **A. Specialty Retail and Service Shops**

Specialty retail and service shops serving the general public, provided that such shops do not exceed 1000 square feet in size. Specialty retail and service shops include the following:

- Apparel shops
- Art stores and supplies
- Audio sales
- Bakery retail stores
- Barber shops and beauty parlors
- Book stores
- Business service and office supplies
- Dressmaker and tailoring shops
- Drug stores
- Dry cleaning and laundry pick-up station for work to be done elsewhere
- Hobby shops
- Ice cream stands
- Laboratories, including experimental, which do not involve the handling of hazardous materials
- Locksmiths
- Music stores and supplies

- Restaurants and cafeterias providing on-premise service only to seated patrons, no alcohol beverages served
- Shoe repair
- Tailoring shops
- Veterinary clinics

## **B. Internal Retail, Service or Other Commercial Use**

Any internal retail, service, or other commercial use allowed that is accessory to a principal use located on the same parcel or within the same building project and that is primarily designed for and devoted to serving the employees, residents, or other customers of the building or project in which it is located; e.g., a delicatessen in an office building or a pharmacy in a medical office building. Internal retail, service, and commercial uses include the following:

- Delicatessens
- Employees' cafeterias
- Florist shops
- Fountains and ice cream stands
- Gift shops
- Health clubs for residents or employees
- Newsstands
- Pharmacies are permitted as accessory uses in conjunction with medical, dental, optical, and chiropractic clinics.

## **20A.52.160 Limitations On Use**

### **A. Additional Criteria for Issuance of Special Permit**

The following development guidelines and policies are to be used in evaluating proposed special permit application within the zone. The guidelines and policies highlight specific concerns associated with the zone.

#### **1. Access Control.**

Minimizing traffic congestion on adjacent streets through proper control of site access is a high priority. Coordinated access points may be required for many sites. As a condition to the issuance of a special use permit, a property owner may be required to provide for, in connection with and on that owners property, joint access to and/or from adjacent parcels. This shall be accomplished through easements or joint use agreements approved by the City Attorney. Curb cuts allowed at the time of development may only be temporary and may be closed when more suitable access is developed on adjacent sites. Specifically, when an individual property owner is given a special permit, he may, at the City's discretion, be allowed to develop either permanent or temporary curb cuts for site access. When adjacent sites are developed, the property owner may be required to close temporary curb cuts and provide access through one of the adjacent sites. Alternatively, one or more of the adjacent sites may be required to provide its access through a permanent curb cut granted to the first site. This shared access scheme is intended to provide greater traffic safety and shall be viewed as partial consideration for attaining special use permit approval from the City.



Internal access roadways shall be provided in locations generally consistent with the scheme presented in the design concept plan. The internal access system may be private and provided for by easement as each site within the zone develops. When a property owner requests a special use permit for his parcel, he shall develop the roadways necessary to serve his property.

### **B. Joint Parking**

As an incentive for development of joint parking facilities, parking requirements may be reduced as provided for in Section 20A.46.900.E of the Zoning Code.

## **20A.52.200 Development Standards**

All uses in the Mixed Use/Transit Supportive/Business Zone requiring a special use permit shall comply with the following development standards:

### **A. Building Setbacks**

Buildings shall be located in such a manner that convenient and attractive access for pedestrians is provided and a pedestrian friendly environment is created. If appropriate for the type of proposed use, (e.g. office building) amenities such as pedestrian plazas between the buildings and the public sidewalks should be utilized. No particular pattern is required in terms of the location of sidewalks, landscaping, pedestrian amenities, and buildings so long as reasonable consideration is given to the pedestrian environment and access. For example, in some locations it may be desirable to locate public sidewalks within the frontage landscaped area or to the interior of the frontage landscaping rather than adjacent to the street traffic lanes. In other locations, a pattern of public sidewalk, frontage landscaping, pedestrian plaza, and building may be more appropriate.

### **B. Character of Buildings**

#### **1. Rooftop Equipment.**

Reasonable measures shall be implemented to visually screen rooftop mechanical equipment taking into account site characteristics such as topography.

#### **2. Facades.**

Buildings shall be constructed to avoid presenting blank walls to the street frontage. Techniques to meet this objective may include use of landscaping, dividing facades into increments through offsets, recesses, windows, weather protection or other features which serve to minimize the expanse of blank walls or break down the scale.

### **C. Parking Lots**

#### **1. General**

It is not the intent of these standards to set forth rigid design criteria for parking lots but rather to establish goals and standards which can be met through a variety of design solutions.

## 2. Pedestrian Circulation.

Parking lots shall be laid out to maximize easy and safe circulation and to have an attractive appearance, while remaining accessible. They should also be designed and improved in a manner that will enhance pedestrian access. To facilitate pedestrian access and safety, designs shall attempt to minimize the number of curb cuts in sidewalks and utilize design features such as raised walkways for the primary pedestrian access routes. Design of the pedestrian circulation system shall consider connections to the public sidewalks, to adjoining developments and to an overall pedestrian circulation system within the zone as though established. Buildings should provide at their entrance an area raised above auto traffic pavement covered for weather protection. This entrance feature shall be directly accessed by the primary pedestrian circulation system within the development. Direct access from adjoining property shall be anticipated and developed when feasible.

## 3. Pedestrian Facilities

The City is considering developing plans for a trail system connecting various locations in the area including a future transit station, Alderwood Mall, the regional trail system, Lynnwood High School and Alderwood Middle School. Such facilities should be considered in site design to be incorporated into or as a part of the setback or buffer areas unless placed in the public right-of-way.

## 4. Parking Aisles.

Parking aisles should be arranged to facilitate pedestrian access without weaving through parked cars and to minimize pedestrian/landscaping conflicts; for example, where practical, aisles should be perpendicular to the main building entrance or to pedestrian walkways in front of the buildings.

## 5. Vehicular Circulation

Wherever possible, development plans should provide for convenient circulation within the zone. Parking, access and egress between adjacent properties should be considered except where natural features make it impractical. Consolidation of parking is encouraged and for that purpose multiple parcels may be treated as a single parcel.

## 6. General Provisions for Parking Lot Landscaping.

Parking lots should be landscaped to interrupt the visual impact of massive occurrences of asphalt paving. The following standards are to be interpreted with a degree of flexibility to achieve the spirit and intent of the guidelines, taking into account irregularities in parcel size and shape, topography, and existing trees. It is the intent of these standards to supersede specific landscape requirements in the zoning code which tend to limit design flexibility. For example, if it is practical to save some of the existing trees on a site, there may be a relaxing of other landscape standards in order to encourage and facilitate tree retention.

## 7. Major Landscape Areas.

Major landscape areas shall be located within the site so that there are not uninterrupted expanses of asphalt in excess of approximately 250 feet. A major landscape area should average approximately fifteen (15) feet in width, or greater, and run the length of the parking column. These major landscape areas may incorporate a pedestrian walk within

the minimum required width; however, when incorporated, the landscape width shall be increased by 50% of the width of the sidewalk.

### **8. Landscaped Islands.**

To break up long rows of parking stalls, in addition to the major landscape areas discussed above, smaller landscaped islands should be located on average, depending on the design constraints of a particular site, in the following amounts and locations. A 300 square foot area approximately every 175 to 200 feet or an 150 square foot area approximately every 90 to 100 feet

### **9. Perimeter Screening.**

Where practical, taking into account topography, for example, views of parked cars shall be partially screened from adjacent properties and roadways. Possible screening techniques include low hedges (2-3 feet high), earth berms or walls.

## **D. Service Areas**

Service areas shall be located and constructed in such a way to attempt to minimize their visual impact from adjoining streets. Reasonable measures, such as landscaping, walls, fencing or a combination thereof, shall be implemented to effectively screen all loading dock areas taking into account site constraints and topography.

### **20A.52.220 Transition Or Buffer Strip**

Any development within the zone shall provide significant screening and buffering to adjacent residentially zoned property. A minimum of 20 feet of vegetative screening shall be maintained, established or re-established adjacent to residentially zoned property. This 20 foot minimum is not in addition to any sensitive area wetland or buffer requirements which may apply to property under the City Sensitive Area ordinance.

### **20A.52.400 Gateway Frontage Landscaping**

The following standards apply to project frontages along 196th Street S.W., 198th Street S.W., and 28th Avenue W., as such streets are intended to be developed as gateways to the City of Lynnwood.

- The width of the landscape area along a particular frontage may vary to account for parcel shapes and to encourage creativity in site design.
- Along these specified street frontages, a landscape area of at least 15 feet in depth is required.
- The landscape area must average at least 20 feet in depth over the entire length of the particular frontage.
- Such landscape areas may be interrupted by curb cuts and pedestrian access connections. The areas of such interruptions shall not be included as part of the frontage length in the averaging calculations.
- Where appropriate, sidewalks may be included within the required depths if they are incorporated within the interior of the landscape area.

### **20A.52.500 Signage**

- Signs shall be of high quality.

- Signage should be the minimum necessary to provide such identification.
- Excessively large signs and flashing or animated signs are recognized as being inconsistent with the existing character of the area and will be discouraged.
- Standards for illumination and structural integrity shall be as specified in Section 20A.46.500 of the Zoning Code or other applicable City regulations.
- Sign size and location shall be as specified by Section 20A.46.500 of the Zoning Code for business signs.
- Not more than one free standing sign per site per street frontage shall be permitted.
- While free-standing signs of high quality may be allowed for area identification, emphasis shall be placed upon use of building face signs where they will function as effectively as a free-standing sign.
- Where possible, signs shall be coordinated in scale and materials with those currently used on adjacent sites within the zone.

## **20A.52.900 Other Regulations**

### **A. Severability**

If any section, subsection, sentence, clause, phrase or word of this Chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Chapter.

### **B. Refuse and Recycling Collection Areas and Enclosures**

On-site paved and enclosed refuse and recycling collection areas shall be provided on sites where new buildings are being constructed or existing buildings are being remodeled or expanded, and shall comply with the requirements of this section. One-family dwelling units, two-family dwelling units, and public parks are exempt from the requirements of this section.

#### **1. Development Standards**

Refuse and recycling collection areas shall comply with the following development standards:

- Setback a minimum of 25 ft. from a public street;
- Setback a minimum of 25 ft. from any interior property line adjoining an RS or RM zone or a P1 Zone with one-family dwelling units if a business site is one acre or larger in area; or
- Setback a minimum of 15 ft. from any interior property line adjoining an RS or RM zone or P1 Zone with one-family dwelling units if a business site is less than one acre in area.

#### **2. Enclosure**

All refuse and recycling collection areas shall be enclosed on three sides by a 6 ft. high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a 6 ft. high gate on one side. The height of the enclosure may include the height of a surrounding slope or berm (height measured from bottom inside edge of the collection area). The enclosure shall include a gate which can be secured in an open or closed position. If the enclosure includes a gate made of metal chain link fencing, the fencing shall contain slats which screen the view of containers and material

inside the collection area. An alternative design may be approved if it is determined that such alternative would provide equal or better screening, architectural compatibility, and containment.

### 3. Parking

No refuse and recycling collection area shall be located in such a way that new or existing parking stalls will prevent or interfere with the use and servicing of the collection area.

### 4. Design

Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department.

SECTION 23. That Title 20A, Chapter 70 of the Lynnwood Municipal Code IS HEREBY ADOPTED, to read as follows:

## CHAPTER 20A.70

### MANUFACTURED HOMES, MOBILE HOMES,

### MANUFACTURED HOME DEVELOPMENTS, AND

### MOBILE HOME PARKS

#### 20A.70.050 Purpose

The purpose of this chapter is to establish minimum standards and requirements for the construction and operation of manufactured home developments and mobile home parks. It is the intent of this chapter to recognize the changing trends of manufactured or mobile home development and to provide regulations which allow a certain degree of flexibility in construction and design. Specific regulations are also necessary, both to address the unique design characteristics of such developments and to prevent any adverse impact of such developments on surrounding properties. It is also the intent of this chapter to provide for the continued safe operation of older existing mobile home parks, while encouraging the upgrading of these parks to current standards.

#### 20A.70.200 General Provisions

##### **A. Location and Occupancy**

- Manufactured home developments are permitted under the provisions for planned unit developments as stated in Section 20A.70.600 in all zones permitting single family dwellings.
- Mobile home parks are permitted under the provisions for planned unit developments as stated in Section 20A.70.600 in all zones permitting multiple family dwellings.

- Designated manufactured homes are permitted on lots which are zoned for residential use, subject to the same development regulations as other forms of single family housing.
- Designated and other types of manufactured homes are permitted in mobile home parks or manufactured home developments, and mobile homes are only permitted in mobile home parks, except manufactured and mobile homes are allowed as provided by Section 20A.46.100 et.seq.
- Recreational vehicles are not allowed to be occupied in mobile home parks or manufactured home developments, except as replacement units in mobile home parks pursuant to the regulations stated in Section 20A.70.400.

### **B. Use and Density**

The permitted uses, conditional uses, and density of developments and parks under this chapter are limited to the uses permitted in the zone in which the development is proposed.

Accessory structures and uses as set forth in 20A.42.400 are permitted, except that child day care shall be considered for approval along with the planned unit development.

### **20A.70.300 Alteration Or Expansion Of Mobile Home Parks**

Alteration or expansion of any existing mobile home park requires the issuance of a conditional use permit under the provisions of 20A.24 CONDITIONAL USE PERMITS.

#### **A. Alteration**

Alteration is a change in the configuration, utilities, access or structures which does not increase the number of mobile homes or area of the mobile home park. An alteration can provide for the phasing-in of improvements and need not effect immediate changes to the entire mobile home park. Alteration does not include repair or replacement of utilities.

Alteration shall include but not be limited to the following conditions:

- The terms and conditions of any existing conditional use permit shall apply when not in conflict with this title, except as the conditional use permit is amended;
- All structures within the area of the alteration shall meet the following setbacks: from internal roads - 0 feet; from rear lot lines - 5 feet; no mobile or manufactured home shall be located closer than 10 feet from any other mobile or manufactured home nor closer than 5 feet from any other structure on an adjacent mobile home lot.
- The mobile home park owner shall designate an internal, unobstructed road for general access and emergency access, at least 20 feet in width, or as may be approved as adequate in writing by the Lynnwood Fire Department.
- All new structures shall meet the requirements of the Uniform Building Code as adopted by the City of Lynnwood or bear the appropriate seal of the Washington State Department of Labor and Industries issued after January 1, 1968. This does not preclude relocation of existing units within the mobile home park, provided that all existing units relocated to mobile home lots outside of the area of the alteration shall be located no less than 5 feet from the park boundary line, 10 feet from any other mobile or manufactured home, or 5 feet from any other structure on an adjacent mobile home lot.

## **B. Expansion**

Expansion is a change in the area or configuration of the mobile home park which result in an increase in the number of units. Expansion of existing mobile home parks shall include but not be limited to the following conditions:

- Expansions shall be coordinated extensions of the existing site plan and shall not require additional street access;
- Occupancy of any area added to an existing mobile home park shall be limited to manufactured homes.
- The added area shall have an overall density of not more than 6 manufactured homes per acre;
- All proposed structures shall meet the requirements of the Uniform Building Code as adopted by the City of Lynnwood or bear the appropriate seal of the Washington State Department of Labor and Industries;
- All proposed structures within the area added to the mobile home park shall meet the setback requirements in 20A.70.320 B.
- The mobile home park owner shall designate an internal, unobstructed road for general access and emergency access, at least 20 feet in width, or as may be approved as adequate in writing by the Lynnwood Fire Department.

## **C. Replacement**

Replacement is installation of one mobile home on a mobile home lot previously occupied by another dwelling unit in an existing mobile home park.

### **20A.70.400 Replacement Of Mobile Or Manufactured Homes In Existing Mobile Home Parks**

Mobile or manufactured homes which are removed from an existing mobile home lot may only be replaced with a mobile or manufactured home. Other types of units removed from an existing mobile home lot may only be replaced with a mobile or manufactured home, with a park trailer, or with another unit of similar length and width as the unit being replaced and which is equipped with a smoke detector, a fire extinguisher, and which has at least two exits. Recreational vehicles which have their own motive power are not allowed as replacement units. This replacement is permitted without the issuance of a conditional use permit, provided;

- Building plans in accordance with 20A.70.800 are submitted for review and issuance of a building permit, and
- The replacement unit and accessory structures meet the minimum setbacks as follows: from internal roads - 0 feet; from rear lot lines - 5 feet; and no replacement unit shall be located closer than 10 ft. from any other unit nor any closer than 5 ft. from any other structure on an adjacent mobile home lot.
- The mobile home park owner shall designate an internal, unobstructed road for general access and emergency access, at least 20 feet in width, or as may be approved as adequate in writing by the Lynnwood Fire Department.

### **20A.70.500 Development Of New Mobile Home Parks**

Proposed mobile home parks shall be reviewed under the provisions of Chapter 20A.30 PLANNED UNIT DEVELOPMENT and shall include but not be limited to the following requirements:

- Mobile home parks shall have a minimum site size of 3.0 acres;
- The maximum density permitted is 6 units per acre;
- An internal roadway and fire lane shall be provided not less than 20 feet in width, with turn-around as required by the Lynnwood Fire Department;
- A perimeter planting strip, fifteen feet in width, consisting of evergreen conifer trees within a minimum height of six feet shall be spaced a maximum of fifteen feet on center, backed by a six-foot fence which forms an effective barrier to sight, and with low evergreen plantings which will mature to a total ground cover within five years in the rest of the strip.
- All lots shall have a garage or carport with a paved driveway and floor with a combined area of not less than 440 square feet;
- Carports, in compliance with the Uniform Building Code, may be located on lot lines to provide common driveways to adjacent sites;
- The driveway must be at least 20 feet in length from the sidewalk or edge of pavement if there is no sidewalk;
- All accessory structures, including carports, shall meet the requirements of the Uniform Building Code. The design of such accessory structure shall be considered as part of the application for a mobile home park. The construction will be of the same or similar material and color of the mobile or manufactured home;
- Recreational space shall be provided in accordance with 20A.42.900.B - RECREATIONAL REQUIREMENTS; and
- Recreational vehicle parking or storage shall not interfere with emergency access, driver visibility, vehicular circulation and parking and, therefore, is permitted only in the carport or garage, or at the same setback from the internal road as the mobile or manufactured home; or in designated recreational vehicle storage areas.

### **20A.70.600 Manufactured Home Developments**

Manufactured home developments shall be reviewed under the provisions of Chapter 20A.30 PLANNED UNIT DEVELOPMENTS and shall include but not be limited to the following requirements:

- Manufactured homes shall only be permitted in exclusive manufactured home developments, in residential zones, except for mobile home parks as provided above.
- Manufactured home developments are intended as a residential development resembling to the extent practical, a conventional single family neighborhood.
- The number of manufactured homes in manufactured home developments in single family residential zones shall be no greater than permitted for site built houses in the same zone before approval of a planned unit development. Manufactured home developments in multiple family zones shall not exceed six dwelling units per gross acre;
- The minimum site of manufactured home developments shall be 4.5 acres;
- The applicant must establish a home owners association or make other provisions for the long term operation and maintenance of community property and enforcement of community covenants;
- If the manufactured home development contains internal roads that do not meet Lynnwood Municipal Code standards for public streets, recreational vehicle parking or storage shall not interfere with emergency access, driver visibility, vehicular circulation, and parking and, therefore, is permitted only in the carport or garage, or at the same setback from the internal road as the home; or, in designated recreational vehicle storage areas.
- Along public streets, a perimeter planting strip is required and shall consist of evergreen conifer trees with a minimum height of six feet and spaced a maximum of fifteen feet on



center, backed by a six-foot fence which forms an effective barrier to sight, and with low evergreen plantings which will mature to a total ground cover within five years in the rest of the strip.

- Along internal development boundaries, transition or buffer strips as required for multiple family residential developments (Section 20A.42.220) are required.
- Before planned unit development approval, the applicant shall submit standard designs for yard fences, storage units, and accessory structures for City approval; and
- Before preliminary planned unit development approval, the applicant shall submit for City approval, schematic landscape designs for typical lots, including a list of recommended plants.

### **20A.70.650 Building And Lot Design Criteria For Manufactured Home Developments**

The manufactured homes and accessory structures to be located in manufactured home developments shall be described in narrative and/or plans as part of the application in accordance with Chapter 20A.30. "Typical" units are acceptable instead of describing exactly every unit, providing that the units which are installed are generally in conformance with the "typicals" provided in the application. The following minimum criteria shall be considered in the review and approval process:

- The manufactured home is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty six feet long;
- The manufactured home was originally constructed with and now has a composition, wood shake or shingle, coated metal or similar roof of not less than 3:12 pitch; and
- All siding, roofing, and other exterior materials shall be similar in type, texture, and color to new conventionally built housing in the City;
- All roofs shall have a minimum overhang of 1 foot;
- The finished first floor level shall be no higher than 12 inches above the exterior finished grade. Except when the manufactured home has a floor level flush with the ground, all manufactured homes shall have a perimeter masonry or concrete foundation or skirting of material similar in type, texture, and color to the siding;
- All lots shall have a garage or carport with a paved driveway and floor with a combined area of not less than 440 square feet;
- Carports shall be built in compliance with the Uniform Building Code, and may be located on lot lines to provide common driveways to adjacent sites;
- The driveway must be at least 20 feet in length from the sidewalk or edge of pavement, if there is no sidewalk; and
- All accessory structures shall be constructed to the applicant's standard design or approved design upon application for a building permit. The construction will be of the same or similar material and color of the manufactured home;
- Garbage cans and collection bins shall be enclosed or screened from view from the street;
- Outside radio and TV antennas and satellite receivers are permitted only inside the perimeter fence; satellite receivers shall be limited to 10 feet in height, and radio and TV antennas shall comply with the height limits for buildings of the respective zone; community satellites and antennas are encouraged.

**20A.70.700 Development Plans And Approvals**

Applications for a manufactured home development or mobile home park shall meet the requirements of 20A.30.500 FORM AND CONTENTS OF APPLICATIONS, including any documents necessary for evaluation of environmental impacts of the proposed development.

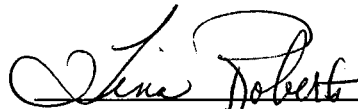
The required plans and submittals will be reviewed and approved by the City. The City shall examine the plans for compliance with this and related laws or ordinances. Only after final approval of the subdivision, planned unit development, or conditional use permit, will the Building Official issue applicable building permits. The City may refuse to examine any incomplete, unintelligible or indefinite drawings.

**20A.70.800 Building Plans**

Building and foundation plans and permits are required for installation of any manufactured home, mobile home, additions to a manufactured home or construction of an accessory structure on a manufactured home or construction of an accessory structure on a manufactured home lot or in a mobile home park. Installation shall be done in accordance with the manufacturer's instructions and specification and the requirements of WAC 296-150-200 through 255. All accessory structures shall meet the requirements of the Uniform Building Code as adopted by the City of Lynnwood. Installation shall be inspected and approved by the Building Official.

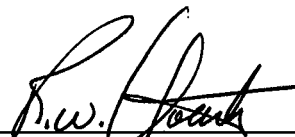
SECTION 24. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 27<sup>th</sup> day of December, 1994, and signed in authentication of its passage this 29<sup>th</sup> day of December, 19 94

  
TINA ROBERTS, Mayor

ATTEST:

APPROVED AS TO FORM:

  
R. W. NOACK, City Clerk

  
JOHN P. WATTS  
Office of the City Attorney

File Number: 94-CAM-0004  
File Name: Title 20A