

**CITY OF LYNNWOOD  
ORDINANCE NO. 2441**

**FEB 04 2003**

**SCANNED**

AN ORDINANCE AMENDING THE ZONING CODE AND OFFICIAL ZONING MAP OF THE CITY OF LYNNWOOD; AMENDING SECTIONS 1.35.180, 18.04.010, 18.04.020, 18.04.030, 18.04.040, 18.04.050, 18.04.060, 18.04.070, 21.04.015, 21.04.018, 21.04.020, 21.04.030, 21.04.120, 21.04.220, 21.04.222, 21.04.300, 21.04.310, 21.04.400, 21.04.430, 21.04.600, 21.04.920, 21.04.960, 21.04.999, 21.18.300, 21.18.500, 21.18.710, 21.20.100, 21.20.200, 21.20.300, 21.20.400, 21.20.500, 21.22.100, 21.22.300, 21.22.400, 21.22.500, 21.22.600, 21.22.700, 21.22.800, 21.22.900, 21.22.940, 21.22.950, 21.22.960, 21.24.100, 21.24.150, 21.24.200, 21.24.300, 21.24.400, 21.26.100, 21.26.150, 21.26.200, 21.26.250, 21.26.300, 21.26.350, 21.26.400, 21.26.500, 21.26.550, 21.26.600, 21.40.100, 21.40.200, 21.40.900, 21.42.050, 21.42.100, 21.42.105, 21.42.110, 21.42.140, 21.42.200, 21.42.210, 21.42.220, 21.42.230, 21.42.240, 21.42.250, 21.42.300, 21.42.400, 21.42.900, 21.44.050, 21.44.100, 21.44.105, 21.44.210, 21.44.220, 21.44.250, 21.44.400, 21.44.500, 21.44.900, 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.112, 21.46.113, 21.46.114, 21.46.115, 21.46.116, 21.46.118, 21.46.119, 21.46.120, 21.46.200, 21.46.210, 21.46.220, 21.46.230, 21.46.900, 21.46.910, 21.48.050, 21.48.100, 21.48.105, 21.48.110, 21.48.111, 21.48.112, 21.48.113, 21.48.114, 21.48.115, 21.48.116, 21.48.118, 21.48.119, 21.48.210, 21.48.220, 21.48.800, 21.48.900, 21.50.050, 21.50.100, 21.50.105, 21.50.110, 21.50.120, 21.50.150, 21.50.160, 21.50.200, 21.50.210, 21.50.220, 21.50.900, 21.52.050, 21.52.100, 21.52.120, 21.52.125, 21.50.130, 21.52.160, 21.52.200, 21.52.220, 21.52.400, 21.52.900, 21.54.050, 21.54.100, 21.54.140, 21.54.150, 21.54.200, 21.54.220, 21.54.230, 21.54.240, 21.54.250, 21.54.900, 21.56.050, 21.56.200, 21.56.700, 21.72.100, 21.72.350, 21.72.400, 21.72.450, 21.72.500, 21.72.600, 21.72.650, 21.72.700, 21.72.800, 21.72.900, 21.90.010, 21.90.030, 21.90.050, 21.90.100, 21.90.250, 21.90.300, 21.90.350 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING CHAPTERS 18.22 AND 21.28, OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**WHEREAS**, the Revised Code of Washington requires that a city's development regulations be consistent with the city's comprehensive plan; and

**WHEREAS**, the City of Lynnwood has found certain inconsistencies between the city's development regulations and the city's comprehensive plan; and

**WHEREAS**, the City of Lynnwood has found certain inconsistencies within the city's development regulations; and

**WHEREAS**, the Lynnwood Planning Commission has recommended amendments to the development regulations to correct the aforementioned inconsistencies and to make the regulations more effective and efficient; and

**WHEREAS**, the public has had several opportunities to comment on proposed development regulations amendments through public meetings and public hearings before the Planning Commission and the City Council; and

**WHEREAS**, the City Council, following a public hearing to accept public comments on all recommended development regulations amendments, determined that the following development regulations amendments are desirable and in the public interest and welfare.

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

**Section 1.** Section 1.35.180(B) of the Lynnwood Municipal Code is hereby amended as follows:

**1.35.180 Amendment of an approved project or permit.**

B. Exemption from Administrative Amendment for Conditional Use Permits, Shoreline Conditional Use Permits, and Planned Unit Developments. The following additions and activities to a previously approved project or decision are

exempt from conditional use permits, and planned unit development review under this section unless otherwise required by the city code or by the terms of a concomitant agreement which requires review:

1. Repair without a change in the dimensions or configuration of the structure or sign; or
2. The addition of minor structural elements and elements such as fences, carports and mechanical equipment; or
3. Re-striping of parking or circulation areas, minor adjustments to parking area layout; provided the total number of stalls does not fall below the minimum or exceed the maximum number required by the zoning code; or
4. Minor adjustments in building height not to exceed 10 percent in height or minor adjustments in building location not to exceed 10 feet in any direction; provided the structures do not modify the zoning code requirements to any greater extent than any modifications approved with the original application; or
5. Reductions in sign size and height and minor increases in freestanding sign, height not to exceed 10 percent in height or minor adjustments in sign location not to exceed five feet in any direction; provided, the sign(s) does not modify zoning code requirements to any greater extent than any modifications approved with the original application; or
6. Reductions in size and minor adjustments in the location of wall signs on any one side of a building as long as the minor adjustments maintain the design intent or purpose of the original approval; or
7. Changes in color, design or in plant material, as long as changes maintain the design intent or purpose of the original approval.

**Section 2.** Sections 18.04.010, 18.04.020, 18.04.030, 18.04.040, 18.04.050, 18.04.060, 18.04.070 of Chapter 18.04 of the Lynnwood Municipal Code are hereby amended as follows:

#### **Chapter 18.04 GENERAL PROVISIONS**

**Sections:**

- 18.04.010 Comprehensive Plan Amendments – Purpose and introduction.**
- 18.04.040 Preparation of the Proposed Amendments List.**
- 18.04.050 Application for Comprehensive Plan amendment.**
- 18.04.060 Plan amendment process.**
- 18.04.070 Criteria for evaluation of Comprehensive Plan amendments.**

**18.04.010 Comprehensive Plan Amendments – Purpose and introduction.**

The purpose of this chapter is to establish procedures for amending the Comprehensive Plan. The Growth Management Act allows amendments to Comprehensive Plans only once per year, except in specified unique or emergency situations. The Comprehensive Plan amendment process set forth in this chapter requires the City to compile and process a list of proposed amendments to the Comprehensive Plan. This Proposed Amendments List (PAL) will be derived from two sources. First, suggested amendments will be received from citizens, property owners, project proponents, staff, Hearing Examiner, the Planning Commission, City Council or other public agencies. This chapter establishes a process to determine which of these suggested amendments will be placed on the Proposed Amendments List. Second, the City will receive applications for specific project-related or site-specific amendments to the Comprehensive Plan. Such applications shall be automatically placed on the Proposed Amendments List. (Ord. 2085 § 2, 1996)

**18.04.020 Annual amendment process.**

Except as provided in LMC 18.04.030:

- A. Proposals for amendments of the Comprehensive Plan shall be considered by the City Council no more frequently than once every year;
- B. Proposals for Plan amendments shall be considered concurrently so that the cumulative effect of various proposals can be ascertained; and
- C. Proposals may be considered at separate meetings or hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments to the Plan. (Ord. 2085 § 2, 1996)

**18.04.030 Exception to annual amendment.**

In addition to the annual amendment process, the City Council may amend the Comprehensive Plan in any of the following circumstances:

- A. Resolution of an emergency condition or situation that involves public health, safety or welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare.
- B. Initial adoption of an identified subarea plan designed to comply with the Growth Management Act and to be

consistent with the City's Comprehensive Plan.

C. Adoption of Comprehensive Plan designation(s) associated with an annexation and intended to take effect upon annexation, or other date specific.

D. Resolution of decision by an administrative agency, or court of competent jurisdiction.

Determination of an exception to the annual amendment process shall be made by the City Council after recommendation by the Planning Commission. Proposed Comprehensive Plan amendments which are reviewed outside the annual amendment process shall be processed according to LMC 18.04.050, 18.04.060, and 18.04.070. (Ord. 2085 § 2, 1996)

#### **18.04.040 Preparation of the Proposed Amendment List (PAL).**

A. Annual List of Suggested Amendments. The Community Development Director shall compile and maintain for public review an annual list of suggested amendments to the Comprehensive Plan or subarea plans that are citywide in nature and that are not for personal gain, project-related or site-specific.

B. Public Participation Process – Suggested Amendments

1. The annual amendment process shall generally follow the Citizen Involvement Program contained in the Introduction Element of the Comprehensive Plan and shall

provide for early and continuous public involvement with broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provisions for open discussion, communication programs, information services, and consideration and response to public comments.

2. The deadline for receipt of suggested Plan amendments shall be 5:00 PM on April 1 of each year, or the nearest working day if April 1 falls on a weekend.

3. General public notice shall be given at least sixty (60) days prior to the application deadline to inform the public of the annual Plan Amendment process, the deadline for Plan amendment suggestions and applications and how to obtain additional information.

C. Planning Commission and City Council Review. .

1. Immediately following the April 1 deadline for suggested amendments, the Director of Community Development shall recommend a list of suggested amendments for inclusion on the Proposed Amendments List for processing. The Director shall base the recommendation on a preliminary evaluation of the need, urgency, and appropriateness of the suggested Plan amendments, and the criteria set forth in the Implementation Element of the Comprehensive Plan.

2. The Director's recommendation, and a brief description of each suggested Plan amendment, shall be forwarded to the Planning Commission for review and consideration. The Planning Commission shall hold a public hearing to accept public comments on any or all of the suggested amendments and to consider any additional suggestions for inclusion on the Proposed Amendments List that may be offered. The Planning Commission's recommended Proposed Amendments List shall then be finalized and forwarded to the City Council. The Commission shall base its recommendations on its preliminary evaluation of the need, urgency and appropriateness of the suggested Plan amendments, and the criteria set forth in the Implementation Element of the Comprehensive Plan. 3. The City Council shall consider the Planning Commission's recommendations, and may hold another public hearing. The City Council shall determine which items shall be included in the annual amendment process. The City Council shall base this decision on the same criteria used by the Planning Commission.

#### **18.04.050 Application for Comprehensive Plan amendment.**

The City will review a formal application for a specific project-related or site-specific Comprehensive Plan amendment filed by proponents of land development projects, property owners, citizens, Hearing Examiner, other agencies or other interested persons.

Applications for Plan amendments shall be processed as follows:

A. Application Submittal Requirements. The applicant shall:

1. Deposit funds or post bond for required fees and costs as stated in LMC 2.23.140;

2. Complete required submittal documents on forms of the Community Development Department, that include at a minimum:

a. Name and address of applicant;

b. Description of proposed Plan amendment and associated development proposals (if applicable). Project-related amendments shall include plans, information and/or studies that accurately depict existing and proposed use(s) and improvements. Proposed Plan amendments that do not specify proposed use(s) and potential impacts will be assumed to have maximum impact to the environment, and public facilities and services;

- c. Map (if appropriate) showing area affected by proposed plan amendment;
- d. Narrative evaluation showing how the amendment and associated development proposals (if any):
  - i. Promote the public health, safety, and welfare;
  - ii. Are consistent or in conflict with, or otherwise related to the criteria in the Implementation Element of the Comprehensive Plan;
  - iii. Complies with GMA; and
  - iv. Addresses potential impact and proposed mitigation relating to the environment, and public facilities and services;

3. The Community Development Director may request the applicant submit additional information that in the Director's opinion is reasonably necessary and appropriate for review of the proposed amendment.

B. Application Submittal Deadline. The deadline for receipt of formal amendment applications shall be 5:00 PM on April 1 of each year, or the nearest working day if April 1 falls on a weekend.

**18.04.060 Plan amendment process.**

A. The annual Plan amendment process shall be guided by the general process and schedule outlined in the Implementation Element of the Comprehensive Plan. B. Planning Commission Recommendation. The Planning Commission, after studying each proposal on the Proposed Amendments List, and after holding a public hearing to accept public comments on each, shall recommend to the City Council that each proposed amendment(s) be denied, approved, or approved with conditions or modifications. The Planning Commission's recommendation shall be based upon criteria set forth in the Implementation Element of the Comprehensive Plan.

C. City Council Decision. The City Council shall review the recommendations of the Planning Commission and any comments offered by other agencies, and shall hold a public hearing to accept any additional public comments prior to the final decisions. The Council shall approve, deny, or approve with conditions or revisions to the proposed amendment(s). The Council's decision shall be based on criteria set forth in the Implementation Element of the Comprehensive Plan. (Ord. 2085 § 2, 1996)

**18.04.070 Criteria for evaluation of Comprehensive Plan amendments.**

The criteria to be used in the review and approval of Plan amendment requests are contained in the Implementation Element of the Lynnwood Comprehensive Plan.

**Section 3. Repealer.** Chapter 18.22 of the Lynnwood Municipal Code relating to Land Use Classifications is hereby repealed in its entirety.

**Section 4.** Sections 21.04.015, 21.04.018, 21.04.020, 21.04.030, 21.04.120, 21.04.220, 21.04.222, 21.04.300, 21.04.310, 21.04.400, 21.04.430, 21.40.600, 21.04.920, 21.04.960, 21.04.999 of Chapter 21.04 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.04  
GENERAL PROVISIONS**

**Sections:**

**21.04.018 Enforcement by Community Development Director.**

**21.04.015 Purpose.**

A. General. This title (Title 21 Zoning, also called Zoning Code) provides regulations concerning the use of land and structures and the location, size, and bulk of structures for the purpose of avoiding or abating public nuisances. This title also intends to promote 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; and, State law, judicial decisions, and Central Puget Sound Growth Management Hearings Board decisions regarding land use regulations. To these ends, it is the intent of these regulations to implement the City of Lynnwood Comprehensive Plan and the Future Land Use Plan Map.

These general purposes include the more specific purposes set forth elsewhere in this title.

B. Sign Regulations. See LMC 21.16.050 for purpose of sign regulations. (Ord. 2310 30, 2000; Ord. 2045 10, 1995; Ord. 2020 3, 1994; Ord. 1575 1, 1987; Ord. 1453 1, 1985)

#### **21.04.018 Enforcement by Community Development Director.**

The Community Development Director is charged with the implementation and enforcement of the provisions of this title, except Chapter 21.08 (Tree Preservation and Protection), which shall be implemented and enforced by the Director of Public Works. The Community Development Director may designate employees of the Community Development Department to implement or enforce the provisions of this title. Enforcement of this title is done under the authority and according to the regulations set out in this chapter and in LMC Chapters 1.01, 1.40, and 1.45. (Ord. 2020 § 3, 1994; Ord. 1704 § 3, 1989)

#### **21.04.020 Interpretation of text and 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 Community Development Department of the City of Lynnwood. Said map is by this reference incorporated herein and hereby made an integral part of this title. (Ord. 2020 § 3, 1994; Ord. 190 Art. 1 § 1.2, 1964)

#### **21.04.030 Site-specific development regulations.**

Those portions of Ordinance Nos. 729, 788, 920, 1017, 1141, 1194, 1287, 1342, 1354, 1439, 1443, 1456, 1499, 1507, 1514, 1540, 1560, 1563, 1628, 1632, 1682, 1775, and 1939 concerning designation of uses, development standards, development regulations, or other similar controls (collectively referred to herein as "development standards") for specific sites, properties, or areas, are hereby adopted by reference and declared part of the zoning code of the City of Lynnwood; provided, however, that those portions of Ordinance 1342 that pertain to areas outside the city limits of the City of Lynnwood shall be considered part of an interim land use plan until the urban growth area plan is adopted or substantially completed. These development regulations apply in addition to the provisions of any other ordinance or law, and wherein inconsistent, supersede the provisions of any other ordinance or law. (Ord. 2060 § 1, 1996)

#### **21.04.120 Liability of officials and employees.**

The Community Development Director 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 or her 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 Community Development Director 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. (Ord. 2020 § 3, 1994; Ord. 1704 § 2, 1989; Ord. 190 Art. XIII § 13.1e, 1964)

#### **21.04.220 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. (Ord. 2020 § 3, 1994; Ord. 190 Art. XVI § 16.1, 1964)

#### **21.04.222 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. (Ord. 2020 § 3, 1994; Ord. 771 § 2, 1974)

#### **21.04.300 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 this title (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 zoning agreement (CZA), 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 this title and to

any other interpretation of the zoning code issued by the Community Development Director.

C. Who May Request. Any person may request a written interpretation of the provisions of this title. In addition, the Community Development Director may issue an interpretation on the Director's own initiative.

D. Applicable Procedure. The Community Development Director shall interpret the provisions of this title in conformance with this section.

F. Factors for Consideration. In making an interpretation of the provisions of this title, the Community Development Director shall consider:

1. The applicable provisions of the zoning code including their purpose and context; and
2. The implications of the interpretation for development within the City as a whole; and
3. The impact of the interpretation on other provisions of the zoning code; and
4. The intent of the City Council as reflected by the Council minutes, findings, and conclusions, and other documents found within the Community Development Department file on the provisions in question, if any; and
5. The Comprehensive Plan and other relevant codes and policies; and
6. The opinion of the City Attorney on the interpretation.

G. Limitation on Authority. The Community Development Director 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 Community Development 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 Community Development Director.

J. Response to Written Request. The Community Development 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 Community Development Director using Process II, LMC 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. (Ord. 2020 § 3, 1994)

#### **21.04.310 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. (Ord. 2020 § 3, 1994)

#### **21.04.400 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. (Ord. 2020 § 3, 1994; Ord. 190 Art. III, 1964)

#### **21.04.430 Temporary freestanding signs during street construction.**

During the reconstruction of Highway 99, the Community Development Director may allow temporary freestanding signs to identify a business or multiple businesses impacted by that construction, subject to the following regulations:

E. Such sign shall be removed no more than 30 calendar days following completion of each phase of work on the portion of Highway 99 that impacts the business, as determined by the Community Development Director. Currently, the phases are as follows:

#### **21.04.600 Record evidence of approvals and permits.**

As a condition of approval of any approval or permit pursuant to this title, the approving body may require the applicant to record evidence of approval of the approval or permit and all conditions of that approval with the Snohomish County Auditor. Alternatively, the City may choose to record this evidence on its own initiative. (Ord. 2295 § 14, 2000)

**21.04.920 Monitoring and enforcement procedures.**

The Community Development 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 Community Development 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 Community Development Department shall not approve a construction permit until compliance has been verified.

B. As part of the final inspection process for new construction, Community Development Department 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 (COA) 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: Chapters 10.08, 16.04, and 21.04 LMC. Any appeal of such a citation shall be processed according to Process II, LMC 1.35.200 et seq. (Ord. 2075 1, 1996)

**21.04.960 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 Community Development Director is authorized to apply the regulations and requirements of LMC Title 20 at the date of adoption of LMC Title 21 to a specific parcel or project in lieu of the applicable regulations and requirements of LMC Title 21 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. (Ord. 2020 § 3, 1994)

**21.04.999 Savings clause.**

Nothing contained in this title 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. (Ord. 2020 § 3, 1994)

**Section 5.** Sections 21.18.300, 21.18.500, 21.18.710 of Chapter 21.18 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.18  
OFF-STREET PARKING**

**21.18.300 Location of parking.**

A. Exception – Remote Parking Lots. Customer and 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 I shall consider all factors relevant to the public interest, including but not limited to the following:

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. (Ord. 2322 § 1, 2000; Ord. 2020 § 9, 1994; Ord. 1359 § 1, 1983; Ord. 1007 § 1, 1978; Ord. 722 § 1, 1973; Ord. 478 § 1, 1969; Ord. 285 § 2, 1966; Ord. 190 Art. VII § 7.1, 1964; Ord. 190 Art. XI § 11.1, 1964)

**21.18.500 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. (Ord. 2020 § 9, 1994; Ord. 478 § 1, 1969; Ord. 190 Art. XI § 11.3, 1964)

**21.18.710 Parking structure development standards.**

**A. Development Standards.**

1. Compliance with Other Standards – Exceptions. A parking structure shall comply with all development standards for the applicable zone, with the following exceptions:

a. In the PRC, CG, BC/B-1, PCD and MU zones, 50 percent of the square footage of the ground-level floor of the parking structure shall be counted in the calculation of lot coverage. In all other zones, 100 percent of the square footage of the ground-level floor shall be counted in the calculation of lot coverage.

b. See subsection (B)(5)(c) of this section for minimum setback requirement from streets.

2. Stall Dimensions. All parking stalls and aisles shall be designed according to Figure 21.18.1, “Minimum Standards for Off-Street Parking,” unless all parking is to be done by parking attendants on duty at all times that the parking structure is in use for the storage of vehicles.

3. Exterior Elevations. The exterior colors and materials of a parking structure shall match or complement those of the project for which it provides parking to the maximum extent feasible. The architectural design of the structure’s exterior (including the use of colors and materials) does not need to match the design of adjoining buildings, but it should visually complement other buildings in the project. When viewed together, the main building(s) and parking structure(s) should create an overall design character that integrates all project buildings into a well coordinated and visually pleasing streetscape.

Regardless of the structural design of the structure, horizontal elements on the structure exterior shall be level and not sloping. Masking or concealing sloping ramps may necessitate placing one or more facades on these walls.

Horizontal exterior facades of 30 feet or longer shall be treated or designed so that long and continuous horizontal surfaces do not dominate the structure’s appearance.

The apparent bulk of the structure shall be reduced by setting back floors above the third floor above ground-level floors. Low walls, facades or other improvements (at least 3.5 feet high) shall be installed around all sides of all levels of the structure so that parked vehicles are shielded from view from ground level and adjoining buildings. Landscaping may be installed (in planter boxes) at the tops of such walls to provide additional screening and to soften the exterior appearance of the parking structure.

4. Roof-Top. The structure’s roof shall be treated with landscaping, trellises, and/or other design features in order to break up or soften the dominance of the combination of concrete and asphalt when the structure is viewed or could be viewed from above.

**5. Ground Floor.**

a. Vehicle Access. The number of travel lanes at an entry/exit driveway shall be limited to a maximum of three lanes unless exceptional traffic conditions or congestion require an additional drive. In no cases shall the number of lanes exceed four.

b. Landscaping. Landscaping shall be installed and maintained at ground level on all sides of a parking structure (exceptions: designated “pedestrian-oriented street” frontages (see below) and locations where the distance between the structure and an adjoining building is less than 20 feet). On the side of a parking structure that faces a street, a planting area at least 25 feet wide shall be provided. Planting along streets for which a landscaping plan has been approved (Chapter 21.06 LMC) shall conform to the approved plan. Along other sides of the structure, planting shall include:

i. A planting area at least 10 feet wide adjacent to the side of the structure and a planting area at least 15 feet wide adjacent to the street frontage;

ii. Trees in an arrangement that is consistent with the architecture of the parking structure so that the average spacing between trees is no more than 30 feet;



iii. Shrubs and groundcover in the remainder of the planting area so that all exposed ground shall be covered within five years;

iv. Flowering plants (covering a minimum of eight square feet) where a vehicle driveway connects to private or public streets and along sidewalks leading to pedestrian entrances and exits.

c. Street Frontage. The design and use of portions of the ground floor of a parking structure that have frontage on a public or private street (but not including an alley) shall comply with the following requirements:

i. Designated Pedestrian-Oriented Streets. Where a parking structure fronts on a street designated as a "pedestrian-oriented street," the portion of the garage that fronts on the designated street shall be designed to provide occupiable space for commercial uses that generate substantial foot traffic, such as retail businesses, walk-in businesses (arcades, art galleries, museums, and the like) and personal service shops (such as banks, barber and beauty shops, travel agencies, printing/copying stores, and dry cleaners). Exceptions to this requirement shall be allowed for entry/exit driveways and pedestrian egress/ingress to/from the structure.

ii. Other Streets. Where a parking structure fronts on a street not designated as a "pedestrian-oriented street," parking may be located along the street frontage; provided, that the parking structure is set back from the street a minimum of 25 feet. The setback shall be landscaped as required by subsection (B)(5)(b) of this section.

d. Pedestrian Connections. The design of pedestrian connections or pathways from a parking structure to the building(s) for which it provides parking shall clearly delineate and separate the pedestrian way from travel areas for vehicles.

6. Above-Ground Pedestrian Connections. Pedestrian connections from a parking structure to the building(s) for which it provides parking ("sky bridges") are allowed. The exterior design of such connections shall be consistent with the design of the parking structure and the main building(s) and shall maintain architectural continuity with the design concept for the project. (Ord. 2388 11, 2001; Ord. 2049 2, 1995)

**Section 6.** Sections 21.20.100, 21.20.200, 21.20.300, 21.20.400, 21.20.500 of Chapter 21.20 of the Lynnwood Municipal Code are hereby amended as follows:

#### **Chapter 21.20 CODE AMENDMENTS**

**21.20.100 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. (Ord. 2020 § 10, 1994)

**21.20.200 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 consistency with the Comprehensive Plan or respond to changing conditions or needs of the City. (Ord. 2020 § 10, 1994)

**21.20.300 Who may initiate.**

The City Council, the Planning Commission or the Community Development Director with the concurrence of either body may initiate an amendment to the text of the zoning code. (Ord. 2020 § 10, 1994; Ord. 1358 § 1, 1983; Ord. 1348 § 7, 1983; Ord. 1151 § 1, 1980; Ord. 953 § 1, 1978)

**21.20.400 Applicable procedure.**

The City will process an amendment to the text of the zoning code using Process IV, LMC 1.35.400 et seq. (Ord. 2020 § 10, 1994)

**21.20.500 Decision criteria.**

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

A. The amendment is consistent with the Comprehensive Plan; and

B. The amendment is substantially related to the public health, safety or welfare; and

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Lynnwood. (Ord. 2020 § 10, 1994)

**Section 7.** Sections 21.22.100, 21.22.300, 21.22.400, 21.22.500, 21.22.600, 21.22.700, 21.22.800, 21.22.900, 21.22.940, 21.22.950, 21.22.960 of Chapter 21.22 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.22**  
**RECLASSIFICATION**

**21.22.100 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. (Ord. 2020 § 11, 1994)

**21.22.300 Who may apply.**

The property owner or the City may apply for a reclassification of property. (Ord. 2020 § 11, 1994; Ord. 1302 § 1, 1982; Ord. 1151 § 4, 1980; Ord. 953 § 2, 1978)

**21.22.400 Applicable procedure.**

The City will process an application for a reclassification of property through Process IV, LMC 1.35.400 et seq. (Ord. 2020 § 11, 1994)

**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 Community Development 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 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 LMC 1.35.080;

J. A list of other city permits that are to be processed concurrently with this permit, pursuant to LMC 1.35.080;

K. Payment of a fee, as shown in LMC 21.22.920. (Ord. 2075 2, 1996; Ord. 2020 11, 1994)

**21.22.600 Decision criteria.**

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

A. The reclassification is substantially related to the public health, safety, or welfare; and

B. 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

C. The subject property is suitable for development in general conformance with zoning standards under the proposed zoning classification; and

D. The reclassification will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and

E. The reclassification has merit and value for the community as a whole; and

F. The reclassification is in accord with the Comprehensive Plan; and

G. The reclassification complies with all other applicable criteria and standards of the Lynnwood Municipal Code.

(Ord. 2020 11, 1994)

**21.22.700 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. (Ord. 2020 § 11, 1994)

**21.22.800 Concomitant zoning agreement.**

The City is specifically authorized to require that the applicant enter into a concomitant zoning agreement (CZA) 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. (Ord. 2020 § 11, 1994)

**21.22.900 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. (Ord. 2020 § 11, 1994)

**21.22.940 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. (Ord. 2020 § 11, 1994; Ord. 953 § 1, 1978)

**21.22.950 Hearing and notice.**

In order to effect the purpose of LMC 21.22.940, 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 30 days but no more than 60 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 current 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. (Ord. 2020 § 11, 1994; Ord. 953 § 1, 1978)

**21.22.960 Hearing objections.**

At the hearing provided in LMC 21.22.950, 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:

A. The part or parts of the map objected to; or

B. The specific ordinance of the Council or section of the Comprehensive Plan with which the map is inconsistent.

(Ord. 2020 11, 1994; Ord. 953 1, 1978)

**Section 8.** Sections 21.24.100, 21.24.150, 21.24.200, 21.24.300, 21.24.400 of Chapter 21.24 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.24  
CONDITIONAL USE PERMITS**

**21.24.100 Authority for issuance.**

The Hearing Examiner 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 shall prescribe any conditions that he/she 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 Hearing Examiner may allow relaxation of the development standards of this title if he/she 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. (Ord. 2020 § 12, 1994)

**21.24.150 General criteria for issuance of conditional use permit.**

In determining findings, the Hearing Examiner 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 Hearing Examiner on any application processed, a six-month waiting period shall be necessary before reapplication. (Ord. 2020 § 12, 1994)

#### **21.24.200 Application, hearing and notice.**

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 Community Development Director may waive any of these items, pursuant to LMC 1.35.015(A), upon request by the applicant and 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 LMC 1.35.080;

O. Deposit funds or post bond for required fees and costs as stated in LMC 2.23.140;

P. Exterior elevation 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 this section, 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. (Ord. 2242 9, 1999; Ord. 2075 3, 1996; Ord. 2020 12, 1994; Ord. 1630 5, 1988; Ord. 1135 5, 1980; Ord. 522 2, 1969; Ord. 494 2, 1969)

#### **21.24.300 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 Hearing Examiner, 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 LMC 21.24.100 through this section. (Ord. 2020 § 12, 1994; Ord. 522 § 2, 1969; Ord. 494 § 2, 1969)

**21.24.400 Compliance with conditions of permit required.**

The conditions of the permit shall be fully complied with, and upon failure to comply, the Community Development Director may investigate and enforce the conditions of the conditional use permit in the same manner as an ordinance violation. The Community Development 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. (Ord. 2020 § 12, 1994; Ord. 494 § 2, 1969)

**Section 9.** Sections 21.26.100, 21.26.150, 21.26.200, 21.26.250, 21.26.300, 21.26.350, 21.26.400, 21.26.500, 21.26.550, 21.26.600 of Chapter 21.26 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.26  
VARIANCES**

**21.26.100 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 zoning code. (Ord. 2020 § 13, 1994)

**21.26.150 Purpose.**

A variance is a mechanism by which the City may grant relief from the provisions of the zoning code where practical difficulty renders compliance with the provisions of the code an unnecessary hardship, where the hardship is a result of the physical characteristics of the subject property and where the purpose of the code and of the Comprehensive Plan can still be fulfilled upon granting of the variance. (Ord. 2020 § 13, 1994)

**21.26.200 Who may apply.**

Only the property owner may apply for a variance from the provisions of the zoning code. (Ord. 2020 § 13, 1994)

**21.26.250 Applicable procedure.**

The City will process an application for a variance from the provisions of the zoning code through Process I, LMC 1.35.100 et seq. The Community Development Director is the applicable department director. (Ord. 2020 § 13, 1994)

**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 Community Development 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 LMC 1.35.080;
- O. Payment of related fees and costs as noted in LMC 2.23.120;
- 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. (Ord. 2242 10, 1999; Ord. 2075 4, 1996; Ord. 2020 13, 1994)

**21.26.350 Decision criteria.**

The Hearing Examiner may approve or approve with modifications an application for a variance from the provisions of the zoning code if:

- A. The variance for the subject property will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and the zone in which the property is located; and
- B. 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 zone in which the subject property is located; and
- C. 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 zone in which the subject property is located; and
- D. 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
- E. The special circumstances of the subject property are not the result of the actions of the applicant or a predecessor in interest; and
- F. The variance is the minimum necessary to fulfill the purpose of a variance and the need of the applicant; and
- G. The variance is consistent with the purpose and intent of the zoning code; and
- H. The variance is in accord with the Comprehensive Plan. (Ord. 2020 § 13, 1994)

**21.26.400 Limitation on authority.**

The Hearing Examiner may not grant a variance to:

- A. The provisions of regulations establishing the allowable uses in each land use zone; or
- B. Any procedural or administrative provisions of the Lynnwood Municipal Code; or
- C. Any provision of the zoning code which, by the terms of that code, is not subject to a variance. (Ord. 2020 § 13, 1994)

**21.26.500 Extension.**

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

- A. Unforeseen circumstances or conditions necessitate the extension of the variance; and
- B. Termination of the variance would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
- C. The extension of the variance will not cause substantial detriment to existing uses in the immediate vicinity of the subject property. (Ord. 2020 13, 1994)

**21.26.550 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:

- A. The criteria in LMC 21.26.500 are met; and
- B. The applicant has demonstrated reasonable diligence in attempting to meet the time limit imposed; and
- C. Conditions in the immediate vicinity of the subject property have not changed substantially since the variance was first granted. (Ord. 2020 13, 1994)

**21.26.600 Assurance device.**

In appropriate circumstances the Hearing Examiner may require reasonable performance or maintenance assurance devices to assure compliance with the provisions of the zoning code and the variance as approved. (Ord. 2020 § 13, 1994)

**Section 10. Repealer.** Chapter 21.28 of the Lynnwood Municipal Code relating to Special Use Permits is hereby repealed in its entirety.

**Section 11.** Sections 21.40.100, 21.40.200, 21.40.900 of Chapter 21.40 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.40  
USE ZONES AND ZONING MAP**

**21.40.100 Use zones established.**

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

Essential Uses	Symbols	Description
<b>A. Single-Family Residential Zones.</b>		
Single-Family Residences		
	RS-8	Residential Zone
	RS-7	Residential Zone
<b>B. Multiple-Family Zones.</b>		
Multiple-Family Residences		
	RML	Low-Density Multiple-Family Residential
	RMM	Medium-Density Multiple-Family Residential
	RMH	High-Density Multiple-Family Residential
<b>C. Commercial Zones.</b>		
Retail, Offices and Services	B-4	Restricted Business
	B-3	Neighborhood Business
	B-2	Limited Business
	PCD	Planned Commercial Development
	B-1	Community Business
	MU	Mixed Use/Business
	CG	General Commercial
	PRC	Planned Regional Shopping Center
<b>D. Industrial Zones.</b>		
Employment Uses	BTP	Business and Technical Park(s)
	LI	Light Industrial
<b>E. Public and Institutional Zones.</b>		
Institutional Uses	P-1	Public and Semi-Public Uses.

(Ord. 2317 § 7, 2000; Ord. 2020 § 16, 1994; Ord. 1881 § 2, 1992; Ord. 1722 § 1, 1989; Ord. 1465 § 3, 1985; Ord. 1247 § 8, 1982; Ord. 1188 § 1, 1981; Ord. 1036 § 4, 1979; Ord. 953 § 3, 1978; Ord. 190 Art. V. § 5.1, 1964)

**21.40.200 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. (Ord. 2020 § 16, 1994; Ord. 190 Art. V § 5.2, 1964)

**21.40.900 Order of restrictiveness.**

The City of Lynnwood is divided into 16 use zones which shall be known, in the order of restrictiveness, beginning with the most restrictive, as:

Upon deletion of the Suburban Residential Zone (RS-12), the properties in the zone are to be automatically placed in the adjacent Residential Zone (RS-8).

- RS-8 Residential Zone
  - RS-7 Residential Zone
  - P-1 Public and Semi-Public Use Zone
  
  - RML Low-Density Multiple-Family Zone
  - RMM Medium-Density Multiple-Family Zone
  - RMH High-Density Multiple-Family Zone  
 Upon deletion of the High Rise Multiple Family Zone (RMHR), the properties in the zone are to be automatically placed in the High Density Multiple Family Zone.
  - B-4 Restricted Business Zone
  - B-2 Limited Business Zone  
 Upon deletion of the Highway Services Zone (C-2), the properties in the zone are to be automatically placed in the adjacent Planned Commercial Zone (PCD).
  - B-3 Neighborhood Business Zone
  - PCD Planned Commercial Zone
  - B-1 Community Business Zone
  - MU Mixed Use/Business Zone
  - CG General Commercial Zone
  - PRC Planned Regional Shopping Center Zone
  - BTP Business and Technical Parks
  - LI Light Industrial
- (Ord. 2317 § 8, 2000; Ord. 2020 § 16, 1994; Ord. 1881 § 3, 1992; Ord. 1465 § 3, 1985; Ord. 1247 § 9, 1982; Ord. 1188 § 2, 1981; Ord. 953 § 4, 1978; Ord. 190 Art. IX § 9.1, 1964)

**Section 12.** Sections 21.42.050, 21.42.100, 21.42.105, 21.42.110, 21.42.140, 21.42.200, 21.42.210, 21.42.220, 21.42.230, 21.42.240, 21.42.250, 21.42.300, 21.42.400, 21.42.900 of Chapter 21.42 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.42  
RESIDENTIAL ZONES**

**Sections:**

**21.42.140 Repealed 21.42.050 Zones and purposes.**

The residential zones are intended to provide for a wide range of housing densities and styles consistent with contemporary building and living standards. (Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

**21.42.100 Uses allowed in residential zones.**

See Table 21.42.01 for use restrictions in residential zones.

**Table 21.42.01**

Use			RS-8	RS-7		RML	RM M	RM H	
Single-Family Dwellings (one per lot)			P	P		P	P	P	
Two-Family Dwellings						P	P	P	
Multiple-Family Dwellings						P	P	P	
Adult Family Homes			P	P		P	P	P	



Accessory Dwelling Unit+			ASF	ASF				
Agricultural and Horticultural Activities, including plant nurseries+			C	C		C	C	C
Boarding Houses+						P	P	P
Child Day-Care Centers+			C*	C*		C	C	C
Churches			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
Expansion or Extension of an Existing College						C	C	C
Hospitals and Nursing Homes								P
Hotels (including incidental commercial facilities which are internally oriented to serve overnight guests)								
Manufactured Home Developments and Designed Manufactured Homes+			P	P		P	P	P
Mini-Day-Care Programs						P	P	P
Office Uses+						C	C	C
Park and Pool Lots+			C**	C**		C	C	C
Professional and Business Offices								
Public Parks			P	P		P	P	P
Public Utility Facilities necessary for the transmission, distribution or collection of electric, telephone, wireless communication, telegraph, cable TV, natural gas, water, and sewer utility services, excluding sewer treatment plants, offices, repair shops, warehouses, and storage yards+			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
Wireless Communications Facility Attached (not permitted on residential structures)			P	P		P	P	P

**21.42.105 Project design review.**

A. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

B. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet, permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

D. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

E. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 16, 2001)

**21.42.110 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, wireless communication, 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:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. The applicant shall demonstrate the need for the proposed public utility facility to be located in a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
3. A site development plan shall be submitted showing the location, size, screening 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;
4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;
5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for non-ionizing electromagnetic radiation;
6. That the applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified it may be approved by the City;
7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Provided, that 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 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 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:

1. The property boundaries;
2. The location of all buildings on the site with the floor areas of each use indicated;
3. 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
4. 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:

- a. 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;
  - b. Any abnormal increase in demand for any public service, facility or utility;
  - c. The size, location, and access of the proposed site; and
  - d. 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:
- a. The applicant must be state-licensed before the operation of the facility;
  - b. Adequate off-street parking must be provided;
  - c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
  - d. Site and sound screening standards for the outdoor play area must be met;
  - e. 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;
  - f. The applicant must indicate the ages of the children to be cared for;
  - g. See LMC 21.16.290(A) for sign regulations.

E. Manufactured Home Developments. Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.

F. Two-Family Dwellings and Multiple-Dwelling Units. In RML, RMM, and RMH 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, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the Fire and Community Development 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:

- a. 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;

- b. 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;

- c. 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;

- d. The proposed use will not adversely affect the surrounding area as to present use or character of the future development;

- e. Restriction to such intended use except by revision through a subsequent conditional use permit.

4. Open Space. A minimum of 200 square feet 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 percent 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 LMC 21.18.800. 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:

1. No portion of the building in which the offices are permitted shall be occupied as a residence;
2. 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;
3. See LMC 21.16.290(G) for sign regulations;
4. The uses shall be of a type unlikely to be open evenings or weekends and unlikely to generate large volumes of traffic;
5. 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 35 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. 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 dwelling unit.

K. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of this section.

1. Purposes. Regulating the development and use of accessory dwelling units is intended to achieve the following purposes.

- a. Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single-family residence;
- b. Create additional affordable housing in Lynnwood;
- c. Allow a property owner to continue to reside in a neighborhood after a lifestyle change, in particular, by having the opportunity to receive rental income;
- d. Develop housing that is appropriate to smaller households; and
- e. Protect neighborhood stability, property values, and the appearance and character of single-family neighborhoods by regulating the installation and use of accessory dwelling units.

2. Permitted Zones. Accessory dwelling units shall be permitted in the R-7 and R-8 zones; provided, that an accessory dwelling unit may be permitted only on a premises that already contains a primary residence.

3. Minimum Lot Size. Accessory dwelling units shall be allowed only at a premises with a lot area of at least 10,000 square feet.

4. Number. A maximum of one accessory dwelling unit shall be permitted on a single-family premise.

5. Location in Relation to Principal Residence. The accessory dwelling unit may be within the principal residence, or it may be connected to it by the foundation, floor, walls, ceiling, and roof; connection by means of a breezeway or other partially open structure shall not fulfill this requirement.

The unit may be created by either building new habitable space or by converting existing habitable space, or by a combination of new construction and conversion. Any new construction for the accessory unit may not be located in front of (i.e., closer to the front property line than) the existing structure.

6. Development Standards. Any new construction shall meet all the development standards for the applicable zone, except as modified by this section, and shall comply with all applicable city codes, including requirements of the building code.

7. Size. The accessory dwelling unit shall have a gross floor area of not less than 500 square feet and not more than 700 square feet. It shall have not more than one bedroom.

8. Design. The accessory dwelling unit shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a single-family residence. At a minimum, the plans for the unit should conform to the following guideline:

Any new exterior construction associated with creating an accessory dwelling unit should match the existing exterior materials and design of the principal residence, and the pitch of any new roof should match that of the principal residence. Any new landscaping should conform with or improve existing landscaping.

9. Entrance Location. The entrance(s) to the accessory dwelling unit shall be located in such a manner as not to appear as a second primary entrance to the structure which encompasses the principal residence.

10. Parking. Two off-street parking spaces shall be provided for the accessory dwelling unit, in addition to the parking required for the main residence. They shall be paved in conformance with standard city requirements. These parking spaces may be located in a garage, carport, or in an off-street area reserved for vehicle parking. These parking spaces may not be located in tandem with parking spaces for the principal unit. These parking spaces may not encroach into any portion of a public or private street right-of-way (including any landscaped portion).

11. Accessibility. In order to encourage the development of housing units for people with disabilities, the Community Development Director may allow reasonable deviations from the requirements of this section to install features or facilities that facilitate accessibility. Such features or facilities shall comply with the city's building and fire codes. Such deviations may be considered as part of the accessory dwelling unit permit (see below).

12. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either the principal unit or the accessory dwelling unit as their permanent residence for at least six months of each calendar year. Owners shall sign and record with the county an affidavit in a form acceptable to the city attesting to their occupancy. At no time may the property owner receive rent for whichever unit is owner occupied.

13. Maximum Occupancy. No more than two persons may live in an accessory dwelling unit.

14. Permitting. No construction permit or occupancy permit for any improvements for an accessory dwelling unit shall be issued until and unless a permit for the unit is approved and recorded, pursuant to this subsection.

a. Application and Fee. The property owner shall submit an application for an accessory dwelling unit permit to the Community Development Director, including plans for creating the accessory dwelling unit (including design plans for any new construction), evidence of current ownership (or purchase contract), certification of owner occupancy, payment of related fees and costs as set forth in LMC 2.23.120; and such other information as the Community Development Director may require in order to determine whether the application conforms with city requirements.

b. Action. After determining that the application is complete, the Community Development Director shall approve the application and issue an accessory dwelling unit permit if he/she finds that the application conforms with the requirements of this section and other applicable sections of the municipal code.

c. Validity. Any permit issued pursuant to this section shall be issued only to the property owner and shall be valid only so long as the permit holder owns the property in title or as a contract purchaser. Such permit shall expire automatically upon any transfer of property ownership from the permit holder. Continued occupancy of the accessory dwelling unit as a separate living unit shall require application for a new permit by the contract purchaser or new property owner and renewal of the permit by the Community Development Director. The Community Development Director shall renew any permit under this subsection if he/she finds that the accessory dwelling unit complies with all provisions of this section.

d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an application for a permit, the tenants may continue to reside at the property for the remainder of any lease, or up to 90 calendar days, whichever is longer, except that such residency continuation shall not exceed one year. A single additional continuation of up to six months may be granted by the Community Development Director, upon written request by both the tenant and the (new) property owner, if she/he finds that termination of residency by the tenants would impose a substantial and unusual hardship on the tenants.

e. Recording. The permit, and any other forms required by the Community Development Director, shall be recorded by the property owner with the county to indicate the presence of the accessory dwelling unit, the requirement of owner-occupancy, and any other standards or requirements for maintaining the unit as a separate dwelling unit. Any permit approved under this section shall not be effective until evidence of recordation is presented to the Community Development Director.

f. Expiration. Any permit for an accessory dwelling unit shall expire one year from the date of approval unless a building permit for the accessory dwelling unit has been obtained. The Community Development Director may grant a single one-year extension to this time limit, provided a written request for the extension is received before expiration.

g. Cancellation/Revocation. Cancellation of an accessory dwelling unit permit may be accomplished by the owner filing a certificate that the owner is relinquishing an approved accessory dwelling unit permit with the Community Development Director and recording the certificate at the county. A permit for an accessory dwelling unit may be revoked for violation of the requirements of the section or for fraud in obtaining the permit.

h. Appeal. Any action by the Community Development Director may be appealed by the applicant to the hearing examiner only for noncompliance with these regulations; provided, that such appeal shall be filed in writing within 10 calendar days of mailing of a notice of action. Such appeal shall be processed as provided for in Process II, LMC 1.35.200 et seq.

processed as provided for in Process II, LMC 1.35.200 et seq.

15. **Subdivision Prohibited.** No accessory dwelling unit may be sold as a separate property or as a condominium, or in any way be part of a subdivision of the lot upon which it is located unless that subdivision conforms with all provisions of the Lynnwood Municipal Code.

16. **Home Occupations.** A home occupation may not be conducted in the accessory dwelling unit.

17. **Legalization of Existing Accessory Dwelling Units.** Accessory dwelling units that existed on or before the effective date of the ordinance codified in this chapter may be granted an accessory dwelling unit permit, subject to this paragraph.

a. **Time Limit.** An application for an accessory dwelling unit permit for a pre-existing unit must be filed with the Community Development Department within 18 months of the effective date of the ordinance codified in this chapter.

b. **Construction Codes Compliance.** Any space used for or included in the accessory dwelling unit shall have been constructed pursuant to a building permit issued by the City of Lynnwood (or the County of Snohomish if the property was not part of the City at the time of construction) and in compliance with the building and other construction codes that were in effect when construction was completed. The applicant must provide written documentation to verify construction code compliance. Alternatively, the applicant may verify code compliance for existing construction through the Community Development Department.

c. **Development and Use Standards.** Development and use of the pre-existing accessory dwelling unit shall comply with all provisions of this section.

L. **Colleges.** The extension or expansion of a college, not including a private training college (such as a beauty school, business college or technical training facility), may be allowed in the RML, RMM, or RMH zones by approval of a conditional use permit.

1. **Decision Criteria.** In addition to the criteria in Chapter 21.24 LMC, an application for a conditional use permit under this subsection may be approved only if it is found that:

a. The central functions of the college (such as college-wide administration and services for the entire student body) will remain at parcels zoned to a nonresidential zone; and

b. The site of the proposed extension or expansion of the college is a reasonable addition to the existing college campus and would result in a continuity of college use between the main campus and the site of the expansion or extension; and, the location of the expansion or extension would not allow the college use to "leapfrog" over intervening properties that are not part of the existing college use or otherwise intrude into or disrupt an existing residential area.

2. **Signage.** Signs for a college shall conform to the regulations for an institutional use.

3. **Limitations.**

a. Only buildings or structures designed for nonresidential uses may be approved for use for a college under this subsection.

b. The area encompassed by conditional use permits approved under this subsection and under the ownership or control (including leases, rental agreements or similar) shall not exceed five acres.

4. **Expiration.** This subsection shall expire on December 31, 1999; provided, that uses established in accord with this subsection shall be considered lawful permitted uses as provided herein for as long as such use continues to exist. (Ord. 2310 §§ 36, 37, 2000; Ord. 2174 § 2, 1998; Ord. 2065 § 6, 1995; Ord. 2051 § 5, 1995; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1844 § 10, 1991; Ord. 1781 § 4, 1990; Ord. 1472 § 1, 1985; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 584 § 2, 1971; Ord. 522 § 2, 1969; Ord. 323 § 2, 1967)

**21.42.200 Development standards.**

**Table 21.42.02  
Development Standards**

Standard			RS-8	RS-7		RML	RMM	RMH	
Minimum Lot Area+++			8,400 sf	7,200 sf		7,200 sf	none	none	
Minimum Lot Area per Dwelling			NA	NA		3,600 sf	2,400 sf+	1,000 sf++	
Minimum Lot Width			70 ft.+++	60 ft.		none	70 ft.	100 ft. plus 1 ft.	

								for every 10 ft. of lot depth after the first 100 ft.	
Minimum Frontage at Street			30 ft.+++	30 ft.		70 ft.	none	none	
Minimum Front Yard Setback									
Interior Lot			25 ft.	20 ft.		15 ft.	15 ft.	15 ft.	
Corner Lot			25 ft.	20 ft.		15 ft.	15 ft.	15 ft.	
Abutting a Principal Arterial Street			25 ft.	25 ft.		15 ft.	15 ft.	15 ft.	
Minimum Side Yard Setbacks Corner Lot									
Street Side			15 ft.	15 ft.		15 ft.	15 ft.	15 ft.	
Interior Side			5 ft.	5 ft.		5 ft.	15 ft.	15 ft.	
Both Sides Combined			15 ft.	10 ft.		15 ft.*	none	none	
Abutting a Principal Arterial Street			25 ft.	25 ft.		15 ft.	15 ft.	15 ft.	
Minimum Side Yard Setbacks Interior Lot									
Each Side			5 ft.	5 ft.		5 ft.	15 ft.	15 ft.	
Both Sides Combined			15 ft.	10 ft.		15 ft.	none	none	
Minimum Rear Yard Setback			25 ft.	25 ft.		25 ft.	25 ft.	25 ft.	
Maximum Lot Coverage by Buildings			35 percent	35 percent		35 percent	35 percent	45percent	
Maximum Building Height			35 ft.	35 ft.		35 ft., or 2 stories from average finished grade	35 ft.	none+++	

\* 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.

**21.42.210 Additional development standards.**

A. Parking Requirements. Parking requirements for the residential zones are as provided in Chapter 21.18 LMC.

1. Tandem Parking in Multiple-Family Zones. In the RML, RMM, and RMH zones, 10 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, 10 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. Landscaping in Parking Areas in the Multiple-Family Zones.

a. Purpose. The purpose of these landscaping provisions is:

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. 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;
- iii. 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);
- iv. 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
- v. 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.** Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot wide planting area along the entire street frontage with the same above exceptions. 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 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the Public Works Department.

Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover 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 10-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 areas located between buildings and interior property lines, and single-aisle, double-loaded parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

- ii. No parking stall shall be located more than 45 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

e. **Style of Landscaping.** The planting area shall include liberal landscaping using such material as trees, ornamental shrubs, 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 groundcover 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; provided, 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 Chapter 21.06 LMC.

C. **Building Height in the RMH Zone.** The front, rear, and side yard setbacks of any building that exceeds a height of 45 feet shall be increased by one foot for each one foot that the building exceeds a height of 45 feet.

D. **Minimum Lot Area.** Within RS-8 or RS-7 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:

E. **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 60 feet, the area of the lot is not less than 7,000 square feet, and the lot and buildings to be located thereon conform to all other standards of the R-8 zone. (Ord. 2388 § 18, 2001; Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 1770 § 12, 1990; Ord. 1461 § 1, 1985; Ord. 1424 § 1, 1984; Ord. 1253 §§ 1, 2, 1982; Ord. 1241 § 1.2, 1982; Ord. 987 §§ 3, 4, 1978; Ord. 614 § 1, 1971; Ord. 575 § 1, 1970; Ord. 565 § 1, 1970; Ord. 489 § 1, 1969; Ord. 407 § 2, 1968; Ord. 386 § 1, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.3, 9.2.4, 9.3.3, 9.3.4, 9.4.3, 9.4.4, 9.5.3, 9.5.4, 1964)

#### **21.42.220 Transition or buffer strips.**

A. **Transitional or buffer landscaped strips** (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned RML, RMM, or RMH is adjacent to a property zoned RS;

2. 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 10 feet wide.

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, Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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. **RML, RMM, and RMH Zones Adjoining a Single-Family Residential Zone.** The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 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 groundcover within five years. A permanent six-foot site-screening fence shall be placed at the property line.

b. **A Multiple-Family Residential Zone Adjoining a Commercial or Industrial Zone.** The planting strip shall contain the planting in the preceding subsection; 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 20 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 \$500.00. 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. (Ord. 2388 19, 2001; Ord. 2020 17, 1994; Ord. 1881 1, 4, 5, 6, 1992; Ord. 1790 1, 2, 3, 1990; Ord. 1781 2, 1990; Ord. 1474 1, 1985; Ord. 1465 3, 1985; Ord. 1257 6, 1982; Ord. 1036 3, 1979; Ord. 888 1, 2, 3, 1976; Ord. 670 1, 1972; Ord. 575 1, 1970; Ord. 489 1, 1969; Ord. 464 1, 2, 1969; Ord. 407 2, 1968; Ord. 386 2, 3, 1968; Ord. 383 3, 1968; Ord. 356, 1967; Ord. 323 2, 1967; Ord. 190 Art. IX 9.2.4, 9.3.4, 9.4.4, 9.5.4, Art. X 10.6, 10.7, 1964)

#### **21.42.230 Other transitional requirements.**

A. Property Abutting an RS-Zoned Property. Where the side yard of a property zoned RML, RMM, or RMH abuts a property zoned to a single-family residential zone, the abutting side yard setback of the RM zoned property shall be 25 feet.

B. Property Zoned to the RMH Zone. Development of any property zoned to the RMH zone shall provide a 25-foot setback at any side yard abutting an RS or RML zone. (Ord. 2020 § 17, 1994; Ord. 323 § 2, 1967)

#### **21.42.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.**

A. In 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 and RMH 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. (Ord. 2020 § 17, 1994; Ord. 1881 § 1, 1992; Ord. 323 § 2, 1967)

#### **21.42.250 Development standards for park facilities.**

A. Buildings and structures at properties designated "Parks, Recreation, and Open Space" on the future land use map of the Comprehensive Plan shall be subject to the development standards in LMC 21.42.200; provided, that the Community Development Director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.

2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 25 feet.

3. Provided, that the director finds:

a. The standards in LMC 21.42.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and

b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2240 1, 1999)

#### **21.42.300 Home occupations.**

Home occupations are permitted upon issuance of a business license by the City Clerk's office pursuant to the provisions of LMC Title 5. 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 LMC 21.42.400.)

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 25 percent 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 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 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:

1. Automotive repairs or detailing;
2. Small engine and major appliance repair;
3. Boarding, grooming, kenneling, or medical treatment of animals;
4. Contractor's shops;
5. On-site sale of firewood;
6. Sheet metal fabrication;
7. Escort services;
8. 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;

9. Any use with a demonstrated tendency to violate one or more of the conditions of this section.

H. Signs. Any home occupation sign must meet the residential sign regulations in LMC 21.16.290. (Ord. 2310 34, 2000; Ord. 2101 1, 1996; Ord. 2020 17, 1994; Ord. 1891 1, 1992; Ord. 1889 3, 1992; Ord. 1757 1, 1990; Ord. 1607 11, 1987; Ord. 1389 2, 1984)

#### **21.42.400 Accessory structures and uses.**

A. Private Garages and Carports. Private garages and carports are allowed in the RML, RMM, and RMH 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:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;

4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. 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 five 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 five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
2. The heat pump does not cause an adverse environmental impact; and

3. The proposed location is the more desirable in lieu of the minimum five-foot setback. Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

D. Family Child Care Homes. Family childcare 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 20,000 square feet and an additional animal for each 20,000 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 200 and a maximum of 250 square feet in area per animal, except as allowed by variance, and shall not be closer than 25 feet to a property line. An accessory building for the housing of small animals or fowl shall not exceed 36 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 25 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 5.30 LMC. (Ord. 2020 17, 1994; Ord. 1844 7, 1991; Ord. 1781 6, 1990; Ord. 1428 1, 2, 1984; Ord. 1252 2, 3, 1982; Ord. 1240 2, 1982; Ord. 669 1, 1972; Ord. 323 2, 1967; Ord. 285 4, 1966)

#### **21.42.900 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 development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict: setback a minimum of 25 feet from a public street and 10 feet from any interior property line.

2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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 RML, RMM, and RMH zones, on-site recreational facilities and outdoor amenities shall be provided, as follows:

1. Objectives.

a. 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

b. 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 200 square feet per multiple-family housing unit. The site plan shall designate the location of recreational facilities and outdoor amenities 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 and 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 which becomes 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. Such vehicular repair work will be permitted only within the hours from 9 a.m. to 9 p.m. within such residential area. (Ord. 2388 §§ 20, 21, 2001; Ord. 2020 § 7, 1994; Ord. 1911 § 2, 1992; Ord. 1186 § 1, 1981; Ord. 970 § 1, 1978; Ord. 407 § 2, 1968; Ord. 190 Art. VIII § 8.6, 1964)

**Section 13.** Sections 21.44.050, 21.44.100, 21.44.105, 21.44.210, 21.44.220, 21.44.250, 21.44.250, 21.44.400, 21.44.500, 21.44.900 of Chapter 21.44 of the Lynnwood Municipal Code are hereby amended as follows:

## **Chapter 21.44 PUBLIC AND SEMI-PUBLIC ZONE**

### **21.44.050 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. (Ord. 2020 § 18, 1994; Ord. 470 § 2, 1969)

### **21.44.100 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:

a. Churches;

b. Private or semiprivate memorial buildings;

c. Community clubhouses, convention centers, public golf courses, and accessory uses;

d. Art galleries, libraries, and museums;

- e. Private schools, universities, and colleges;
- f. Child day care;
- g. Public parks, playgrounds, and schools;
- h. Municipal buildings, including police stations, fire stations, and performing arts facilities;
- i. Clubs or fraternal societies but not including those which provide entertainment or allow alcoholic beverages;
- j. Transit center;
- k. Park-and-ride lots;
- l. Park-and-pool lots.

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 5.30 LMC, 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.**

- 1. All uses permitted through the issuance of a conditional use permit in the RS-8 zone, except as amended by this section;
- 2. Charitable, nonprofit or social service organizations other than those uses specifically allowed as a permitted use;
- 3. Medical facilities, including hospitals, convalescent homes, and nursing homes and medical or dental clinics; and
- 4. Legal and professional services.

**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:

- 1. Consistency of the proposal with the comprehensive plan and with the purpose of the P-1 zone as stated in LMC 21.44.050, especially discouraging activities of a commercial or industrial nature, whether public or private;
- 2. Impact of the proposal on the visual and aesthetic character of the neighborhood;
- 3. Impact of the proposal on the distribution, density, or growth rate of the population in the neighborhood;
- 4. Orientation of facilities to developed or undeveloped residential areas;
- 5. Preservation of natural vegetation and other natural features;
- 6. Hours of operation;
- 7. Ability to provide adequate on-site parking;
- 8. Traffic impacts of the proposal on the neighborhood; and
- 9. Conformance of the proposal with the city noise ordinance, Chapter 10.12 LMC.

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. (Ord. 2390 1, 2001; Ord. 2020 18, 1994; Ord. 1455 1, 1985; Ord. 1309 1, 1983; Ord. 1209 1, 1982; Ord. 470 2, 1969)

**21.44.105 Project design review.**

**A. Design Guidelines for Nonresidential Uses.** The following structures and parking facilities permitted outright or by conditional use permit in the public and semi-public zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

- 1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
- 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

**B. Design Guidelines for Multiple-Family Uses.** Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in the public and semi-public zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

**C. Supersede.** Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

**D. Gateways and Prominent Intersections.** See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent

intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 22, 2001)

#### **21.44.210 Additional development standards.**

A. Parking Requirements. Parking requirements for the public and semi-public zone are as provided in Chapter 21.18 LMC; provided further, that at multiple-family residential development, 10 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, 10 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 provisions is:

i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;

ii. 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;

iii. 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);

iv. 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

v. 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. Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot wide planting area along the entire street frontage with the same above exceptions. 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 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the Public Works Department. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, in bark or decorative rock, shall be provided so as to achieve 50 percent groundcover within two years.

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 areas located between buildings or between buildings and interior property lines, and single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

i. No landscaping area shall be less than 100 square feet in area or less than five feet in width;

ii. No parking stall shall be located more than 45 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

iii. 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, 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 groundcover 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; provided, 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 Chapter 21.06 LMC.

B. Fences and Hedges. Fence and hedge regulations are as provided in Chapter 21.10 LMC. (Ord. 2388 25, 2001; Ord. 2020 18, 1994; Ord. 1770 12, 1990; Ord. 1472 2, 1985; Ord. 1461 1, 1985; Ord. 1424 1, 1984; Ord. 1253 1, 2, 1982; Ord. 1241 1.2, 1982; Ord. 575 1, 1970; Ord. 489 1, 1969; Ord. 470 2, 1969; Ord. 386 1, 1968)

#### **21.44.220 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, 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 10 feet wide.

A. 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, Lynnwood Citywide Design Guidelines, as adopted by LMC 21.25.145(B)(3), 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.

#### **B. Minimum Standards.**

1. Planting and Fencing. The planting strip shall consist of one row of evergreen conifer trees, spaced a maximum of 10 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 groundcover 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 20 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 \$500.00. 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.

#### **C. 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 Community Development Director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2388 § 26, 2001; Ord. 2020 § 6, 1994; Ord. 1881 § 4, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 §§ 1, 2, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 470 § 2, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190 Art. X §§ 10.6, 10.7, 1964)



#### **21.44.250 Development standards for park facilities.**

A. Buildings and structures at properties designated "Parks, Recreation, and Open Space" on the future land use map of the Comprehensive Plan shall be subject to the development standards in LMC 21.44.200; provided, that the Community Development Director may authorize a reduction in the minimum setback from a public street to the following:

1. Structures and buildings no more than one story in height and with a gross floor area of 1,000 square feet or less: 10 feet.
2. Structures and buildings either more than one story in height or with a gross floor area greater than 1,000 square feet (or both): 15 feet.
3. Provided, that the Director finds:
  - a. The standards in LMC 21.44.200 would not allow use of a building or structure in the park as that building or structure is intended to be used; and
  - b. Use of the building or structure would not adversely affect adjoining properties.

B. Notice of such approval shall be mailed to owners of property that adjoin the site of the proposed building or structure. Approval of a building or structure under this section may be appealed within 14 calendar days of issuance of a determination under this section using Process II. The date of issuance shall be three days following the date of mailing of the notice. (Ord. 2388 27, 2001; Ord. 2240 2, 1999)

#### **21.44.400 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:

1. That the solar energy system has a net energy gain;
2. That the solar energy system is designed to minimize glare towards vehicular traffic and adjacent properties;
3. That the solar energy system not adversely affect solar access to adjacent properties;
4. That the solar energy system comply with all other city zoning, engineering, building, and fire regulations; and
5. 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 five-foot setback from all property lines. Heat pumps within the five-foot setback may be permitted through the variance process. In order for any such variance to be granted, it must be found that:

1. The heat pump does not exceed the applicable dba noise level at the property line;
2. The heat pump does not cause an adverse environmental impact; and
3. The proposed location is the more desirable in lieu of the minimum five-foot setback. Supporting documentation shall be provided by an individual knowledgeable of heat pump operation and installation.

#### **21.44.500 Signs.**

See LMC 21.16.300 for sign regulations. (Ord. 2310 § 38, 2000)

#### **21.44.900 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 the public and semi-public zone shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

- a. Set back a minimum of 25 feet from a public street;
- b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or
- c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 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 six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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. (Ord. 2388 § 28, 2001; Ord. 2020 § 18, 1994; Ord. 1911 § 2, 1992)

**Section 14.** Sections 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.112, 21.46.113, 21.46.114, 21.46.115, 21.46.116, 21.42.118, 21.46.119, 21.46.120, 21.46.200, 21.46.210, 21.46.220, 21.46.230, 21.46.900 and 21.46.910 of Chapter 21.46 of the Lynnwood Municipal Code are hereby amended as follows:

## **Chapter 21.46 COMMERCIAL ZONES**

### **Sections: 21.46.910**

#### **21.46.050 Purpose.**

A. General. The purposes of the regulations set forth in this chapter are:

2. 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;

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. A transition zone between residential zones and more intensive commercial zones; or

2. Neighborhood Business (B-3). 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:

c. As a transition 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).** 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 (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 nonconforming but any new establishments may be confined to appropriate locations.

6. **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. (Ord. 2020 § 19, 1994; Ord. 1963 § 3, 1993; Ord. 1880 §§ 1 – 7, 1992; Ord. 1686 § 1, 1989; Ord. 1448 § 1, 1985; Ord. 1447 § 4, 1985; Ord. 1140 § 1, 1980; Ord. 522 § 3, 1969)

**21.46.100 Permitted structures and uses.**

- A. 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 Table 21.46.01.

Table 21.46.01

Automotive Uses	B-4	B-3	B-2	PCD	B-1	CG
Auto Parts, Accessory, and Supplies Stores	-	P	-	P*	P	P
Auto Glass Stores	-	-	-	P	P	P
Auto Lubrication Stores	-	-	-	P	P	P
Auto Wrecking Yards <sup>+</sup>	-	-	-	-	-	C
Automobile Mechanical Repair	-	-	-	-	C	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	-	C	P
Automobile Sales and Display <sup>+</sup>	-	-	-	P	P	P
Automobiles, rental or sale on open lot	-	-	-	-	-	P
Battery Service and Sales	-	-	-	P*	P	P
Car Wash	-	-	-	-	C	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	-	-	P
Park and Pool Lots <sup>+</sup>	C	C	C	-	C	C
Parking Garages and accessory refueling and servicing	-	-	P	P	P	P
Public and Private Parking Lots for Passenger Cars	-	-	C	P	P	P
Service Stations, full, self, or gas <sup>+</sup>	-	C	-	-	C	C
Tire Store, not including recapping	-	-	-	P	P	P
Tire Store; provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	-	P	-	-
Tire, Brake, Muffler Tune-up	-	-	-	P	P	P

\*Provided, that such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts.

**Table 21.46.02**

<b>Business Service Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>		<b>CG</b>
Business Services, not including furniture or equipment sales	AI	P	AI	P	P		P
Business and Professional Services not mentioned elsewhere in this section	-	-	-	P	P		P

**Table 21.46.03**

<b>Eating and Entertainment Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>		<b>CG</b>
Fountains and Ice Cream Stands	AI	P	AI	P	P		P-X
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P		P
Restaurants and Cafeterias providing on-premises service only to seated patrons, no alcoholic beverages served <sup>+</sup>	AI	P	AI	P	P		P-X
Restaurants providing on-premises service only, to seated patrons, with cocktail lounges <sup>+</sup>	-	-	P	P	P		P-X
Restaurants, drive-in car service <sup>+</sup>	-	-	-	-	P		P-X
Taverns, Bars, and Cabarets	-	-	-	P	P		P

**Table 21.46.04**

<b>Institutional Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>		<b>CG</b>
Child Day Care <sup>+</sup>	C	P	-	P	P		P-X
Churches, not using complimentary parking	P	P	P	P	P		P-X
Churches with complimentary parking <sup>+</sup>	C	C	C	P	C		C-X
Nursing and Convalescent Homes and Housing for the Elderly and Physically Disabled <sup>+</sup>	C	C	C	C	C		C
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P	P		P-X
Municipal Services	P	P	P	P	P		P
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	C	P	-	P	P		P-X

**Table 21.46.05**

<b>Medical Uses</b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>		<b>CG</b>
Medical, Dental, Optical and Chiropractic Clinics	P	P	P	P	P		P
Veterinary Clinics <sup>+</sup>	-	-	-	P	P		P-X

Table 21.46.06							
Office Uses	B-4	B-3	B-2	PCD	B-1		CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	P	P		P
Office as a Home Occupation <sup>+</sup>	C	C	C	-	C		C

Table 21.46.07							
Personal Service Uses	B-4	B-3	B-2	PCD	B-1		CG
Banks and other financial institutions	-	P	P	P	P		P
Barber Shops and Beauty Parlors	P	P	AI	P	P		P
Dressmaker and Tailoring Shops	C	P	-	P	P		P
Dry Cleaning and Laundry Plants	-	-	-	P	P		P
Dry Cleaning and Laundry, Self-Service	-	P	-	P	P		P
Dry Cleaning and Laundry Pick-up Station for work to be done elsewhere	P	P	AI	P	P		P
Locksmith	C	P	-	P	P		P
Pet Grooming	P	P	P	P	P		P-X

Table 21.46.08							
Repair Services Uses	B-4	B-3	B-2	PCD	B-1		CG
Appliance Repair Shops and the like	-	P	-	P	P		P
Shoe Repair	C	P	-	P	P		P

Table 21.46.09							
Recreational Activities	B-4	B-3	B-2	PCD	B-1		CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	-	-	P	P		P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone*	-	-	-	C	C		C
Indoor Amusement Enterprises, including skating rinks, bowling alleys, pool halls	-	-	-	P	P		P-X
Carnivals (see Chapter 5.30)	-	-	P	P	P		P
Circuses (see Chapter 5.30)	-	-	P	P	P		P
Dance Halls, licensed <sup>+</sup>	-	-	-	P	C		C
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	-	C	-	C		P
Health Clubs	-	-	-	P	P		P

Outdoor Ancillary Playground and related equipment	-	-	-	-	C	-	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	-	-	-	-	P
Overnight Campgrounds	-	-	-	-	-	-	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.

Table 21.46.10							
Residential Uses	B-4	B-3	B-2	PCD	B-1		CG
Adult Family Homes	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
Living Quarters for Homeless Mothers <sup>+</sup>	P	P	P	P	P	-	P
Motels and Motor Hotels	-	-	P	P	P	-	P-X
Respite Care	C	C	-	P	P	-	P

Table 21.46.11							
Retail Uses	B-4	B-3	B-2	PCD	B-1		CG
Apparel Shops	-	P	-	P	P	-	P
Appliance Stores, including incidental repair	-	-	-	P	P	-	P
Art Stores and Supplies	C	P	-	P	P	-	P
Audio Sales and Service	-	-	-	P	P	-	P
Bakery Retail Stores	-	P	-	P	P	-	P-X
Bicycle Sales and Repair	-	-	-	P	P	-	P-X
Boat and Equipment Sales and Display, indoors	-	-	-	P	P	-	P
Boats and Trailer; open lots for sale or rental of	-	-	-	-	-	-	P
Building Supplies Stores, indoor	-	-	-	-	-	-	P
Carpet Shops	-	-	-	P	P	-	P
Convenience Stores not located on the same or adjacent lot to a service station <sup>+</sup>	-	P	-	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-X
Dairy Product Stores	C	P	-	P	P	-	P

Department Store	-	-	-	P	P		P
Drug Store	-	P	-	P	P		P
Dry Goods Store	-	P	-	P	P		P
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	P	AI	P	P		P
Fountains and Ice Cream Stands	-	P	-	P	P		P
Fresh Fruit, Vegetable or Produce Stand, Outdoor	-	P	-	P	P		P
Gift Shops	P	P	AI	P	P		P
Grocery Stores	-	P	-	P	P		P
Hardware Stores	-	P	-	P	P		P
Hobby Shops	C	P	-	P	P		P
Music Stores and Supplies	C	P	-	P	P		P
News Stands	P	P	AI	P	P		P
Office Supplies, not including furniture or equipment sales	AI	P	AI	P	P		P
Pet Shops	-	P	-	P	P		P-X
Retail Lumber Yards	-	-	-	-	-		C
Retail Stores not mentioned elsewhere in this section	-	-	-	P	P		P
Shopping Centers, including only the uses permitted in the applicable zone	-	P	-	P	P		P
Stationary Store	P	P	AI	P	P		P
Variety Store	-	-	-	P	P		P

**Table 21.46.12**

<b>Light Industrial Uses<sup>+</sup></b>	<b>B-4</b>	<b>B-3</b>	<b>B-2</b>	<b>PCD</b>	<b>B-1</b>		<b>CG</b>
Assembly of Electronic, Scientific, or Precision Instruments in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P
Assembly of Electronic, Scientific, or Precision Instruments in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-		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 and Packaging Plants in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P
Bottling and Packaging Plants in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-		P
Cold Storage Lockers	-	AI	-	P	P		P
Contractor's Offices and Shops in spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P
Contractor's Offices and Shops in spaces of more than 10,000 sq. ft.*	-	-	-	-	-		C
Garment Factories in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P



Garment Factories in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-		C
Heavy Equipment Yards	-	-	-	-	-		C
Ice Storage and Dispensing	A	A	A	-	A		A
Laboratories, experimental, ex. activity which may involve handling hazardous materials	C	-	C	-	C		C
Printing, Publishing, and Binding (no noise beyond the premises)	-	C	AI	P	P		P
Public Utilities Facilities <sup>+</sup>	C	P	-	P	P		P
Warehouses in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P
Warehouses in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-		C
Wholesale stores in existing spaces of 10,000 sq. ft. or less*	-	-	-	-	-		P-X
Wholesale stores in existing spaces of more than 10,000 sq. ft.*	-	-	-	-	-		C-X

Table 21.46.13							
Other Uses	B-4	B-3	B-2	PCD	B-1		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
Radio or Television Stations, not including Wireless Communications Facility	-	-	P	P	P		P
Recycling Collection Centers <sup>+</sup>	-	-	-	-	-		C
Temporary Special Events, per Chapter 5.30 LMC	-	-	P	P	P		P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) <sup>+</sup>	C	C	C	P	C		C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) <sup>+</sup>	P	P	P	P	P		P
Wireless Communications Facility, Attached	P	P	P	P	P		P

**21.46.105 Project design review.**

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright, by conditional use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright, by conditional use permit or special use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

D. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 30, 2001)

#### **21.46.110 Limitations on uses – General.**

Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this section and LMC 21.46.111 through 21.46.119 shall apply:

##### **A. General Performance Standards.**

1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
3. 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;
4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is 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;
5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC 21.46.100; 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 LMC 21.46.100, or by other provisions of this title, subject to the following:
  - a. The use or activity shall not encroach on site-screening or landscaping as currently required by this title or other City ordinances;
  - b. The use or activity shall not block pedestrian traffic or fire lanes;
  - c. 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;
  - d. 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 10 feet from the right-of-way line; and
  - e. Items which, in the opinion of the Fire Chief, present a potential fire hazard shall be located 15 feet from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet apart.
2. Incidental Outdoor Displays. For uses not included in the foregoing subsection (B)(1) of this section, 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 (B)(1) of this section 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 subsections (B)(1) and (B)(2) of this section.

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 LMC 21.46.118(B)) are allowed outdoors subject to the provisions of subsection (B)(1) of this section.

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. A staging area for a maximum of five vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by LMC 21.18.800 for the uses on the site. The staging area shall be paved and striped to the standards of Chapter 21.18 LMC and shall be designated for use by rental vehicles only.

b. A storage area for a maximum of 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 groundcover within five years.

c. No service or sales of rental vehicles shall be allowed.

6. **Cross Reference.** See also LMC 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. (Ord. 2020 19, 1994; Ord. 1690 2, 1989; Ord. 1648 2, 1988; Ord. 1217 1, 1981; Ord. 854 1, 1976; Ord. 616 2, 1971; Ord. 522 3, 1969)

#### **21.46.111 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 any applicable development standards and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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.** One hundred fifty feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts is also reduced.

b. **Minimum Lot Area.** As provided for the applicable zone.

c. **Minimum Setbacks for Buildings and Canopies.** Minimum setbacks for buildings as provided for the applicable zone. However, canopies shall be set back a minimum of 20 feet from public street right-of-way.

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 21.18 LMC 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 landscaping required in the interior of the parking area. This requirement shall supersede applicable design guidelines. However, when the service stations described in subsection (B)(2) of this section are contained within buildings located closer to the street than fuel pump islands, canopies and parking areas, then a 15-foot wide street frontage landscape strip shall be required.

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. See LMC 21.16.310 for sign regulations.

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 six 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.

a. Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.

b. Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as approved by conditional use permit.

c. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of a full-service station, self-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.

d. 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 LMC 21.04.310. Landscape maintenance shall also comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3).

e. 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.

f. 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.

g. Amusement devices as defined by LMC 5.60.030(A) are not permitted in conjunction with the uses allowed by this subsection.

h. 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.

i. 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-service station or gas station would constitute a change in use and would require complete compliance with Chapter 21.12 LMC.

6. General Criteria for Approval. In addition to the criteria found in Chapter 21.24 LMC, no conditional use permit for the uses mentioned in this subsection shall be approved unless:

a. The proposal meets the Uniform Fire Code and Uniform Building Code;

b. The proposal meets the standards of this chapter and this title; and

c. 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 LMC 21.24.100. Any exceptions to these standards shall be subject to the variance criteria as found in Chapter 2.22 LMC. However, the

Hearing Examiner 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 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. (Ord. 2388 § 31, 2001; Ord. 2310 § 39, 2000; Ord. 2020 § 19, 1994; Ord. 1790 § 7, 1990; Ord. 1671 §§ 6, 10, 1989; Ord. 1360 § 2, 1983; Ord. 1119 § 4, 1980)

#### **21.46.112 Limitations on uses –Restaurants.**

A. Restaurants. In the Limited Business (B-2) 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. (Ord. 2020 § 19, 1994; Ord. 522 § 3, 1969)

#### **21.46.113 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 21.02 LMC, 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.

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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 will consider the need for the activity in the area; and, all possible impacts in the area including but not limited to the following:

- a. 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;
  - b. Any abnormal increase in demand for any public service, facility or utility;
  - c. The size, location, and access of the proposed site; and
  - d. 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:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over ten;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. 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;
- f. The applicant must indicate the ages of the children to be cared for. (Ord. 2020 19, 1994; Ord. 1844, 1992; Ord. 1489 2, 1985)

#### **21.46.114 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 50 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. (Ord. 2020 § 19, 1994; Ord. 1878 § 1, 1992)

#### **21.46.115 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 LMC 21.02.415, 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 Community Development Director may suspend or terminate the permit upon 30 days' written notice. During the 30-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 25 percent of the total square footage of the building. (Ord. 2020 § 19, 1994; Ord. 950 § 2, 1978)

#### **21.46.116 Limitations on uses – Residential uses.**

A. Motels and Motor Hotels. The initial development must contain at least 20 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 and Community Development 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:

- a. 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;
- b. 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;
- c. 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;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

- a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
- b. Passive recreation and/or open space: 200 square feet 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 percent 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 LMC 21.18.800. 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 Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the City. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents 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 parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. 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 parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

#### **21.46.118 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 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.

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 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 may prescribe any conditions deemed necessary to minimize the impacts of such uses. (Ord. 2020 § 19, 1994; Ord. 1513 § 7, 1986; Ord. 1458 § 6, 1985; Ord. 1360 § 2, 1983; Ord. 950 § 2, 1978; Ord. 728-A § 2, 1973; Ord. 522 § 3, 1966)

**21.46.119 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:

1. A separation of at least 300 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.
2. The parking standards for dance halls stated in Chapter 21.18 LMC shall apply.
3. 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 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.

C. Wireless Communications Facility. A conditional use permit for a wireless communications facility shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;
2. The applicant shall demonstrate the need for the proposed tower (wireless communications support structure) to be located near a residential area, the procedures involved in the site selection and evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;
3. A site development plan shall be submitted showing the location, size, screening, 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;
4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and building environment. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;
5. All wireless communications facilities shall comply with national, state or local standards whichever is more restrictive, in effect at the time of application, for non-ionizing electromagnetic radiation;
6. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified it may be approved by the City; and
7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Provided, that this subsection shall not apply to utility facilities located on a property which are accessory to the 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. (Ord. 2065 8, 1995; Ord. 2020 19, 1994; Ord. 1963 2, 1993; Ord. 1758 5, 1990)

**21.46.120 General commercial area for controlled uses.**

Adult establishments and adult retail uses shall be permitted in the CG zone in the area described in subsection (A) of this section 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, and subject to locational and development standards of this section.

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 SW between 68th Avenue W and Highway 99 and south of 212th Street SW, between 67th Avenue W and 68th Avenue W, and between 66th Avenue W and 67th Avenue W, south of a line varying between 175 and 195 feet north of 212th Street SW as more particularly set forth below: [legal description]

B. Uses Permitted. Except for those uses listed in subsection (E) of this section, 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 subsection (C) of this section.

Adult retail uses are allowed in this controlled use area subject to:

1. The same location standards as set forth in subsection (C) of this section for adult establishments;



2. The same variance from separation requirements as set forth in subsection (D) of this section for adult establishments; and

3. The same development standards as set forth in subsection (F) of this section 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 teenageparents.

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 parents 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 teenageparents, 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 21.26 LMC:

1. Topographical and other features of the land which provide actual separation between the proposed business or other land use and surrounding land uses;

2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity; and

3. 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 parents 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.

**21.46.200 Development standards.**

The following standards shall apply to all structures and nonstructural uses in the commercial zones:

A. General Area and 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 and applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145 (B)(3) (for purposes of determining the required yards along public street, the classification of streets indicated on the Comprehensive Plan shall apply):

**Table 21.46.14  
Minimum Standards**

	B-4	B-3	B-2	PCD	B-1		CG
Area (unless adjacent to similar zoned land)	None	3 ac.	1 ac.	none	none		none
Maximum Area	None	6 ac.	none	none	none		none
Front Yard							
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.		15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.		15 ft.
Side Yard-Street							
Located on a principal arterial	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.		15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.		15 ft.
Rear Yard	25 ft.	none*	25 ft.	none*	none*		none*
Maximum Building Height	35 ft. <sup>+</sup>	35 ft. <sup>+</sup>	none	none	none		none
Maximum Lot Coverage	35%	35%	35%	35%	35%		35%

B. Exceptions.

1. Restricted Business Zone Uses. Uses which are permitted in the Restricted Business zone (B-4) may be developed in other use zones under the dimensional standards and height limitations of the Restricted Business zone.

2. Repealed by Ord. 2295. (Ord. 2388 33, 34, 2001; Ord. 2295 9, 13, 2000; Ord. 2020 19, 1994; Ord. 1343 5, 1983; Ord. 1140 3, 1980; Ord. 1057 4, 1979; Ord. 522 3, 1969)

#### **21.46.210 Additional development standards.**

A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any outdoor displays or outdoor storage which are permitted in commercial zones, and which are not affected by the standards of LMC 21.46.220, 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 groundcover 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 10-foot planting strip along the entire street frontage, as per subsection (B)(2) of this section. 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 21.18 LMC.

2. Landscaping in Parking Areas.

a. Purpose. The purpose of these landscaping provisions is:

- i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
- ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this City;
- iii. 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. Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot wide planting area along the entire street frontage with the same above exceptions. 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 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department. Low evergreen plantings, or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover 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 10-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 areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line, or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

- i. No landscaping area shall be less than 25 square feet in area or less than three feet in width;

- ii. No parking stall shall be located more than 45 feet from a landscaped area; and
- iii. 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 groundcover 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; provided, 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 Chapter 21.06 LMC. (Ord. 2388 § 35, 2001; Ord. 2020 § 19, 1994; Ord. 1770 § 13, 1990; Ord. 1461 § 2, 1985; Ord. 1424 § 2, 1984; Ord. 1253 §§ 3, 4, 1982; Ord. 1241 § 3, 1982; Ord. 854 §§ 2, 3, 1976; Ord. 575 § 1, 1970; Ord. 522 § 3, 1969; Ord. 464 § 3, 1969; Ord. 407 § 2, 1968)

#### **21.46.220 Transition or buffer strip.**

A. **Transitional or buffer landscaped strips** (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent to a property zoned single-family residential.

2. Where the side yard or rear yard of a property zoned to any commercial zone is adjacent to a property zoned multiple-family residential or public and semi-public.

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, Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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 10 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 or Public and Semi-Public.** The planting strip shall be at least 10 feet in width and shall consist of either of the following two options:

i. One row of evergreen conifer trees, spaced a maximum of 10 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 groundcover within five years; or

ii. A site-screening 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 20 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 \$500.00. 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 Community Development Director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2388 § 36, 2001; Ord. 2020 § 6, 1994; Ord. 1881 § 4, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190 Art. X §§ 10.6, 10.7, 1964)

#### 21.46.230 Other transitional requirements.

A. Commercial Property Abutting an RS-Zoned Property. Where the interior yard of a property zoned B-4 abuts a property zoned to a single-family residential zone, the minimum side yard setback of the B-4 zoned property 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 of the commercial zoned property 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 B-4 or B-3 abuts a property zoned to a multiple-family residential zone, the minimum side yard setback of the B zoned property 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 of the commercial zoned property shall be 15 feet and the minimum rear yard setback shall be 25 feet. (Ord. 2020 § 19, 1994; Ord. 1343 § 5, 1983; Ord. 1140 § 3, 1980; Ord. 1057 § 4, 1979; Ord. 522 § 3, 1969)

#### 21.46.900 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 development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

- a. Set back a minimum of 25 feet from a public street;
- b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or
- c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 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 six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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 LMC 21.46.200(A) shall apply to all future rezones to the Neighborhood Business zone (B-3).

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 nonconforming 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 and 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 LMC 21.46.210(B); provided, however, that an alternate arrangement to LMC 21.46.210(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 LMC 21.46.210(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. Cooperative Development of Adjacent Properties in Commercial Zones and Nonresidential 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:

1. That such reduction in parking will not reduce parking by more than 10 percent of the amount otherwise required;

2. A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;

3. 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;

4. 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 LMC 16.04.250;

5. Traffic flow is improved through joint use of the same entrances;

6. 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

7. 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.

**E. Surface Water Management.** All building permit applications and site plans required herein shall provide adequate facilities for the management of surface water.

**F. Elimination of Nonconforming Uses.** All site plans shall provide for the elimination of nonconforming uses. (Ord. 2388 § 37, 2001; Ord. 2020 § 19, 1994; Ord. 1911 § 2, 1992; Ord. 1790 § 4, 1990; Ord. 1686 § 2, 1989; Ord. 1359 § 4, 1983; Ord. 963 § 1, 1978; Ord. 522 § 3, 1969)

(Ord. 2388 § 38, 2001; Ord. 2310 § 43, 2000; Ord. 2020 § 19, 1994; Ord. 1948 §§ 1 – 7, 1993)

**Section 15.** Sections 21.48.050, 21.48.100, 21.48.105, 21.48.110, 21.48.111, 21.48.112, 21.48.113, 21.48.114, 21.48.115, 21.48.116, 21.48.118, 21.48.119, 21.48.210, 21.48.220, 21.48.800, 21.48.900 of Chapter 21.48 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.48  
PLANNED REGIONAL SHOPPING CENTER ZONE**

**21.48.050 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. (Ord. 2020 § 20, 1994; Ord. 447 § 1, 1968)

**21.48.100 Permitted uses.**

A. All uses permitted in the Neighborhood Business (B-3) and Community Business (B-1) zones are permitted in this classification, except for the following:

1. Outdoor used automobile sales; and
2. Funeral parlors and mortuaries. (Ord. 2388 39, 2001; Ord. 2020 20, 1994; Ord. 447 1, 1968)

**21.48.105 Project design review.**

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright, by conditional use permit or special use permit in the Planned Regional Shopping Center zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in the planned regional shopping center zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

D. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 40, 2001)

**21.48.110 Limitations on uses – General.**

Every use shall be subject to the requirements of applicable codes and in addition, the regulations in this section and LMC 21.48.111 through 21.48.119 shall apply:

A. General Performance Standards.

1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
2. Any machinery or operation which generates air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
3. 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;
4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is 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;

5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC 21.48.100; 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 LMC 21.48.100, or by other provisions of this title, subject to the following:

a. The use or activity shall not encroach on site-screening or landscaping as currently required by this title or other City ordinances;

b. The use or activity shall not block pedestrian traffic or fire lanes;

c. 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;

d. 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 10 feet from the right-of-way line; and

e. Items which, in the opinion of the Fire Chief, present a potential fire hazard shall be located 15 feet from any interior property line and shall be arranged to provide 20-foot fire lanes no more than 300 feet apart.

2. Incidental Outdoor Displays. For uses not included in subsection (B)(1) of this section, 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 (B)(1) of this section 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 subsections (B)(1) and (B)(2) of this section.

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 LMC 21.48.118(B)) are allowed outdoors subject to the provisions of subsection (B)(1) of this section.

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. A staging area for a maximum of five vehicles. This area may be located within existing parking lots, but shall not utilize parking stalls required by LMC 21.18.800 for the uses on the site. The staging area shall be paved and striped to the standards of Chapter 21.18 LMC and shall be designated for use by rental vehicles only.

b. A storage area for a maximum of 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 groundcover within five years.

c. No service or sales of rental vehicles shall be allowed.

6. Cross-Reference. See also LMC 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. (Ord. 2020 20, 1994)

#### **21.48.111 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 Planned Regional Shopping Center 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 increase the potential for automobile accidents and injury to passengers and pedestrians, and contribute 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 any applicable development standards and Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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. One hundred fifty feet of frontage is necessary for street frontages which have two accesses. This figure can be reduced appropriately if the number of curb cuts is also reduced.
- b. Minimum Lot Area. As provided for the applicable zone.
- c. Minimum Setbacks for Buildings and Canopies. Minimum setbacks for buildings as provided for the applicable zone. However, canopies shall be set back a minimum of 20 feet from public street right-of-way.
- 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 21.18 LMC 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 landscaping required in the interior of the parking area. This requirement shall supersede applicable design guidelines. However, when the service stations described in subsection (B)(2) of this section are contained within buildings located closer to the street than fuel pump islands, canopies and parking areas, then a 15-foot wide street frontage landscape strip shall be required.
- 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. See LMC 21.16.320 for sign regulations.
- 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 six 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.

- a. Unattended coin-operated and unattended self-service dispensing of fuel shall not be permitted.
- b. Services rendered, and products stored on the premises and sold there shall be limited in accordance with the activities included in the definitions of LMC 21.02.267, 21.02.375, 21.02.660 and 21.02.661, as approved by conditional use permit.
- c. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours. Operation of a rental agency or sales lot for automobiles, trucks, trailers or other equipment or other business accessory to the operation of a full-service station, self-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.
- d. 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 LMC 21.04.310. Landscape maintenance shall also comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145 (B)(3).



e. 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.

f. 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.

g. Amusement devices as defined by LMC 5.60.030(A) are not permitted in conjunction with the uses allowed by this subsection.

h. 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.

i. 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-service station or gas station would constitute a change in use and would require complete compliance with Chapter 21.12 LMC.

6. General Criteria for Approval. In addition to the criteria found in Chapter 21.24 LMC, no conditional use permit for the uses mentioned in this subsection shall be approved unless:

a. The proposal meets the Uniform Fire and Uniform Building Code;

b. The proposal meets the standards of this chapter and this title; and

c. 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 LMC 21.24.100. Any exceptions to these standards shall be subject to the variance criteria as found in Chapter 2.22 LMC. However, the Hearing Examiner 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 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. (Ord. 2388 § 41, 2001; Ord. 2310 § 44, 2000; Ord. 2020 § 20, 1994; Ord. 1790 § 7, 1990; Ord. 1671 §§ 6, 10, 1989; Ord. 1119 § 4, 1980)

#### **21.48.112 Limitations on uses –Restaurants.**

A. Restaurants. In the Planned Regional Shopping Center 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. (Ord. 2020 § 20, 1994)

#### **21.48.113 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 21.02 LMC, 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 will consider the need for the activity in the area; and all possible impacts in the area including but not limited to the following:

- a. 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;
- b. Any abnormal increase in demand for any public service, facility or utility;
- c. The size, location, and access of the proposed site; and
- d. 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:

- a. The applicant must be state-licensed before the operation of the facility;
- b. Adequate off-street parking must be provided;
- c. All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- d. Site and sound screening standards for the outdoor play area must be met;
- e. 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;
- f. The applicant must indicate the ages of the children to be cared for. (Ord. 2020 20, 1994)

**21.48.114 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 50 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. (Ord. 2020 § 20, 1994)

**21.48.115 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 LMC 21.02.415, 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 provisions for anticipated traffic and parking. In the event that congestion or traffic hazards develop through such use, the Community Development Director may suspend or terminate the permit upon 30 days' written notice. During the 30-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 25 percent of the total square footage of the building. (Ord. 2020 § 20, 1994)

**21.48.116 Limitations on uses – Residential uses.**

A. Motels and Motor Hotels. The initial development must contain at least 20 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, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the Fire and Community Development 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:

a. 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;

b. 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;

c. 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;

2. Development Standards. Housing for the elderly and physically disabled facilities shall conform to the following criteria:

a. Lot area per dwelling unit: 1,000-square-foot minimum per unit;

b. Passive recreation and/or open space: 200-square-foot 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 percent 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 LMC 21.18.800. 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 Parents. Living quarters designed for homeless teenage parents and their children are permitted in any commercial zone of the city. For the purposes of this section, "living quarters for homeless teenage parents" is defined to mean a building or buildings occupied for living purposes by not more than eight teenage parents 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 parents, children, and adult supervisor(s).

2. Development Regulations and Standards. Subdivision and zoning development standards for living quarters for teenage parents shall be the same as for the low density multiple-family residential zone (RML). Such quarters shall be treated as an R occupancy for fire and building codes.

3. Expiration.

a. 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 parents for more than six months shall be deemed to be abandoned and such use shall lose all right to its legal status.

b. Except as provided for above, this subsection shall expire on December 15, 1992. (Ord. 2020 20, 1994)

#### **21.48.118 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 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 Square Feet 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:

- a. There is a person, corporation, partnership or association with an ownership interest in the business; and
- b. 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
- c. The combined space of both businesses or uses exceeds 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 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 may prescribe any conditions deemed necessary to minimize the impacts of such uses. (Ord. 2020 § 20, 1994)

#### **21.48.119 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:

1. A separation of at least 300 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.
2. The parking standards for dance halls stated in Chapter 21.18 LMC shall apply.
3. 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 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. (Ord. 2020 § 20, 1994)

#### **21.48.210 Additional development standards.**

A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any outdoor displays or outdoor storage permitted in this zone, and which are not affected by the standards of LMC 21.48.220 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 groundcover 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 subsection (B)(2)(b) of this section. 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 21.18 LMC.
2. Landscaping in Parking Areas.
  - a. Purpose. The purpose of these landscaping provisions is:
    - i. To break up the visual blight created by large expanses of barren asphalt which make up a typical parking lot;
    - ii. To encourage the preservation of mature evergreens and other large trees which are presently located on most undeveloped sites in this city;

iii. 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.** Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot wide planting area along the entire street frontage with the same above exceptions. Exception: At a regional shopping center developed or redeveloped after April 13, 2002, with a gross leaseable floor area of 1,140,000 square feet or greater, the minimum width of the street frontage landscape area shall be 10 feet, with the same above exceptions.

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 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover 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 total width 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 areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line, or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers) except that at a regional shopping center developed or redeveloped after April 13, 2002, with a gross leaseable area of 1,140,000 square feet or greater, all open parking areas shall have a minimum landscape coverage of eight percent; provided, that:

i. No landscaping area shall be less than 25 square feet in area or less than three feet in width;

ii. No parking stall shall be located more than 45 feet from a landscaped area; and

iii. 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 groundcover 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; provided, 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 Chapter 21.06 LMC.

C. **Fences and Hedges.** Fence and hedge regulations are as provided in Chapter 21.10 LMC. (Ord. 2409 2, 3, 2002; Ord. 2388 43, 2001; Ord. 2020 20, 1994; Ord. 1770 13, 1990; Ord. 1461 2, 1985; Ord. 1424 2, 1984; Ord. 1253 3, 4, 1982; Ord. 1241 3, 1982; Ord. 854 3, 1976; Ord. 575 1, 1970; Ord. 447 1, 1968; Ord. 407 2, 1968)

#### **21.48.220 Transition or buffer strips.**

A. Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

1. Where the side yard or rear yard of a property zoned to this zone is adjacent to a property zoned single-family residential.

2. 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 and semi-public.

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, Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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 10 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 or Public and Semi-Public. The planting strip shall consist of either of the following two options:

i. One row of evergreen conifer trees, spaced a maximum of 10 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 groundcover within five years; or

ii. A site-screening 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 20 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 \$500.00. 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 Community Development Director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2388 § 44, 2001; Ord. 2020 § 20, 1994; Ord. 1881 § 4, 1992; Ord. 1790 §§ 1, 2, 3, 1990; Ord. 1781 § 2, 1990; Ord. 1474 § 1, 1985; Ord. 1465 § 3, 1985; Ord. 1257 § 6, 1982; Ord. 1036 § 3, 1979; Ord. 888 §§ 1, 2, 3, 1976; Ord. 670 § 1, 1972; Ord. 575 § 1, 1970; Ord. 489 § 1, 1969; Ord. 464 §§ 1, 2, 1969; Ord. 447 § 1, 1968; Ord. 386 §§ 2, 3, 1968; Ord. 383 § 3, 1968; Ord. 190 Art. X §§ 10.6, 10.7, 1964)

**21.48.800 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 50 acres.

C. Elimination of Nonconforming Use. If a PRC zone is established upon a tract of land which would contain a nonconforming use after the passage of the amendment to the zoning map, the development plan for the tract shall include the elimination of the nonconforming 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 Nonperformance. 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. (Ord. 2020 § 20, 1994; Ord. 978 § 1, 1978; Ord. 447 § 1, 1968)

**21.48.900 Other regulations.**

A. **Surface Water Management.** A shopping center shall have adequate facilities for management of 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 development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

a. Set back a minimum of 25 feet from a public street;

b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or

c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 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 six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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 Nonconforming Uses.** All site plans shall provide for the elimination of nonconforming uses. (Ord. 2388 45, 2001; Ord. 2020 20, 1994; Ord. 1911 2, 1992; Ord. 447 1, 1968)

**Section 16.** Sections 21.50.050, 21.50.100, 21.50.105, 21.50.110, 21.50.120, 21.50.150, 21.50.160, 21.50.200, 21.50.210, 21.50.220, 21.50.900 of Chapter 21.50 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.50  
INDUSTRIAL ZONES**

**Sections:**

**21.50.150 Performance standards – Light Industrial zone.**

**21.50.160 Performance standards – Business and Technical Park zone.**

**21.50.050 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; provided 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; provided the uses conform to the performance standards of LMC 21.50.150.

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. (Ord. 2020 21, 1994; Ord. 1575 2, 1987; Ord. 1465 3, 1985; Ord. 1036 2, 1979; Ord. 407 2, 1968)

**21.50.100 Uses allowed in the industrial zones.**

**Table 21.50.01**

Use	BTP	LI
Accessory Greenhouses	AC*	-
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	AC*	-
Blacksmithing, Welding, and Metal Fabricating Shops	-	P
Bookstores, News Stands, and Stationery Stores	AC*	-
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)	-	AC
Contractor's Offices, Shops, and Indoor Storage	P	P
Contractor's Offices, Shops, and Storage Yards	-	P
Employees' Cafeterias	AC	P
Florist Shops	AC*	-
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
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) <sup>+</sup>	C	C
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line	P	P

of the nearest residentially zoned parcel)			
Wireless Communications Facility, Attached	P		P
Gift Shops	AC*		-
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	-		P
Park and Pool Lots	C		P
Pharmacies in conjunction with medical, dental, optical, and chiropractic clinics	AC		-
Plant Nurseries	AC*		-
Printing, Publishing and Binding	P		-
Printing Plants	-		P
Public Utility Facilities	C		-
Recycling Collection Centers	-		C
Repair Shops for Household Appliances	AC*		-
Residences for Watchmen or Custodians	-		P
Restaurants providing on-premises service only to seated patrons	AC*		-
Retail Lumber Yards	-		P
Universities, colleges, schools, including preschools, commercial schools, such as dancing, music, trade, etc.	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

**Key:**

P = Use is permitted as a primary use.

C = The use may be permitted through issuance of a conditional use permit.

AC = Use is permitted as an accessory conditional use and must be related to the principal use of the tenant space or property.

AC\* = These accessory conditional uses may occupy no more than 25 percent of the floor area.

- = Use is prohibited.

**21.50.105 Project design review.**

A. Design Guidelines for Nonresidential Uses. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet permitted outright or by conditional use permit in any industrial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

B. Design Guidelines for Parking Lots and Parking Structures. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more permitted outright or by conditional use permit in any industrial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

D. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 46, 2001)

**21.50.110 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 50 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 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 use to any activity generating hazardous waste and lawfully allowed in the BTP 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 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 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 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:
  - a. The rate of traffic generation of the proposed use in comparison with existing or planned uses in the area;
  - b. The proportion of the traffic consisting of heavy vehicular devices;
  - c. Traffic related impacts such as noise, emissions, and safety; and
  - d. 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:
  - a. 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:
  - a. Light and glare; and
  - b. 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 the design would be compatible with nearby properties in the vicinity.

5. Access. Feasibility of coordinated street access.

G. Wireless Communications Facility. A conditional use permit for a wireless communications facility shall be subject to the following additional standards:

1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to the public welfare;

2. The applicant shall demonstrate the need for the proposed tower (wireless communications support structure) to be located near a residential area, the procedures involved in the site selection and an evaluation of alternative sites and existing facilities on which the proposed facility could be located or co-located;

3. A site development plan shall be submitted showing the location, size, screening, 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;

4. The facility shall be designed to be aesthetically and architecturally compatible with the natural and built environments. This includes, but is not necessarily limited to, building design and the use of exterior materials harmonious with the character of the surrounding neighborhood and the use of landscaping and privacy screening to buffer the facilities and activities on the site from surrounding properties. Any equipment or facilities not enclosed within a building (e.g., towers, transformers, tanks, etc.) shall be designed and located on the site to minimize adverse impacts on surrounding properties;

5. All wireless communications facilities shall comply with national, state or local standards, whichever is more restrictive, in effect at the time of application, for non-ionizing electromagnetic radiation;

6. The applicant shall demonstrate a justification for the proposed height of the structures and an evaluation of alternative designs which might result in lower heights. If additional height over that allowed in the zone is justified it may be approved by the City; and

7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

Provided, that this subsection shall not apply to utility facilities located on a property which are accessory to the 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. (Ord. 2065 10, 1995; Ord. 2020 21, 1994; Ord. 1879 8, 1992; Ord. 1648 4, 5, 1988; Ord. 1036 2, 1979; Ord. 1458 7, 1985; Ord. 1445 4, 5, 1985; Ord. 1361 2, 1983; Ord. 1347 1, 1983; Ord. 1119 5, 1980; Ord. 1036 2, 1979; Ord. 991 1, 2, 1978; Ord. 964 1, 1978; Ord. 748 1, 1974; Ord. 407 2, 1968)

**21.50.120 Adult establishments and retail uses.**

A. Adult Establishments and Retail Uses Permitted. Adult establishments and 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.

B. Location Standards. Any adult establishment or retail 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 or retail 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 teenageparents.

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 parents and the nearest point of the building or portion thereof used by an adult establishment or retail use.

C. 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 believes 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 teenageparents, 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 21.26 LMC:

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 parents 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. (Ord. 2020 21, 1994; Ord. 1988 2, 1994; Ord. 1903 4, 5, 6, 1992; Ord. 1890 4, 6, 1992; Ord. 1847 3, 4, 5, 1991; Ord. 1765 3, 4, 6, 1990)

**21.50.150 Performance standards – Light Industrial zone.**

All environmental or operational characteristics of 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 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 LMC.

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.

1. The emission of smoke or particulate matter of a density equal to or greater than number three on the Ringelmann Chart as currently published and used by the US. Bureau of Mines, is prohibited at all times.

2. 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.

3. 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.

4. 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 LMC 21.50.200 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. (Ord. 2020 21, 1994; Ord. 1281 1, 1982; Ord. 407 2, 1968)

**21.50.160 Performance standards – Business and Technical Park zone.**

All environmental or operational characteristics of 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. (Ord. 2020 21, 1994; Ord. 1036 2, 1979)

**21.50.200 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 100 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 100 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 100 feet of any residential zone or a P-1 zone as measured from any property line of the industrial site.

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 Standards. Set forth in Table 21.50.02

Table 21.50.02				
Dimension	BTP		LI	
	Gen'l	Trans*	Gen'l	
Maximum Building Height <sup>++</sup>	35 ft.**	35 ft.**	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+	none
Minimum Lot Area	1 acre	1 acre	1 acre	1 acre
Minimum Lot Width	150 ft.	150 ft.	None	none

Key:

\* Unless other standards are approved in connection with a planned unit development or conditional use permit; see also LMC 21.50.220.

\*\* Or three stories, whichever is less, unless a greater height is specifically allowed as part of a conditional use permit approval.

+ A four-hour firewall is required.

**21.50.210 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 by conditional use permit approval. In connection with any such conditional use permit 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) of this section shall also apply to fences. However, fences, walls and hedges up to six feet high may be located in any portion of an industrial-zoned lot as long as they are not located within intersection and driveway sight distance triangles, do not obstruct driver and pedestrian visibility, comply with applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved through project design review (Chapter 21.25 LMC).

**C. Landscaping Requirements for Sites in the Light Industrial Zone.**

1. On a transitional site, at least 50 percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.

2. On a general site, at least 25 percent of the front yard area shall be landscaped which may include landscaping requirements in parking lots.

3. 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 40 feet or less between the trees.

**D. Parking Requirements.**

1. **Required Number of Stalls.** Requirements for parking are provided in Chapter 21.18 LMC. 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. **Planting at Street Frontages.** Development sites with parking areas located only between the sides of buildings opposite the street and interior property lines shall provide a 10-foot wide planting area along the entire street frontage, except for driveways, walkways and other pedestrian spaces. Development sites with single-aisle, double-loaded parking areas located between buildings and the street right-of-way, parking areas between buildings or parking areas between buildings and the closest side property line shall provide a 15-foot wide planting area along the entire street frontage with the same above exceptions. Development sites with multi-aisle parking areas located between buildings and the street right-of-way shall provide a 20-foot wide planting area along the entire street frontage with the same above exceptions. 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 10 feet for all other species. Trees shall be spaced a maximum of 25 feet on center with branches eliminated to a height of six feet where necessary to prevent sight obstruction. The required trees in this planting area may be located within the adjacent street right-of-way as long as they comply with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and are approved by the public works department. Low evergreen plantings or a mixture of low evergreen and deciduous plantings with a maximum height of 30 inches, shall be provided so as to achieve 50 percent groundcover within two years.

b. 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.

c. Coverage. Ten percent of the parking areas located between buildings or between buildings and interior property lines, and single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers); provided, that:

d. 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 groundcover 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; provided, 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.

e. 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 Chapter 21.06 LMC.

E. Surface Water Management. Each industrial area shall have adequate facilities for management of 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:

1. One row of evergreen conifer trees, spaced a maximum of 10 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 groundcover within five years; or

2. A site-screening 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.

G. Development Standards – Cooperative Programs. In the BTP zone, cooperative development of adjacent properties is encouraged. LMC 21.46.900(E) provides incentives which should be considered when contemplating development, particularly the development of relatively small properties. (Ord. 2388 47, 2001; Ord. 2020 21, 1994; Ord. 1630 7, 1988; Ord. 1465 3, 1985; Ord. 1461 3, 1985; Ord. 1424 3, 1984; Ord. 1343 5, 1983; Ord. 1052 1, 2, 1979; Ord. 1036 2, 1979; Ord. 888 4, 1976; Ord. 638 1, 1972; Ord. 575 1, 1970; Ord. 407 2, 1968)

#### **21.50.220 Transition or buffer strip.**

A. Transitional or buffer landscaped strips (also referred to as greenbelts) shall be installed in the following situations:

1. 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

2. Where the side yard or rear yard of a property zoned to any industrial zone is adjacent to a property zoned public and semi-public;

3. 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.

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, Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), 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 10 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 30 inches, provided so as to achieve 50 percent groundcover 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 10 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 and Semi-Public. The planting strip shall be at least 10 feet in width and shall consist of a site-screening 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 site-screening 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 20 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 period of more than 30 days. If, within 30 days, the remaining landscaping is installed according to code and materials or a minimum of \$500.00. The security shall not extend for a 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 Community Development Director may, at his discretion, permit a location which more adequately satisfies the intent of this section. (Ord. 2388 48, 2001; Ord. 2020 6, 1994; Ord. 1881 4, 1992; Ord. 1790 1, 2, 3, 1990; Ord. 1781 2, 1990; Ord. 1474 1, 1985; Ord. 1465 3, 1985; Ord. 1257 6, 1982; Ord. 1036 3, 1979; Ord. 888 1 - 4, 1976; Ord. 670 1, 1972; Ord. 638 1, 1972; Ord. 575 1, 1970; Ord. 489 1, 1969; Ord. 464 1, 2, 1969; Ord. 407 2, 1968; Ord. 386 2, 3, 1968; Ord. 383 3, 1968; Ord. 190 Art. X 10.6, 10.7, 1964)

#### 21.50.900 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 development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

a. Set back a minimum of 25 feet from a public street;

b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or

c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 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 six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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. (Ord. 2388 § 49, 2001; Ord. 2020 § 21, 1994; Ord. 1911 § 2, 1992)

**Section 17.** Sections 21.52.050, 21.52.100, 21.52.120, 21.52.125, 21.52.130, 21.52.160, 21.52.200, 21.52.220, 21.52.400, 21.52.900 of Chapter 21.52 of the Lynnwood Municipal Code are hereby amended as follows:

### **Chapter 21.52 MIXED USE/BUSINESS ZONE**

**Sections:**

**21.52.120** Uses allowed by conditional use permit.

**21.52.130** .

**21.52.400** .

**21.52.050 Purpose.**

The Mixed Use/Business zone is meant to provide the opportunity for a high intensity development of mixed uses that would encourage pedestrian activity. The project design review 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 and residential uses. Portions of this zone are adjacent to single- and/or multiple-residential neighborhoods and it is the further purpose to ensure these uses will be compatible, based on a degree of coordination and control not possible under other zoning classification. (Ord. 2317 § 2, 2000; Ord. 2020 § 22, 1994; Ord. 1947 § 2, 1994)

**21.52.100 Outright permitted uses.**

The following uses are permitted outright, provided such use complies with all zoning regulations of the City.

A. All uses permitted in RS-8 zoning classification.

B. Libraries, museums, art galleries, and similar institutions.

C. A maximum density of 24 dwelling units per acre will be allowed in this zone. The development standards of the City's RMH zoning classification will apply, except as otherwise changed by this chapter. 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 21.42.110(G) and 21.46.116(C).

D. Banks and other financial institutions.

E. Business, professional, and medical office buildings, including offices of a clerical or administrative nature.

F. Child day care.

G. Churches with parking in accordance with standards of Chapter 21.18 LMC (see LMC 21.46.113).

H. Municipal services.

I. Motels and motor hotels (see LMC 21.46.116).

J. Parking garages and accessory refueling and servicing.

- K. Professional services not mentioned elsewhere in this section.
- L. Public utilities facilities (see LMC 21.46.118).
- M. Radio and television stations, not including transmitting or receiving towers.
- N. Commercial schools, dancing, music, trade, etc.
- O. Retail uses (including restaurants), as permitted in the Community Business (B-1) zone (see LMC 21.46.100 et seq.).

**21.52.120 Uses allowed by conditional use permit.**

The following uses are allowed in the Mixed Use/Business zone only by issuance of a conditional use permit:

- A. Retail uses (including restaurants), as conditionally permitted in the community business (B-1) zone (see LMC 21.46.100 et seq.). Uses that are conditionally permitted in the B-1 zone would require approval of a conditional use permit to locate in this zone. Applications for a conditional use permit will be processed concurrently, at the request of the applicant, pursuant to LMC 1.35.080. (Ord. 2317 § 3, 2000; Ord. 2020 § 22, 1994; Ord. 1947 § 4, 1994)
- B. Assembly of electronic, high-tech, and related enterprises including minor processes such as cutting, drilling, soldering, or minor welding, in spaces of 10,000 square feet or less (inclusive of all aspects of the business);
- C. Laboratories, including experimental, which do not involve the handling of hazardous materials;
- D. Veterinary clinics. (Ord. 2317 § 4, 2000; Ord. 2020 § 22, 1994; Ord. 1947 § 5, 1994)

**21.52.125 Project design review.**

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright by conditional use permit in the Mixed Use/Business zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

- 1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.
- 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright by conditional use permit in the Mixed Use/Business zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

D. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 50, 2001)

**21.52.130 .**

**21.52.160 Limitations on use.**

A. Additional Criteria for Project Design Review. The following development guidelines and policies are to be used in evaluating proposed developments 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 owner's 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 LMC 21.46.900(E). (Ord. 2020 22, 1994; Ord. 1947 12, 1994)

#### **21.52.200 Development standards.**

All uses in the Mixed Use/Business zone 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 square feet. A major landscape area should average approximately 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 percent 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 lineal feet or a 150-square-foot area approximately every 90 to 100 lineal 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 (two to three 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. (Ord. 2317 6, 2000; Ord. 2020 22, 1994; Ord. 1947 6, 8, 10, 1994)

**21.52.220 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. (Ord. 2020 § 22, 1994; Ord. 1947 § 9, 1994)

**21.52.400 .**

(Ord. 2388 § 51, 2001; Ord. 2020 § 22, 1994; Ord. 1947 § 7, 1994)

**21.52.900 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 development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

a. Set back a minimum of 25 feet from a public street;

b. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone or a P-1 zone with one-family dwelling units if a business site is one acre or larger in area; or

c. Set back a minimum of 15 feet from any interior property line adjoining an RS or RM zone or P-1 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 six-foot-high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot-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. (Ord. 2388 § 52, 2001; Ord. 2020 § 22, 1994; Ord. 1947 § 13, 1994; Ord. 1911 § 2, 1992)

**Section 18.** Sections 21.54.050, 21.54.100, 21.54.140, 21.54.150, 21.54.200, 21.54.220, 21.54.230, 21.54.240, 21.54.250, 21.54.900 of Chapter 21.54 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.54  
COMMERCIAL-RESIDENTIAL ZONE**

#### **21.54.050 Purposes.**

This Commercial-Residential zone is intended to implement the North Gateway Subarea Plan and future land use plan map by allowing development of a mix of commercial and residential land uses in close proximity to transit facilities. Additional properties may be designated with this zone where it is shown that development of a mix of commercial and residential uses could promote use of public transit, carpools or vanpools, or other means of travel other than single-occupant vehicles. While development in this zone may include apartments built over stores and offices, the key concept is to locate complementary land uses within convenient walking distance of each other connected by safe, direct walkways. A wide variety of commercial uses are permitted in this zone in order to promote development of commercial centers that serve both nearby residents and users of the transit facilities. Multiple-family residences are permitted at these properties to provide the opportunity to live and work at a single property and to promote the use of public transit, carpools or vanpools for commuting or other travel. Potential conflicts between commercial and residential land uses may be resolved by project-by-project review of residential proposals. (Ord. 2205 § 1, 1998)

#### **21.54.100 Land use.**

A. Commercial Uses. All land uses permitted "as of right" in the B-1 (Community Business) zone are permitted "as of right" in this zone. All land uses permitted with approval of a conditional use permit in the B-1 (Community Business) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (ref. LMC 21.46.110 through 21.46.119) shall apply in this zone, except as modified by the regulations in this chapter.

1. Exception. Notwithstanding subsection (A) of this section, only residential uses (pursuant to subsection (B) of this section) are permitted or permitted with approval of a conditional use permit at any property with frontage on 165th Place SW.

B. Residential Uses. All land uses permitted "as of right" or with approval of a conditional use permit in the RMM (medium density multiple-family residential) zone are permitted with approval of a conditional use permit in this zone. All limitations on those land uses (ref. LMC 21.42.110) shall apply in this zone, except as modified by the regulations in this chapter.

C. Conditional Uses. Notwithstanding the regulations of the B-1 zone, the following uses are permitted in this zone with approval of a conditional use permit:

1. Convenience store.
2. Drive-in or drive-through window or any other facility that provides service to customers in vehicles.
3. Church.

D. Prohibited Uses. Notwithstanding subsections (A) and (B) of this section, the following uses are prohibited in this zone:

1. Vehicle display, sales, rental, repair, washing, or servicing.
2. Gas or service stations.
3. Sale or repair of vehicle tires.
4. Dry cleaning plants.
5. Appliance sales or repair.
6. Home improvement stores.
7. Carpet stores.
8. Furniture stores.
9. Cold storage lockers.
10. Agricultural and horticultural activities (including plant nurseries). (Ord. 2205 § 1, 1998)

#### **21.54.140 Accessory uses.**

Any use may be permitted by the Community Development Director as an accessory use to a principal use that is allowed in the applicable zone; provided, that the Community Development Director finds that the proposed use is clearly accessory or incidental to the principal use of the property and that the proposed accessory use is consistent with the purpose of the applicable zone. A determination made pursuant to this section may be appealed through Process II. (Ord. 2205 § 1, 1998)

#### **21.54.150 Project design review.**

A. Design Guidelines for Nonresidential Uses. The following structures and parking facilities permitted outright, by conditional use permit or special use permit in the commercial-residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

1. Construction of any nonresidential structure or building with a gross floor area of more than 1,000 square feet.

2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.

B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright, by conditional use permit or special use permit in the commercial-residential zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-family Districts, as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.

D. Gateways and Prominent Intersections. See City of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines. (Ord. 2388 § 53, 2001; Ord. 2205 § 1, 1998)

**21.54.200 Area and dimensional standards.**

The standards in this section shall apply to all structures and nonstructural uses in this zone. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with these standards or Chapter 21.14 LMC.

A. Table of Standards.

**Table 21.54.1 – Development Standards**

<b>Site Planning</b>	
Minimum setback abutting a street	0 ft.
Maximum setback abutting a street	25 ft.
Minimum setback abutting another property	10 ft. <sup>3</sup>
Maximum building height	no limit <sup>4</sup>
Corner lot – Minimum area of landscaped area at intersection <sup>1</sup>	500 sq. ft.
Minimum pedestrian area at building entries	200 sq. ft.
Minimum setback from any residential zone	25 ft.
Maximum lot coverage	70 percent
<b>Parking Area</b>	
Minimum landscaped area – Parking area within 100 ft. of street	See LMC 21.54.200 (C)(4)
Minimum landscaped area – Parking area more than 100 ft. from street or behind a building	See LMC 21.54.200 (C)(4)
Minimum size of landscaped area within 100 ft. of street	25 sq. ft.
Minimum width of landscaped area	5 ft.
Minimum number of trees in landscaped area within 100 ft. of street	1 per 6 parking spaces*
Minimum number of trees in landscaped area more than 100 ft. from street	1 per 8 parking spaces*
Corner lot – Minimum setback for parking area from street (unless separated from street by a building)	200 ft.
Maximum portion of a property frontage at which parking may be located in front of a building	50 percent
<b>Landscaping</b>	
Minimum width of landscaping adjoining a street	15 ft. <sup>2*</sup>
Planting of street trees	30 ft. on center

\* This standard shall supersede any applicable Lynnwood Citywide Design Guidelines that may conflict.

**B. Notes.**

1. Landscaped area may include pedestrian pathway connecting development to crosswalk(s) at intersection.
2. Where a building is set back less than 15 feet from the street, the entire building setback (if any) shall be landscaped (not including pedestrian areas and pathways).
3. See also required buffers in LMC 21.54.240.
4. Any portion of a building or structure with a height greater than 35 feet shall be set back from all property lines a minimum of one foot for every two feet in height above 35 feet.

**C. Additional Standards.**

1. At any parking lot that is more than 130 feet in any dimension, specially marked pedestrian walkways leading to building entries shall be provided, subject to approval by the Community Development Director.
2. Special paving shall be installed and maintained at all driveways and other points of access for vehicles to/from a public street. "Special paving" shall include, but is not limited to, bomonite, stamped or colored concrete, and concrete pavers.
3. All major building pedestrian entrances and exits shall face a public street.
4. Five percent of parking areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line, or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers). (Ord. 2388 54, 2001; Ord. 2205 1, 1998)

**21.54.220 Parking.**

For calculating the required number of parking stalls see Chapter 21.18 LMC.

A. Reduction in Parking for a Common Driveway. Owners of adjoining properties will be encouraged to enter into agreements to provide for shared access, egress, and parking facilities by allowing a reduction of the total parking requirements for such properties. Property owners desiring to take advantage of this reduction policy may submit detailed plans to the City, and if such plans are approved by the Community Development Director and Public Works Director, 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:

1. That such reduction in parking will not reduce parking by more than 10 percent of the amount otherwise required;

2. A coordinated parking lot layout and landscaping plan is submitted, approved, and conforms to the specifications of this code;

3. 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;

4. 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 LMC 16.04.250;

5. Traffic flow is improved through joint use of the same entrances;

6. That the parties owning the properties enter and record into a written agreement with the County Auditor, defining their rights, duties, reciprocal easements, and providing for maintenance and repair in such a manner that the City 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

7. The City has reviewed 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. (Ord. 2205 § 1, 1998)

**21.54.230 Additional street frontage landscaping requirements.**

A. Size of Trees at Planting. The minimum height at planting for evergreen trees shall be eight feet. The minimum caliper size for deciduous trees at planting shall be two inches.

B. Planting for Shrubs and Groundcover. Low evergreen plantings with a maximum height of 36 inches shall be provided in all landscaped areas abutting a street. Street-side landscape areas at parking areas shall include at least one row of evergreen shrubs spaced no more than four feet apart and that will grow to a height of at least 30 inches. Groundcover shall be planted in all landscaped area abutting a street in a manner that will fully cover areas not covered by trees or shrubs within two years. No more than 10 percent of a landscaped area abutting a street shall be covered with inanimate materials, not including the walking surface for walkways or other pedestrian areas.



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 shall indemnify the City against any injuries occurring within that portion of right-of-way so utilized. Such release and indemnity shall be subject to approval by the City Attorney.

D. Additional Landscaping along Specified Streets. See Chapter 21.06 LMC. (Ord. 2205 1, 1998)

#### **21.54.240 Buffer areas.**

Buffer areas shall be installed where the side yard or rear yard of a property in this zone adjoins a property zoned to a residential zone or the Public and Semi-Public zone.

A. Plans Submittal and Decision. Plans for landscaping and fencing in a buffer area shall be submitted to the Community Development Director for approval prior to issuance of a building permit. The Community Development Director shall approve the landscaping plan if the proposed landscaping and fencing would provide adequate screening after five years of growth. A decision by the Director under this subsection may be appealed pursuant to Process II, LMC 1.35.600 et seq.

Any permit issued by the Building Official shall be conditional upon compliance with the screening standards established throughout this procedure.

##### **B. Minimum Standards.**

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

a. Adjacent to a Single-Family Residential Zone. 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 15 feet on center, so as to form an effective visual barrier within five years. The minimum tree height at planting shall be six feet. A permanent six-foot site-screening fence shall be placed at the property line.

When slope of land in a buffer requires installation of a rockery or other retaining structure, the width of the buffer shall be increased so that the retaining structure reduces the planting area of the buffer to no less than 80 percent of the area in the required buffer. Trees required to be planted in a buffer with a retaining structure shall be planted at the top of the structure.

b. Adjacent to a Multiple-Family Residential or Public and Semi-Public Zone. The planting strip shall be at least 10 feet in width and shall consist of the following:

i. One row of evergreen conifer trees, spaced a maximum of 10 feet on center. Minimum tree height at planting shall be six feet. The remainder of the planting strip shall be promptly planted with low evergreen plantings which will mature to a total groundcover within five years; or

ii. Exception. Where soil or topographic conditions prevent trees from being planted at the top of a retaining structure within a buffer, a site-screening 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 at planting shall be four feet; height at full growth shall be at least 10 feet.

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 20 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.

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 paragraph, the Community Development Director may permit a location which more adequately satisfies the intent of this section. (Ord. 2205 § 1, 1998)

#### **21.54.250 Minimum lot size.**

Property proposed for development under these Commercial-Residential regulations shall encompass a development site area of at least five acres. At properties in this zone which encompass less than five acres the regulations for the RS-7 zone shall apply. "Encompass a development site" shall mean that one or more parcels shall be developed as a unified project including, but not limited to, shared parking and access and coordinated landscaping, architecture and signage. (Ord. 2205 § 1, 1998)

#### **21.54.900 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.

B. Setback. Refuse and recycling collection areas in all commercial zones shall comply with the development standards below. The following development standards shall supersede other applicable setback requirements of this chapter and any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may conflict:

1. Set back a minimum of 20 feet from a public street;
2. Set back a minimum of 25 feet from any interior property line adjoining an RS or RM zone; or
3. Set back a minimum of 10 feet from any other interior property line.

C. Design. All refuse and recycling collection areas shall be enclosed on three sides by a six-foot high site-obscuring fence which uses building materials, color, and design details similar to the primary buildings on the site and a six-foot 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.

D. Parking. A refuse and recycling collection area shall be located in such a way that new or existing parking stalls will not prevent or interfere with the use and servicing of the collection area.

E. Size, Location and Construction. Refuse and recycling collection areas shall be sized, located, and constructed per standards established by the Public Works Department. (Ord. 2388 § 55, 2001; Ord. 2205 § 1, 1998)

**Section 19.** Sections 21.56.050, 21.56.200, 21.56.700 of Chapter 21.56 of the Lynnwood Municipal Code are hereby amended as follows:

### **Chapter 21.56 164TH STREET OVERLAY ZONE**

#### **21.56.050 Purpose.**

This overlay zone is intended to implement the North Gateway Subarea Plan by establishing a design identity and character for the portion of 164th Street SW corridor in the subarea. This identity and character are intended to be contemporary in nature and substantially different from the character of the developed areas of Lynnwood. By contrasting with those areas this identity and character will promote a sense of community in the subarea. The land use and development standards in this overlay zone seek to establish this identity and character by modifying existing land use and development regulations so as to produce a streetscape that creates strong links between private land uses and public streets and that integrates the built elements of that streetscape (primarily buildings and parking facilities) with the "natural" elements (landscaping and the Swamp Creek corridor). (Ord. 2206 § 1, 1998)

#### **21.56.200 Area and dimensional standards.**

A. The standards in this section shall apply to all structures and nonstructural uses in this overlay zone. No building, structure or land shall be established, erected, enlarged or structurally altered, except in conformance with these standards, unless modifications to these standards are approved through the design review process. These standards may be modified if the applicant demonstrates during design review that the proposed modification:

1. Substantially contributes to establishing strong visual and physical connections between the primary use(s) of private property and the public street;
2. Provides landscaping along the public right-of-way and in parking lots that would be equal to or more extensive than landscaping required by this chapter; and
3. Promotes the intent and purpose of this chapter and the goals, objectives and policies of the Comprehensive Plan (particularly the North Gateway Subarea Plan).

#### **B. Table of Standards.**

**Table 21.56.1 – Development Standards**

Site Planning	
Minimum front setback	15 ft.
Maximum front setback (applicable only to 50 percent of building frontage)	90 ft.
Maximum building height	100 <sup>1</sup> ft.
Corner lot – Minimum area of landscaped area at intersection <sup>1</sup>	500 sq. ft.
Minimum pedestrian area at building entries	200 sq. ft.

<b>Parking Area</b>	
Minimum landscaped area – Parking area within 100 ft. of street	See LMC 21.56.200 (D)(4)
Minimum landscaped area – Parking area more than 100 ft. from street or behind a building	See LMC 21.56.200 (D)(4)
Minimum size of landscaped area within 100 ft. of street	25 sq. ft.
Minimum width of landscaped area	5 ft.
Minimum number of trees in landscaped area within 100 ft. of street	1 per 6 parking spaces*
Minimum number of trees in landscaped area more than 100 ft. from street	1 per 8 parking spaces*
<b>Landscaping</b>	
Minimum width of landscaping between a street and a parking lot or drive aisle	20 ft.*
Planting of street trees	30 ft. on center

\* This standard shall supersede any applicable Lynnwood Citywide Design Guidelines that may conflict.

**C. Notes.**

1. Any portion of a building or structure with a height greater than 35 feet shall be set back from all interior property lines one foot for every two feet in height greater than 35 feet.

**D. Additional Standards.**

1. At any parking lot that is more than 130 feet in any dimension, specially marked pedestrian walkways leading to building entries shall be provided.

2. Special paving shall be installed and maintained at all driveways and other points of access for vehicles to/from a public street. "Special paving" shall include, but is not limited to, bomonite, stamped or colored concrete, and concrete pavers.

3. Pedestrian connections shall be provided between all buildings and between buildings, parking areas and public sidewalks at adjoining streets.

4. Five percent of parking areas located only between the sides of buildings opposite the street and interior property lines; 10 percent of parking areas between buildings, between buildings and the closest side property line; or single-aisle, double-loading parking areas located between buildings and the street; and 15 percent of multi-aisle parking areas located between buildings and street shall be in landscaping (exclusive of landscaping on the street frontage and required landscape buffers). (Ord. 2388 57, 2001; Ord. 2206 1, 1998)

**21.56.700 Access control.**

Coordinated access points may be required for many sites. As a condition to site development approval, 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 a site plan is approved, the owner 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 site development plan approval from the City. (Ord. 2206 § 1, 1998)

**Section 20.** Sections 21.72.100, 21.72.350, 21.72.400, 21.72.450, 21.72.500, 21.72.600, 21.72.650, 21.72.700, 21.72.800, 21.72.900 of Chapter 21.72 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.72  
INTERIM USES\***

**21.72.100 Scope.**

This chapter allows interim uses of property in the southern portion of the subregional center (interim use area) as a first step toward redevelopment of those properties. As part of establishing an interim use under this chapter, a property owner agrees to redevelop the property in accord with plans and regulations the City will adopt and will not make improvements to the property prior to redevelopment. (Ord. 2318 § 2, 2000)

**21.72.350 Submittal requirements.**

An application for approval of an interim use shall be accompanied by the following plans and information:

A. A site plan of the property, drawn to scale, showing natural features, grades, utility improvements, rights-of-way and improvements, other site improvements, and buildings and structures. 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 landscaping and fencing;

C. A vicinity map, showing the location of the site in relation to nearby streets and properties;

D. 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;

E. A written description of the proposed operation of the interim use, including hours of operation, number of employees, and any proposed storage or use of hazardous materials;

F. A written statement addressing the decision criteria;

G. A legal description of the property, including parcel number;

H. A statement to the effect that the applicant or applicants are the sole owners of the property;

I. Photographs of the site;

J. A completed SEPA checklist (for environmental review), unless the project is categorically exempt from SEPA review;

K. 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;

L. A list of other City permits that may be processed concurrently with this permit (if any), pursuant to LMC 1.35.080. (Ord. 2318 § 5, 2000)

**21.72.400 Allowable uses.**

Those land uses allowable (either as-of-right or as a conditional use) in the General Commercial (CG) zone are allowable under this chapter, except that the following uses are prohibited:

A. Those light industrial uses listed in Table 21.46.12.

B. Adult establishments and adult retail uses.

C. Auto wrecking yards. (Ord. 2318 6, 2000)

**21.72.450 Other regulations.**

All the regulations applicable in the General Commercial (CG) zone shall apply to interim uses approved under this chapter, except as modified by this chapter. (Ord. 2318 § 7, 2000)

**21.72.500 Applicable procedure.**

The City will process applications for an interim use, pursuant to this chapter, through Process III, LMC 1.35.300 et seq. The Community Development Director is the applicable department head. (Ord. 2318 § 8, 2000)

**21.72.600 Action and decision criteria.**

The Community Development Director may approve an application for a downtown interim use if the Director finds that:

A. The proposal meets the requirements of this chapter;

B. The proposal will promote City policies regarding redevelopment of the subregional center; and

C. The use will not have an adverse impact on surrounding properties.

As part of an approval of an interim use and the agreement required by LMC 21.72.700, the Director may require installation of landscaping in order to provide a visual buffer or screen between the interim use and adjoining streets, properties, structures or private roads and also may impose such other conditions as the Director finds are necessary to insure that the interim use complies with the requirements and purpose of this chapter. (Ord. 2318 § 9, 2000)

**21.72.650 Expiration of approval.**

Approval of an interim use under this chapter shall expire three years from the effective date of the approval, except

that the Director may grant no more than two one-year extensions of the approval. A request for an extension shall be submitted to the Community Development Department in writing. The Director may approve such a request if the Director finds that the property owner(s) have made a good faith effort towards redeveloping the property. A decision by the Director to extend an approved interim use may be appealed according to Process II. The interim use shall cease operations and vacate a property no later than the expiration of the original approval or any extension(s) granted by the Director, whichever is later. (Ord. 2318 § 11, 2000)

**21.72.700 Limitations.**

A. Prior to approval of an interim use, the owner of the property where an interim use is to be established shall enter into an agreement with the City regarding the interim use. This agreement shall include, at a minimum, the following provisions:

1. Only the interim use described in the application shall be permitted at the property. The Director may approve a request to amend the approved interim use; provided, that the characteristics of the revised use shall be similar to those of the original use.

2. The property owner shall demonstrate commitment to redevelopment of the property within a specified period of time, pursuant to any City-adopted sub-area plan for the subregional center and any implementing development regulations adopted by the City. The agreement shall contain provisions acceptable to the City demonstrating the applicant's commitment to redevelopment.

3. The agreement is binding on all successors in interest.

4. If legal action is needed to enforce the agreement or this chapter, the prevailing party shall be entitled to reasonable attorneys' fees.

5. Landscaping and other provisions pursuant to LMC 21.72.600.

B. The property owner shall post a \$25,000 cash deposit to guarantee that the interim use will be vacated from the property when the approval granted under this chapter expires.

The City may use this deposit to cover the cost of any legal action needed to enforce an agreement as provided in subsection (A) of this section or any other financial obligations related to the approval. In the event the property is not redeveloped as provided for in the agreement, the deposit may at the election of the City, be forfeited to the City as liquidated damages. The City shall retain this deposit until the Director of Community Development confirms that the interim use has vacated the property and that all financial obligations have been resolved. Interest accruing on this deposit shall be retained with the deposit and shall be used by the City in the same manner as the deposit or refunded along with the deposit.

C. The property owner shall agree that any improvements or repairs (other than as needed to comply with conditions imposed under LMC 21.72.600) shall be allowed only as allowed for a nonconforming use (see Chapter 21.12 LMC) and subject to Director determination (appealable under Process II) that:

1. The improvement or repairs are not inconsistent with the City's City Center Subarea Plan and development regulations (adopted or pending); and

2. The improvements or repairs would not substantially interfere with future redevelopment of property that is consistent with pending City Center Subarea Plan and development regulations. (Ord. 2318 § 12, 2000)

**21.72.800 Application fees.**

The application fee for an interim City Center use is set forth in LMC 2.23.120. (Ord. 2318 § 13, 2000)

**21.72.900 Expiration of chapter.**

This chapter shall expire, and shall be repealed, three years from the effective date of the ordinance codified in this chapter. Following that date, the Community Development Director shall not issue any new approvals for interim uses under this chapter. Approvals that have been granted prior to the expiration of this chapter shall continue in effect until they expire, as provided above; provided, that the Director may continue to approve requests for a single one-year extension of such approvals, as provided above. (Ord. 2318 § 16, 2000)

**Section 21.** Sections 21.90.010, 21.90.030, 21.90.050, 21.90.100, 21.90.250, 21.90.300, 21.90.350 of Chapter 21.90 of the Lynnwood Municipal Code are hereby amended as follows:

**Chapter 21.90  
WIRELESS COMMUNICATIONS FACILITIES**

**21.90.010 Purpose.**

The purpose of this chapter is to provide placement, design and screening criteria for all wireless communications facilities (WCFs) in the City of Lynnwood in order to protect the public health, safety, general welfare, and quality of life in Lynnwood while preserving the rights of wireless communications providers. (Ord. 2270 § 1, 1999)

**21.90.030 Exemption.**

In the event an emergency or disaster is declared for the area, the Community Development Director may exempt WCFs from the requirements of this chapter during the duration of such emergency or disaster. (Ord. 2270 § 1, 1999)

**21.90.050 Location of wireless communications facilities.**

A. It is the policy of the City of Lynnwood to locate WCFs in the City according to the following order of preference (highest to lowest preference):

1. Attached on existing structure such as buildings, communication towers, and utility facilities. Preference is to the fascia of buildings or mechanical penthouses.
2. Co-located (on one support structure) with other WCFs.
3. In the industrial zones as permitted in LMC 21.50.100.
4. In commercial zones as permitted in LMC 21.46.100.
5. In residential zones as permitted in LMC 21.42.100.

B. WCFs shall be located where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening. The support structure shall be located in close proximity to trees of comparable heights and in areas where they are otherwise visually compatible or designed to be compatible.

C. WCFs shall not be located within 1,320 linear feet of any other WCF except when located on an existing building, structure or wireless facility (that is, without support structures) or through the conditional use permit process as described in the appropriate zoning district in which proposed. For the purpose of this section, all distances shall be measured in a straight line without regard to intervening structures, from the nearest point of the proposed wireless communications support structure to the nearest point of another wireless communications support structure.

D. WCFs located in a right-of-way shall meet the requirements of the abutting or closest zone (as measured from the support structure or the attached facility) and this chapter. (Ord. 2270 1, 1999)

**21.90.100 Design standards.**

A. Signs or advertising devices other than certification, warning, or other legally required seals or signs shall not be placed on or attached to WCFs.

B. Accessory equipment shall meet the following standards:

1. All accessory equipment associated with the operation of the WCF shall be located within a building, enclosure, or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.

2. Accessory equipment enclosures shall be visually compatible with the surrounding buildings (such as, same construction material as primary building(s), same color, etc.) and include sufficient landscaping to screen the structure from view, and shall be subject to approval by the Community Development Director.

3. Accessory equipment enclosures shall be limited to the housing of radio, electronic and related power equipment, and shall not be used for any other purpose, including storage.

C. All WCFs shall employ concealment technology in their design, construction, and maintenance in order to reduce the WCFs' aesthetic impacts to the maximum extent possible. Such concealment technology shall include, at a minimum, the following:

1. All antenna support structures and antennas shall be painted a nonreflective color, subject to approval by the Community Development Director, which blends into the nearby surroundings of the WCF so as to minimize the visual impact of the support structure or antennas.

2. New antenna support structures shall be located in such a manner that existing trees on the site are used to screen the WCF from view from roadways, residences, and other properties; provided, however, that all WCFs shall be designed in a manner which minimizes the need for removal or topping of existing trees.

3. To the maximum extent reasonably practical, WCFs shall be designed to resemble an object (other than a WCF) that is already present in the local environment, such as a tree, a street light or a traffic signal. It may include the use of colors or materials to blend into the building materials from which a structure is constructed. Examples of concealment technology include, but are not limited to, the use of innovative site design techniques, existing or new vegetation and landscaping, paint and other surface treatments, alternative antenna configuration and/or selection, utilization of antenna support structures designed to resemble trees, and any other practice which screens the WCF from

observation from roadways, residences, and other properties or otherwise has the effect of reducing the aesthetic impacts associated with the WCF.

D. All screening for attached WCFs shall be compatible with the existing architecture, color, texture and/or materials of the building and when located on roofs shall avoid the "porcupine effect" through camouflage or other technique acceptable to the Community Development Director.

E. Monopole foundations and structures upon which antenna are to be mounted shall be designed to accommodate at least two carriers' antenna.

F. Fencing, if permitted or required, shall conform to the following:

1. No fence shall exceed the height permitted for the respective zone in which the facility is to be located. The fencing surrounding the WCF may be of a chain link material.

a. A landscaping buffer shall be provided to buffer the view of the WCF structure(s) and fence from off site. The landscaping buffer shall at a minimum be five feet in width and consist of evergreen shrubs with a mature height of at least 10 feet planted a maximum of five feet on center. The evergreen shrub at planting shall have a minimum height of six feet.

G. Lighting for the WCF may be used for security reasons only and shall be shielded to prevent off-site glare. All exterior lighting shall be subject to approval by the Community Development Director. In no case except when specifically required by the Federal Aviation Administration (FAA) or the Federal Communication Commission (FCC) will the wireless communications support structure be lighted. (Ord. 2270 § 1, 1999)

#### **21.90.250 Co-location.**

A. All applicants shall cooperate in good faith with existing WCFs operators in co-locating additional antennas on support structures and/or on existing buildings provided the existing operator has received a permit for such use at said site from the City.

B. All applicants shall exercise good faith in cooperating in co-locating with other providers and sharing the permitted site, provided such proposed shared use does not prevent or unreasonably interfere with the existing use (i.e., significant interference in broadcast or reception capabilities as opposed to competitive conflict or financial burden). Such good faith cooperation shall include sharing technical information necessary to evaluate the feasibility of co-location. In the event a dispute arises as to whether a provider has exercised good faith in accommodating other users, the City may require a third party technical study at the expense of either or both the applicant and the existing operator as to the feasibility of co-locating.

C. Failure to comply with the co-location requirements of this chapter may result in the denial of a permit request or revocation of an existing permit. (Ord. 2270 § 1, 1999)

#### **21.90.300 Discontinuation of use.**

A. Lawfully erected WCFs that are no longer being used shall be removed promptly from the premises, no later than six months after the discontinuation of use, except as otherwise provided by law. A WCF is considered abandoned if it ceases to provide wireless communications services that are substantially consistent with the application and/or purposes for which the WCF was constructed for six or more months (occasional use shall not affect the six-month period). Such removal shall be in accordance with proper health and safety requirements and all ordinances, rules and regulations of the City. The wireless communications provider shall send to the City a copy of the discontinuation notice required by the FCC at the time the notice is sent to the regulatory agency.

B. All facilities determined to be abandoned and not removed within the required six-month period from the date of notice shall be in violation of this chapter, and operators of the facility and the owners of the property shall be subject to penalties for violations under the enforcement provisions of the zoning code. The City may remove all abandoned facilities following the six-month removal period at the operators' expense. Facilities removed by the City shall be stored for no less than 30 days and thereafter be disposed of by public auction, if deemed to be of value by the City, or otherwise as permitted by law. (Ord. 2270 § 1, 1999)

#### **21.90.350 Submittal requirements.**

A. In addition to the information required by any other part of the municipal code, the following items shall be required for any application for land use, development or construction permit for a WCF:

1. A statement providing the reasons for the location, design and height of the proposed tower or antennas.
2. The contact name managing the facility, the telephone number and mailing address.
3. A map showing any existing, and/or approved WCFs within 2,640 feet of the proposed new facilities site (not required of attached facilities).

4. A current overall system plan for the City, showing facilities presently constructed or approved and propagation maps showing the before and after coverage with the new facility (not required of attached facilities).

5. Evidence satisfactory to the Community Development Director demonstrating that location or co-location is unfeasible on existing buildings and existing tower facility sites for reasons of structural support capabilities, safety, available space, or failing to meet service coverage area needs.

6. A site/landscaping plan showing the specific placement of existing structures, trees, and other significant site features; and indicating type and locations of plant materials proposed to be used to screen WCF components and the proposed color(s) for the communication facility.

7. A signed statement indicating:

a. The applicant agrees to allow for the co-location of additional WCF equipment by other providers and the applicant's structure consistent with the provisions of this chapter.

b. The applicant agrees to remove the facility within six months after the use of the site is discontinued.

8. Plans showing how connections to utilities will occur, the ownership of those utilities, and any proposed right-of-way cuts or easements (not required for attached facilities).

9. Documents demonstrating that any necessary easements or property rights have been obtained.

10. Plans showing how vehicle access shall be provided. (Ord. 2270 1, 1999)

**Section 22.** The Administration is directed to submit the amendments to Code Publishing for amendment of the Lynwood Municipal Code, and is further directed to prepare a revised official Zoning Map.

**Section 23.** 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 24.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication. A summary of this ordinance may be published as provided for by state law.

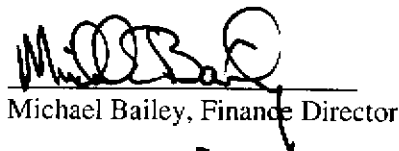
**PASSED** this 27th day of January 2003, and signed in authentication of its passage this 28th day of January, 2003.



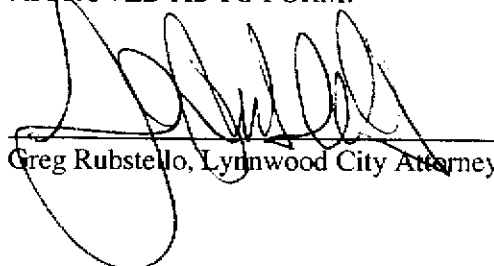
Mike McKinnon, Mayor

ATTEST:

APPROVED AS TO FORM:



Michael Bailey, Finance Director



Greg Rubstello, Lynwood City Attorney