

**CITY OF LYNNWOOD  
ORDINANCE NO. 2586**

City of Lynnwood

NOV 22 2005

**SCANNED**

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF LYNNWOOD; AMENDING SECTIONS 21.40.100, 21.40.200, 21.40.900, 21.42.050, 21.42.100, 21.42.110, 21.42.200, 21.42.210, 21.42.300, 21.42.400, 21.42.420, 21.42.440, 21.42.900, 21.43.050, 21.43.100, 21.43.110, 21.43.200, 21.43.210, 21.43.300, 21.43.400, and 21.43.900 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 21.43.420 and 21.43.440 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

**WHEREAS**, the City of Lynnwood has found sections of the development regulations in need of amendment to change standards or to make existing standards more clear and concise; and

**WHEREAS**, the Lynnwood Planning Commission has recommended amendments to the development regulations to provide the needed amendments; 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.** Sections 21.40.100, 21.40.200, and 21.40.900 of the Lynnwood Municipal Code are hereby amended as follows:

**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
A. Single-Family Residential Zones.		
Single-Family Residences	RS-8	Low-Density Single-Family Residential
	RS-7	Medium-Density Single-Family Residential
	RS-4	High-Density Single-Family Residential
B. Multiple-Family Zones.		
Multiple-Family	RML	Low-Density Multiple-Family

Residences		Residential
	RMM	Medium-Density Multiple-Family Residential
	RMH	High-Density Multiple-Family Residential
C. Commercial Zones.		
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
	CC-W	City Center – West End
	CC-N	City Center – North End
	CC-C	City Center - Core
	CG	General Commercial
	PRC	Planned Regional Shopping Center
	CDM	College District Mixed Use
D. Industrial Zones.		
Employment Uses	BTP	Business and Technical Park
	LI	Light Industrial
E. Public and Institutional Zones.		
Institutional Uses	P-1	Public and Semi-Public Uses.

(Ord. 2441 § 11, 2003; 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 “City of Lynnwood Official Zoning Map,” 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. 2441 § 11, 2003; Ord. 2020 § 16, 1994; Ord. 190 Art. V § 5.2, 1964)

**21.40.900 Order of restrictiveness.**

The city of Lynnwood is divided into 21 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	Low-Density Single-Family Residential
RS-7	Medium-Density Single-Family Residential
RS-4	High-Density Single-Family Residential
P-1	Public and Semi-Public Use
RML	Low-Density Multiple-Family
RMM	Medium-Density Multiple-Family
RMH	High-Density Multiple-Family
	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 (RMH).
B-4	Restricted Business
B-2	Limited Business
	Upon deletion of the Highway Services Zone (C-2), the properties in the zone are to be automatically placed in the adjacent Planned Commercial Development Zone (PCD).
B-3	Neighborhood Business
PCD	Planned Commercial Development
B-1	Community Business
CDM	College District Mixed Use
MU	Mixed Use/Business
CC-W	City Center – West End
CC-N	City Center – North End
CC-C	City Center - Core
CG	General Commercial
PRC	Planned Regional Shopping Center
BTP	Business and Technical Park
LI	Light Industrial

(Ord. 2441 § 11, 2003; 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 2.** Sections 21.42.050, 21.42.100, 21.42.110, 21.42.200, 21.42.210, 21.42.300, 21.42.400, 21.42.420, 21.42.440, and 21.42.900 of the Lynnwood Municipal Code are hereby amended as follows:

**Sections:**

- 21.42.050**      **Zones and purposes.**
- 21.42.100**      **Uses allowed in single-family residential zones.**
- 21.42.110**      **Limitations on use.**
- 21.42.140**      **Repealed.**
- 21.42.200**      **Development standards.**
- 21.42.210**      **Additional development standards.**
- 21.42.250**      **Development standards for park facilities.**
- 21.42.300**      **Home occupations.**
- 21.42.400**      **Accessory structures and uses.**
- 21.42.420**      **Placement of accessory buildings and structures – Interior lots.**

- 21.42.440**      **Placement of accessory buildings and structures – Corner and reverse corner lots.**
- 21.42.500**      **Signs.**
- 21.42.900**      **Other regulations.**
- 21.42.050**      **Zones and purposes.**

The single-family residential zones are intended to provide for detached housing with densities and styles consistent with the goals, objectives, and policies of the Lynnwood Comprehensive Plan and contribute to building and maintaining of safe, clean, and attractive residential neighborhoods with housing for people with a wide variety of housing needs. Such neighborhoods should have minimal traffic, noise, and commercial activities. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

**21.42.100      Uses allowed in single-family residential zones.**

See Table 21.42.01 for uses allowed in single-family residential zones.

**Table 21.42.01**

Use	RS-8	RS-7	RS-4
Single-Family Dwellings (one per lot)	P	P	P
Adult Day Care Centers	C*	C*	C*
Adult Family Homes	P	P	P
Accessory Dwelling Unit+	ASF	ASF	-
Agricultural and Horticultural Activities, including plant nurseries+	P/C	P/C	P/C
Child Day-Care Centers+	C*	C*	C*
Children – Resident Home	P	P	P
Family Child Care Home	P	P	P
Manufactured Home Developments and Manufactured Homes+	P	P	P
Park and Pool Lots	C**	C**	C**
Places of Worship	C	C	C
Public Parks	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
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C
Wireless Communications Facility Attached (not permitted on residential structures) See LMC 21.90	P	P	P

\* Only as an accessory use at a school or place of worship .

\*\* Only on properties with street frontage along streets designated as arterials.+See LMC 21.42.110.

Key:

ASF = Allowed as an accessory use to a single-family residence.

P = Use is permitted as a primary use; see LMC 21.42.300 regarding home occupations.

- C = The use may be permitted through issuance of a conditional use permit.  
- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

#### **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. Agricultural and horticultural activities, including plant nurseries, which are less than one acre in size are permitted uses. Agricultural and horticultural activities, including plant nurseries, which are one acre or more in size require a 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 built 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 nonionizing 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;
7. The applicant shall include an analysis of the feasibility of future consolidated use of the proposed facility with other public utility facilities.

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

- Any adverse or significant changes, alterations or increases in traffic flow that could create a hazardous situation as either a direct or indirect result of the proposed activity;
- Any abnormal increase in demand for any public service, facility or utility;
- The size, location, and access of the proposed site; and
- Any adverse effects on the standard of livability to the surrounding area.

2. Requirements. In any case, the approval of the conditional use permit shall include the following requirements:

- The applicant must be state-licensed before the operation of the facility;
- Adequate off-street parking must be provided;
- All outdoor play areas must be fenced with a minimum of 800 square feet plus an additional 80 square feet per additional child over 10;
- Site and sound screening standards for the outdoor play area must be met;
- The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
- The applicant must indicate the ages of the children to be cared for;
- 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. 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:

- Provide the opportunity for resident homeowners to enjoy companionship and security from tenants while maintaining the privacy of a single-family residence;
- Create additional affordable housing in Lynnwood;
- 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;
- Develop housing that is appropriate to smaller households; and
- 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 premises.

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.

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 subsection.

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.



(Ord. 2441 § 12, 2003; 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**

<b>Standard</b>	<b>RS-8</b>	<b>RS-7</b>	<b>RS-4</b>
<b>Minimum Lot Area+++</b>	8,400 sf	7,200 sf	4,000 sf
<b>Minimum Lot Width</b>	70 ft. +++	60 ft.	40 ft.
<b>Minimum Frontage at Street</b>	30 ft. +++	30 ft.	25 ft.
<b>Minimum Front Yard Setback</b>			
Interior Lot	25 ft.	20 ft.	15 ft.
Corner Lot	25 ft.	20 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.
Abutting a Private Road or Access Easement	15 ft.	15 ft.	15 ft.
<b>Minimum Side Yard Setbacks – Corner Lot</b>			
Street Side	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	20 ft.	20 ft.	20 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.
<b>Minimum Side Yard Setbacks – Interior Lot</b>			
One Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	15 ft.	10 ft.	10 ft.
<b>Minimum Rear Yard Setback</b>	25 ft.	25 ft.	15 ft.*
<b>Maximum Lot Coverage by Buildings</b>	35 percent	35 percent	40 % - habitable space 50% - total
<b>Maximum Building Height</b>	35 ft.	35 ft.	30 ft.

\* 20 ft. when abutting an RS-7 or RS-8 zone.

+++ See LMC 21.42.210

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

## **21.42.210 Additional development standards.**

A. **Parking Requirements.** Each dwelling unit must provide on-site parking for two motor vehicles in accordance with the stall dimensions specified in LMC 21.18.700, Figure 21.18.1. Such covered or uncovered vehicular storage areas may not be within any required yard setback area.

B. **Fences and Hedges.** Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. **Minimum Lot Area in RS-8 and RS-7 zones.** 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:

1. No lot shall be smaller than 90 percent of the required minimum lot size in that zone;
2. Not more than a 25 percent increase over the required minimum lot size for any individual lot shall be credited in computing average lot size;
3. Corner or reverse corner lots shall not be smaller than the required minimum lot size allowed in that zone;
4. A lot which is, by these provisions, smaller than the required minimum lot size is allowed a reduction of five feet from the required minimum lot width;
5. Final plats or short plats which utilize lot size averaging shall list the lot areas of all lots on the face of the plat; and
6. Preliminary plats approved utilizing lot size averaging shall not receive final approval by divisions unless each division individually satisfies these provisions.

D. **Minimum Lot Area in RS-4 zone.** Within the RS-4 zone the minimum lot size is 4,000 square feet per single-family dwelling.

E. **Small Lot Single-family Dwelling Development Standards.** Single-family dwellings built on lots zoned RS-4 shall meet the requirements contained within this section unless approved as part of a multiple-family development pursuant to the regulations within Chapter 21.43. It is the intent of these development standards that single-family dwellings on small lots be compatible with neighboring properties, friendly to the streetscape, and in scale with the lots upon which they are constructed. A minimum area for the application of the RS-4 zone shall be one acre. The community development director is authorized to promulgate guidelines, graphic representations, and examples of housing designs and methods of construction that do or do not satisfy the intent of these standards.

1. Where lots front on a public street or private access easement, the dwelling shall have doors and windows facing the street or private access easement. Dwellings shall have a distinct entry feature such as a porch or weather covered entryway with minimum dimensions of six feet by six feet. Covered porches open on three sides may encroach six feet into a required front yard setback.

2. If the lot abuts an alley in addition to a public street, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography. Where the garage, or off-street parking area, is accessed from an alley no curb cuts shall be permitted on the public street.

3. If there is no alley access and the lot fronts on a public street or private access easement, the front of the garage shall be set back a minimum of five feet from the main front plane of the dwelling; and, the dwelling shall have entry, window, and/or roofline design treatment which emphasizes the dwelling more than the garage.

4. Driveways shall not exceed twenty feet in width in the required front yard setback area.

5. Dwellings built on lots without direct frontage on a public street shall be situated to respect the privacy of abutting dwellings and to create usable yard space for the dwelling(s).

6. Lot coverage by the living space of a dwelling shall not exceed forty percent. Total lot coverage by the dwelling and any other buildings on the lot shall not exceed of fifty percent.

7. Landscaping shall be provided to enhance the streetscape, to provide privacy for dwellings on abutting lots, and to provide separation and buffering on easement access drives.

8. Accessory structures are limited to a total amount of 200 square feet in floor area, excepting garages.

9. All dwelling units shall be built to the Built Green™ standards (3-Star level) as administered by the Master Builders Association of King and Snohomish Counties.

10. All dwelling units shall conform to only those Citywide Design Guidelines, adopted by reference in LMC 21.25.145 (B)(3), contained in the section on Multiple-family Housing and listed as follows by subject.

- a. Site Entry Feature.
- b. Pitched Roof Forms.
- c. Windows.
- d. Materials.
- e. Parking Structures.

F. Pre-Existing Subdivisions. Any lot described on a plat duly recorded in the land records of Snohomish County prior to January 1, 1970, may be used for a one-family dwelling if the lot dimensions and area are in conformance with LMC 21.12.300, and the buildings to be located thereon conform to all other standards of the residential zone within which the lot is located.

G. Landscaping. All non-residential uses listed as permitted or conditionally permitted uses in Table 21.41.01 shall meet the landscaping requirements for such uses as if the uses were located in any multiple-family zone adjacent to a single-family zone. The applicable landscaping standards are contained in 21.43.210. (Ord. 2441 § 12, 2003; 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)

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

A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5, provided the business complies with this and other applicable sections of the Lynnwood Municipal Code.

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, indoor 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 resident household may perform labor or personal services on the premises, or park at or near the dwelling.

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. A home occupation shall not generate traffic in excess of normal residential traffic. Normal residential traffic for the purposes of regulating home occupation traffic shall be defined as ten trips per day and one trip per hour. Such home occupation traffic is limited to the hours of 7:00 a.m. to 9 p.m. 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. Health care or other physical or personal services administered directly to the client at this location;
8. Any other 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. 2441 § 12, 2003; 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. 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.

B. Family Child Care Homes. Family childcare homes are permitted as an accessory use to a dwelling.

C. 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.

D. 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. 2441 § 12, 2003; 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)

#### **21.42.420 Placement of accessory buildings and structures – Interior lots.**

A. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory buildings which:

1. Are behind the front wall of the residence;
2. Do not exceed one story in height (not to exceed 15 feet);
3. Are not greater than 600 square feet in floor area; and
4. Do not contain habitable space (as defined in the building code);

shall be set back not less than five feet from the lot side and rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on lot side and rear lines. (Ord. 2295 § 6, 2000; Ord. 2020 § 17, 1994; Ord. 1823 § 1, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 1, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.4.2g(1), § 9.5.5, 1964)

#### **21.42.440 Placement of accessory buildings and structures – Corner and reverse corner lots.**

A. Accessory Buildings and Structures on Lot Lines. On the rear one-third of a corner or reverse corner lot, accessory buildings which do not exceed one story in height (not to exceed 15 feet) and which are not greater than 600 square feet in floor area shall be set back not less than five feet from interior lot side lines and lot rear lines, except that one accessory building which does not exceed eight feet in height nor 64 square feet in floor area may be located on interior lot side lines and lot rear lines. Any corner lot street setback requirements shall apply.

(Ord. 2020 § 17, 1964; Ord. 1823 § 2, 1991; Ord. 1365 § 1, 1983; Ord. 1174 § 2, 1980; Ord. 190 Art. IX §§ 9.2.5, 9.3.5, 9.2.4g(2), 9.5.5, 1964)

#### **21.42.900 Other regulations.**

A. Parking or storage of recreational vehicles shall be in conformance with LMC 10.08.200.

B. Maintenance or repair of vehicles on residential property shall conform to the following standards.

1. Such maintenance and repair shall not be conducted on a commercial basis.
2. Any repair, painting, or maintenance work done on such vehicles shall not create an unsafe or unsightly condition or become a nuisance to residents of abutting properties.
3. Any repair, painting, or maintenance work done on such vehicles shall only be done within the hours from 9 a.m. to 9 p.m.
4. Violations of the preceding standards shall result in notice being given by the City to the offender to discontinue such work or operation. Failure to immediately comply will subject the property owner and/or occupant to the penalties as prescribed by this title.

(Ord. 2441 § 12, 2003; 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 3.** Sections 21.43.050, 21.43.100, 21.43.110, 21.43.200, 21.43.210, 21.43.300, 21.43.400 and 21.43.900 of the Lynnwood Municipal Code are hereby amended as follows:

**Sections:**

- 21.43.050 Zones and purposes.**
- 21.43.100 Uses allowed in multiple-family residential zones.**
- 21.43.105 Project design review.**
- 21.43.110 Limitations on use.**
- 21.43.140 Repealed.**
- 21.43.200 Development standards.**
- 21.43.210 Additional development standards.**
- 21.43.220 Transition or buffer strips.**
- 21.43.230 Other transitional requirements.**
- 21.43.240 Standards for uses allowed in single-family residential zones when located in multiple-family zones.**
- 21.43.250 Development standards for park facilities.**
- 21.43.300 Home occupations.**
- 21.43.400 Accessory structures and uses.**
- 21.43.500 Signs.**
- 21.43.900 Other regulations.**
- 21.43.050 Zones and purposes.**

The multiple-family residential zones are intended to provide for higher density housing consistent with the goals, objectives, and policies of the Lynnwood Comprehensive Plan and contribute to the building and maintaining of safe and attractive housing areas for people with a wide variety of housing needs. (Ord. 2441 § 12, 2003; Ord. 2020 § 17, 1994; Ord. 190 Art. IX § 9.2, 1964)

**21.43.100 Uses allowed in multiple-family residential zones.**

See Table 21.43.01 for uses allowed in multiple-family residential zones.

**Table 21.43.01**

Use	RML	RMM	RMH
Single-Family Dwellings (one per lot)	C	C	C
Multiple-Family Dwellings	P	P	P
Adult Family Homes	P	P	P
Agricultural and Horticultural Activities, including plant nurseries+	P/C	P/C	P/C
Boarding Houses+	P	P	P
Child Day-Care Centers+	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
Hospitals and Nursing Homes	-	-	P
Manufactured Home Developments and Manufactured Homes+	P	P	P
Mini-Day-Care Programs	P	P	P

Office Uses+	C	C	C
Park and Pool Lots+	C	C	C
Places of Worship	C	C	C
Public Parks	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
Schools, Libraries or Museums, Offices of Philanthropic or Charitable Organizations, but not including Nonprofit Retail Stores	C	C	C
Wireless Communications Facility Attached (not permitted on residential structures) See LMC 21.90	P	P	P

+See LMC 21.43.110.

**Key:**

- P = Use is permitted as a primary use; see LMC 21.43.300 regarding home occupations.
- C = The use may be permitted through issuance of a conditional use permit.
- = Use is prohibited.

(Ord. 2441 § 12, 2003; Ord. 2388 § 15, 2001; Ord. 2295 § 7, 2000; Ord. 2174 § 1, 1998; Ord. 2065 § 5, 1995; Ord. 2051 § 4, 1995; Ord. 2020 § 17, 1994; Ord. 1984 § 2, 1994; Ord. 1889 § 2, 1992; Ord. 1881 § 1, 1992; Ord. 1862 § 1, 1991; Ord. 1844 §§ 8, 9, 1991; Ord. 1781 §§ 4, 5, 1990; Ord. 1146 § 1, 1980; Ord. 1138 § 1, 1980; Ord. 1119 § 2, 1980; Ord. 1081 § 1, 1979; Ord. 833 § 1, 1976; Ord. 815 §§ 2, 3, 4, 1975; Ord. 584 § 2, 1971; Ord. 529 § 1, 1969; Ord. 522 § 2, 1969; Ord. 484 § 2, 1969; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.4.1, 9.5.1, 1964)

**21.43.110 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. Agricultural and horticultural activities, including plant nurseries, which are less than one acre in size are permitted uses. Agricultural and horticultural activities, including plant nurseries, which are one acre or more in size require a 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 built 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 nonionizing 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;

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

B. 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, then 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, and 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, and 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.

(Ord. 2441 § 12, 2003; 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)

**21.43.200 Development standards.**

**Table 21.43.02  
Development Standards**

<b>Standard</b>	<b>RML</b>	<b>RMM</b>	<b>RMH</b>
<b>Minimum Lot Area</b>	7,200 sf	none	none
<b>Minimum Lot Area per Dwelling</b>	3,600 sf	2,400 sf	1,000 sf
<b>Minimum Lot Width</b>	70 ft.	70 ft.	100 ft. plus 1 ft. for every 10 ft. of lot depth after the first 100 ft.
<b>Minimum Frontage at Street</b>	70 ft.	70 ft.	70 ft.
<b>Minimum Front Yard Setback</b>			
Interior Lot	15 ft.	15 ft.	15 ft.
Corner Lot	15 ft.	15 ft.	15 ft.
Abutting a Principal Arterial Street	15 ft.	15 ft.	15 ft.
<b>Minimum Side Yard</b>			

<b>Setbacks – Corner Lot</b>			
Street Side	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	15 ft.	15 ft.
Both Sides Combined	20 ft.	30 ft.	30 ft.
Abutting a Principal Arterial Street	15 ft.	15 ft.	15 ft.
<b>Minimum Side Yard Setbacks – Interior Lot</b>			
One Side	5 ft.	15 ft.	15 ft.
Both Sides Combined	15 ft.	30 ft.	30 ft.
<b>Minimum Rear Yard Setback</b>	25 ft.	25 ft.	25 ft.
<b>Maximum Lot Coverage by Buildings</b>	35 percent	35 percent	45 percent
<b>Maximum Building Height</b>	35 ft., or 2 stories from average finished grade	35 ft.	none

(Ord. 2441 § 12, 2003; Ord. 2388 § 17, 2001; Ord. 2020 § 17, 1994; Ord. 1881 §§ 1, 7, 1992; Ord. 1412 §§ 1 – 4, 1984; Ord. 1343 § 5, 1983; Ord. 997 § 1, 1978; Ord. 977 §§ 1, 2, 1978; Ord. 942 § 1, 1977; Ord. 738 § 1, 1974; Ord. 614 § 1, 1971; Ord. 565 § 1, 1970; Ord. 407 § 2, 1968; Ord. 356, 1967; Ord. 323 § 2, 1967; Ord. 190 Art. IX §§ 9.2.2, 9.3.2, 9.4.2(a-f), 9.5.2, 1964)

**21.43.210 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:

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. 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.

B. Fences and Hedges. Fence and hedge regulations for the residential zones are as provided in Chapter 21.10 LMC.

C. Building Height in RMH Zones. 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. 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 lot dimensions and area are in conformance with LMC 21.12.300, and the buildings to be located thereon conform to all other standards of the residential zone within which the lot is located. (Ord. 2441 § 12, 2003; 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)

### **21.43.300 Home occupations.**

A home occupation may be permitted by issuance of a business license, pursuant to LMC Title 5, provided the business complies with this and other applicable sections of the Lynnwood Municipal Code.

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, indoor 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 resident household may perform labor or personal services on the premises, or park at or near the dwelling. 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. A home occupation shall not generate traffic in excess of normal residential traffic. Normal residential traffic for the purposes of regulating home occupation traffic shall be defined as ten trips per day and one trip per hour. Such home occupation traffic is limited to the hours of 7:00 a.m. to 9 p.m. 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. Health care or other physical or personal services administered directly to the client at this location; 8. Any other 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. 2441 § 12, 2003; 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)

#### **21.43.400 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. Family Child Care Homes. Family child care homes are permitted as an accessory use to a dwelling.

D. 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.

E. 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. 2441 § 12, 2003; 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)

#### **21.43.900 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. Parking or storage of recreational vehicles shall be in conformance with LMC 10.08.200.

D. Maintenance or repair of vehicles on residential property shall conform to the following standards.

1. Such maintenance and repair shall not be conducted on a commercial basis.

2. Any repair, painting, or maintenance work done on such vehicles shall not create an unsafe or unsightly condition or become a nuisance to residents of the residential complex or abutting properties.

3. Any repair, painting, or maintenance work done on such vehicles shall only be done within the hours from 9 a.m. to 9 p.m.

4. Violations of the preceding standards shall result in notice being given by the City to the offender to discontinue such work or operation. Failure to immediately comply will subject the property owner and/or occupant to the penalties as prescribed by this title.

(Ord. 2441 § 12, 2003; 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)

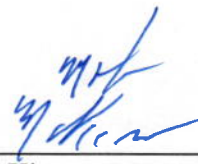
**Section 4.** Sections 21.43.420 and 21.43.440 of the Lynnwood Municipal Code are hereby repealed.

**Section 5.** The Administration is directed to submit the amendments to Code Publishing for amendment of the Lynnwood Municipal Code.

**Section 6.** 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.

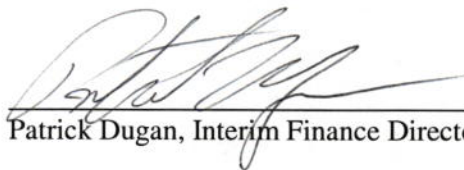
**Section 7.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication. A summary of this ordinance may be published as provided for by state law.

**PASSED** this 24th day of October 2005, and signed in authentication of its passage this 25th day of October, 2005.



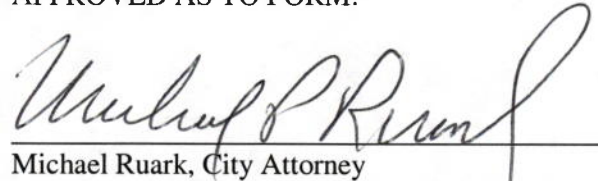
\_\_\_\_\_  
Mike McKinnon, Mayor

ATTEST:



\_\_\_\_\_  
Patrick Dugan, Interim Finance Director

APPROVED AS TO FORM:



\_\_\_\_\_  
Michael Ruark, City Attorney