

CITY OF LYNNWOOD
ORDINANCE NO. 2075

City of Lynnwood
DEC 20 2000
SCANNED

AN ORDINANCE AMENDING CHAPTERS 21.04, 21.22, 21.24, 21.26, 21.28, 21.30 AND 21.50 OF THE LYNNWOOD MUNICIPAL CODE REGARDING THE PROCESSING OF PERMIT APPLICATIONS, ADOPTED TO IMPLEMENT CHAPTER 347, LAWS OF 1995 (REGULATORY REFORM)

WHEREAS, the City of Lynnwood is required to implement and adopt processes and regulations that are consistent with Chapter 347, Laws of 1995, Regular Session (also known as ESHB 1724 or Regulatory Reform), and

WHEREAS, the City Council of the City of Lynnwood determines that this Ordinance is necessary to comply with state law, namely ESHB 1724 and Chapter 36.70A (also known as the Growth Management Act "GMA"), and

WHEREAS, this Ordinance bears a substantial relationship to the public health, safety and welfare, and

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.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: New Section. A new Section is enacted and added to the Lynnwood Municipal Code (LMC) Chapter 21.04 and is codified as 21.04.920, to read as follows:

21.04.920 Monitoring and Enforcement Procedures

The Planning Director shall adopt procedures for enforcing the regulations for the development and use of property in this Title, including monitoring compliance with conditions of approval for permits issued under this Title. Such procedures shall include:

- A. The Planning Department shall review all proposed construction plans and permits for compliance with all permit conditions and the standards and requirements of this Title. This review shall be completed concurrent with review(s) by other City Departments. The Department shall not approve a construction permit until compliance has been verified.
- B. As part of the final inspection process for new construction, Planning staff shall confirm that all permit conditions and the standards and requirements of this Title have been met. The Department shall not approve a certificate of occupancy or other final approval until compliance has been verified, except that, at the discretion of the Director, bonds or other guarantees may be posted by the project sponsor to insure final completion of landscaping or other improvements that are not related to public health or safety. If guarantees acceptable to the City are provided, the Department may approve the certificate of occupancy or other final approval.
- C. The Department shall inspect properties and projects on an as-needed basis to insure continued compliance with all permit conditions.
- D. The Director shall notify a property owner of any violation of one or more permit conditions and provide opportunity for the owner to cause the violation to be corrected.
- E. Violations which are not corrected in the amount of time specified in the notice of violation, may be cited under one or more of the following: Chapter 21.04; Chapter 10.08; Chapter 16.04. Any appeal of such a citations shall be processed according to Process II (LMC 1.35.200 et.seq.).

Section 2: LMC Section 21.22.500 Amended. Section 21.22.500 is amended to read as follows:

21.22.500 Submittal Requirements

Application for a reclassification of property(ies) shall be made on forms prescribed by the City, and shall be accompanied by the following information, provided that the Planning Director may waive any of these items, pursuant to LMC 1.35.015.A, upon request by the applicant and a finding that the item is not necessary to analyze the application:

- A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site; this information may be shown on several sheets if needed for readability;
- B. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- C. A summary table of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with City regulations;
- D. A written statement addressing the decision criteria;

- E. A legal description of the property, including parcel number;
- F. A statement to the effect that the applicant or applicants are the sole owners of the property;
- G. Photographs of the site;
- H. A completed SEPA Checklist (for environmental review), unless the project is categorically exempt from SEPA review;
- I. A list of other permits that are or may be required for development of the property (issued by the City or by other government agencies), insofar as they are known to the applicant;
- J. A list of other City permits that are to be processed concurrently with this permit, pursuant to Section 1.35.080;
- K. Payment of a fee, as shown in Section 21.22.920.

Section 3: LMC Section 21.24.200 Amended. Section 21.24.200 is amended to read as follows:

21.24.200 Application, Submittal Requirements and Applicable Process

Application for a conditional use permit shall be made on forms prescribed by the City, and shall be accompanied by the following information, provided that the Planning Director may waive any of these items, pursuant to LMC 1.35.015.A, upon request by the applicant and a finding that the item is not necessary to analyze the application:

- A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site; this information may be shown on several sheets if needed for readability;
- B. A landscape plan, showing existing and proposed landscaping and fencing;
- C. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- D. A written summary of the proposal, including the goals of the proposal, the section(s) of this Municipal Code which require approval of the application, and the relationship of the arrangement of buildings and other structures, parking, and landscaping to those goals and to development and use of adjoining properties;
- E. A summary table of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with City regulations;

- F. A list of uses for which the conditional use permit is sought and the gross floor area or gross lot area that each use would occupy;
- G. A written description of the proposed operation of the use, including hours of operation, number of employees, and any proposed storage or use of hazardous materials;
- H. A written statement addressing the decision criteria;
- I. A legal description of the property, including parcel number;
- J. A statement to the effect that the applicant or applicants are the sole owners of the property;
- K. Photographs of the site;
- L. A completed SEPA Checklist (for environmental review), unless the project is categorically exempt from SEPA review;
- M. A list of other permits that are or may be required for development of the property (issued by the City or by other government agencies), insofar as they are known to the applicant;
- N. A list of other City permits that are to be processed concurrently with this permit, pursuant to Section 1.35.080;
- O. Payment of a fee of:
 - 1. Ground signs in Commercial zones \$100
 - 2. All others \$200
- P. Exterior elevations of all existing and proposed structures;
- Q. A colors and materials board showing all proposed colors and materials;
- R. If the project is to be developed or occupied in phases, a schedule for each phase;
- S. A list of all development standards for which the applicant is requesting relaxation, pursuant to Section 21.24.100, and an explanation of the reason or justification for relaxation of each standard;

A conditional use permit application shall be processed in accordance with the procedures set forth in PROCESS I (LMC 1.35.100 et. seq.).

Section 4: LMC Section 21.26.300 Amended. Section 21.26.300 is amended to read as follows:

21.26.300 Submittal Requirements

Application for a variance shall be made on forms prescribed by the City, and shall be accompanied by the following information, provided that the Planning Director may waive any of these items, pursuant to LMC 1.35.015.A, upon request by the applicant and a finding that the item is not necessary to analyze the application:

- A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site; this information may be shown on several sheets if needed for readability;
- B. A landscape plan, showing existing and proposed landscaping and fencing;
- C. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- D. A written summary of the proposal, including the goals of the proposal, the section(s) of this Municipal Code which require approval of the application, and the relationship of the arrangement of buildings and other structures, parking, and landscaping to those goals and to development and use of adjoining properties;
- E. A summary table of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with City regulations;
- F. A list of uses for which the site will be used and the gross floor area or gross lot area that each use would occupy;
- G. A written description of the proposed use of the site, including hours of operation, number of employees, and any proposed storage or use of hazardous materials;
- H. A written statement addressing the decision criteria;
- I. A legal description of the property, including parcel number;
- J. A statement to the effect that the applicant or applicants are the sole owners of the property;
- K. Photographs of the site;
- L. A completed SEPA Checklist (for environmental review), unless the project is categorically exempt from SEPA review;
- M. A list of other permits that are or may be required for development of the property (issued by the City or by other government agencies), insofar as they are known to the applicant;
- N. A list of other City permits that are to be processed concurrently with this permit, pursuant to Section 1.35.080;
- O. Payment of a fee of:
 - 1. Single Family property \$50
 - 2. All others \$150

- P. Exterior elevations of all existing and proposed structures;
- Q. If the project is to be developed or occupied in phases, a schedule for each phase;
- R. A colors and materials board showing all proposed colors and materials;

Section 5: LMC Section 21.28.300 Amended. Section 21.28.300 is amended to read as follows:

21.28.300 Submittal Requirements

Application for a special use permit shall be made on forms prescribed by the City, and shall be accompanied by the following information, provided that the Planning Director may waive any of these items, pursuant to LMC 1.35.015.A, upon request by the applicant and a finding that the item is not necessary to analyze the application:

- A. A site plan of the property, drawn to scale, showing existing natural features, existing and proposed grades, existing and proposed utility improvements, existing and proposed rights-of-way and improvements, and existing and proposed structures and other improvements, and particularly identifying the location of parking for the proposed use; this site plan shall also show structures, other improvements and natural features that are located within 50 feet of the project site; this information may be shown on several sheets if needed for readability;
- B. A landscape plan, showing existing and proposed landscaping and fencing;
- C. A vicinity map, showing the location of the site in relation to nearby streets and properties;
- D. A written summary of the proposal, including the goals of the proposal, the section(s) of this Municipal Code which require approval of the application, and the relationship of the arrangement of buildings and other structures, parking, and landscaping to those goals and to development and use of adjoining properties;
- E. A summary table of project statistics, including site area, building coverage, coverage by impervious surface, required and proposed parking, and similar data, as required, to evaluate conformance of the proposed project with City regulations;
- F. A list of uses for which the special use permit is sought and the gross floor area or gross lot area that each use would occupy;
- G. A written description of the proposed operation of the use, including hours of operation, number of employees, and any proposed storage or use of hazardous materials;
- H. A written statement addressing the decision criteria;
- I. A legal description of the property, including parcel number;
- J. A statement to the effect that the applicant or applicants are the sole owners of the property;
- K. Photographs of the site;

- L. A completed SEPA Checklist (for environmental review), unless the project is categorically exempt from SEPA review;
- M. A list of other permits that are or may be required for development of the property (issued by the City or by other government agencies), insofar as they are known to the applicant;
- N. A list of other City permits that are to be processed concurrently with this permit, pursuant to Section 1.35.080;
- O. Payment of a fee of \$350.
- P. Exterior elevations of all existing and proposed structures;
- Q. A colors and materials board showing all proposed colors and materials;
- R. If the project is to be developed or occupied in phases, a schedule for each phase;

Section 6: LMC 21.30.300 Amended. Section 21.30.300 is amended to read as follows:

21.30.300 Procedure for Approval of Preliminary Planned Unit Development Projects

The City will process an application for a preliminary Planned Unit Development through PROCESS IV (LMC 1.35.400 thru 1.35.499). 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.

Section 7: LMC 21.50.200.B Amended. Section 21.50.200.B is amended to read as follows:

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 conditional use permit as per Chapter 21.24 or development plan 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 21.12 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 conditional use permit procedures as provided in Chapter 21.24, except as follows:

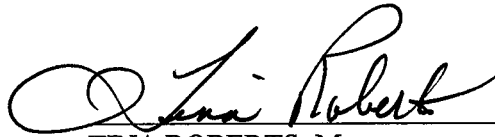
1. The application fee for development plan approval is \$350. The fee is not required if the property is already zoned LI or BTP, and the request for development plan approval is merely to fulfill the requirements of this section;
2. The development plan shall have been designed by one or more professionals 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.

Section 8: 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 9: Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication. However, the procedures set forth in this ordinance shall apply only to applications filed on or after April 1, 1996.

Passed this 25th day of March, 1996, and signed in authentication of its passage this 26th day of March, 1996.



TINA ROBERTS, Mayor

ATTEST:



Acting Finance Director

APPROVED AS TO FORM:



JOHN P. WATTS, City Attorney

PUBLISHED: