

AN ORDINANCE ALLOWING TEMPORARY SALES AND LEASING OFFICES AT NEW AND REHABILITATED RESIDENTIAL DEVELOPMENTS; CREATING NEW CHAPTER 16.40 TO THE LYNNWOOD MUNICIPAL CODE AND THE SECTIONS THEREIN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, early sales or leasing of dwelling units at new residential developments and developments being rehabilitated can provide a useful service to potential buyers and lessors and can facilitate timely occupancy of the units; and

WHEREAS, an on-site temporary sales/rental office provides the best opportunity for conducting early sales/leasing; and

WHEREAS, Section 3103 of the Uniform Building Code provides for temporary buildings and structures in conjunction with construction work by administrative permit; and

WHEREAS, the City should insure that such offices or sales/leasing activity does not adversely affect adjoining properties or public streets.

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

Section 1: New Chapter. Chapter 16.40 is added to the Lynnwood Municipal Code, to be titled:

16.40 TEMPORARY SALES/LEASING OFFICE

Section 2: New Section. Section 16.40.100 is added to the Lynnwood Municipal Code, to read as follows:

16.40.100 Purpose

This chapter establishes regulations for allowing temporary sales/leasing offices during construction and before occupancy at the site of new and rehabilitated residential developments. These regulations are intended to allow such offices to be located and operated in a manner that is in the interest of the public health and safety and in a manner that does not adversely impact adjoining properties or streets.

Section 3: New Section. Section 16.40.200 is added to the Lynnwood Municipal Code, to read as follows:

16.40.200 Application

The developer of a new single family or multiple family residential development or a multiple family development that is being rehabilitated may apply to the Community Development Department to allow a temporary office for sales or leasing of units in the development as part of

1 applying for building permits for the development. Multiple family housing includes apartments,
2 condominiums, townhouses, and housing designed or intended for use by senior citizens.

3 Section 4: New Section. Section 16.40.300 is added to the Lynnwood Municipal Code, to read
4 as follows:

5 16.40.300 Authority

6 The Community Development Director may approve an application for a temporary on-site
7 sales/leasing office if the Director finds that the location and use of the office complies with the
8 purpose and regulations in this Chapter and other applicable regulations in the Lynnwood
9 Municipal Code. Action taken pursuant to this Section may be appealed through Process II
10 (LMC 1.35.200).

11 Section 5: New Section. Section 16.40.400 is added to the Lynnwood Municipal Code, to read
12 as follows:

13 16.40.400 Requirements

14 A temporary sales/leasing office allowed under this chapter shall be located in a "commercial
15 coach" that meets the requirements of the State Department of Labor and Industry (ref.
16 WAC 296-150C, referred to herein by the term "coach"), and shall comply with the following
17 requirements:

- 18 A. The site of the coach shall be separated from the construction area by fencing. Access for the
19 public into the construction area is prohibited; this prohibition shall be posted at all access
20 gates to the construction area.
- 21 B. A minimum of five off-street parking spaces plus a van-accessible stall shall be provided on a
22 paved surface. These spaces shall be located so that vehicles are not required to back onto a
23 designated arterial street.
- 24 C. Access to the coach shall comply with all accessibility requirements.
- 25 D. The project developer shall post a cash deposit of \$5,000 to guarantee removal of the coach.
- 26 E. The coach shall be removed from the site within 15 calendar days of issuance of the first
27 certificate of occupancy for the development or within 120 calendar days of issuance of a
28 building permit for the development, whichever occurs first. The Director of Community
29 Development may grant a single extension of this time limit of no more than 60 calendar days
30 upon a request of the developer and a showing that construction of the development has been
31 delayed due to no fault of the developer. After removal of the coach, the sales/leasing office
32 may relocate to a permanent building on the development site.
- 33 F. The coach may be located in a required setback, except a setback that adjoins a single family
34 zone.
- 35 G. A building permit is required for installing the coach, for installing access ramps, and for
36 sewer, water and electrical connections.

- 1 H. The coach must be labeled as a commercial coach by the Washington State Department of
2 Labor and Industries.
- 3 I. If the floor area of the coach exceeds 400 square feet, the exterior walls shall provide one-
4 hour fire protection, or an approved sprinkler system shall be installed within the coach.
- 5 J. The coach shall not be located in required fire lanes and shall be accessible to emergency
6 equipment.
- 7 K. Fire extinguishers shall be located in or around the sales office, as required by the Fire
8 Marshal.
- 9 L. Persons not directly involved in construction/rehabilitation of the dwelling units (including,
10 but not limited to, office staff, potential buyers/lessors, or other visitors to the office) shall not
11 be allowed access to the construction area for any reason.
- 12 M. Temporary landscaping shall be placed around the base of the coach, subject to the approval
13 of the Community Development Director.

14 Section 6: New Section. Section 16.40.500 is added to the Lynnwood Municipal Code, to read
15 as follows:

16 16.40.500 Revocation

17 The Community Development Director may revoke approval of a temporary sales/leasing office
18 approved under this chapter if the Director finds that the installation or use of the office violates
19 one or more provisions of this Chapter or the Lynnwood Municipal Code. The Director shall
20 notify the applicant and any other party to the original decision in writing of revocation. A
21 decision to revoke approval of an office may be appealed pursuant to Process II. In the event of
22 revocation, the office shall be closed immediately and all improvements related to the office shall
23 be removed from the site within 15 calendar days of the effective date of the revocation. This
24 authority shall be supplemental to, and in no way shall limit, separate authority to enforce the
25 provisions of this Title or Code.


26 Section 7: Severability. If any section, subsection, sentence, clause, phrase or word of this
27 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,
28 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of
29 any other section, subsection, sentence, clause, phrase or word of this ordinance.

30 Section 8. Effective Date. This ordinance shall take effect and be in force five (5) days after its
31 passage, approval and publication. Publication may be by a summary of the ordinance consisting
32 of the ordinance title.

1 PASSED THIS 12 day of June, 2000 and signed in authentication of its passage this ___th day of
2 June, 2000.

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6 _____
TINA ROBERTS, Mayor

7 ATTEST:

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10 _____
MIKE BAILEY, Administrative Services Director

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12 APPROVED AS TO FORM:

13
14 
15 _____
GREG RUBSTELLO, City Attorney

16 File Number: 00CAM0005
17 File Name: Temporary Sales/Leasing Office Code Amendment