



**LYNNWOOD**  
WASHINGTON

**ORDINANCE NO. 3216**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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WHEREAS, on November 12, 2002, the City Council adopted Ordinance No. 2433 which amended the Lynnwood Municipal Code to include Chapter 21.57, the College District Mixed Use Zone; and

WHEREAS, in the same Ordinance No. 2433 adopted on November 12, 2002, the Lynnwood Municipal Code was amended to include Chapter 21.58, the College District Overlay Zone; and

WHEREAS, in the fourteen years since the adoption of the two zones, numerous inconsistencies have been found which have created internal conflicts within the code; and

WHEREAS, the City desires to encourage development adjacent to Edmonds Community College and 196<sup>th</sup> Street SW which would enhance college and neighborhood interaction and encourage increased use of transit; and

WHEREAS, the amendments to Chapter 21.57 stated in this Ordinance and the repeal of Chapter 21.58 would allow for better coordinated development in the area surrounding Edmonds Community College and 196<sup>th</sup> Street SW; and

WHEREAS, on June 9, 2016, the proposed Ordinance and the map amendments were submitted for the required state agency review under RCW 36.70A.106, agencies were asked to comment prior to final action by the City Council, and no comments were received; and

WHEREAS, on July 7, 2016, the Community Development Director, acting as Lynnwood's State Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this draft ordinance; and

39 WHEREAS, on July 14, 2016, the Planning Commission held a public hearing on this draft  
40 zoning Ordinance; and

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42 WHEREAS, on September 26, 2016, the City Council held a public hearing on this draft  
43 zoning Ordinance; and

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45 WHEREAS, the City Council after due consideration finds that the regulations contained  
46 in this Ordinance are consistent with and implement the City's Comprehensive Plan, and are  
47 consistent with applicable state law, and will benefit the public health, safety and general  
48 welfare;

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

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53 **Section 1.** Section 21.57.100, entitled "Purpose," of the Lynnwood Municipal Code, is amended  
54 to read as follows.

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56 **21.57.100 Purpose**

57 A. This mixed use zone is designated to provide opportunities for the  
58 creation of a college-and neighborhood-oriented-mixed use district in close proximity to  
59 the campus and the Highway 99 commercial node at the 196<sup>th</sup> Street intersection.

60 B. The purpose of this zone is to implement the vision of a district that  
61 consists of offices, and service businesses, integrated residential apartments,  
62 condominiums, artist lofts and/or dormitories, along with street level small businesses  
63 that cater primarily to the college and surrounding neighborhood. Businesses shall be  
64 limited in size to ensure neighborhood scale, with commercial spaces required at street  
65 level along portions of 68<sup>th</sup> Avenue and 202<sup>nd</sup> Street. Office and residential uses will be  
66 encouraged above and behind businesses. Development standards and guidelines  
67 based on this vision will provide design guidance, emphasizing building and spatial  
68 relationships, with particular emphasis on the design of pedestrian spaces, linkages  
69 between the college and business district, and related pedestrian facilities and  
70 amenities.

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72 **Section 2.** Section 21.57.200, entitled "Applicability," of the Lynnwood Municipal Code, is  
73 repealed.

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75 **Section 3.** Section 21.57.300. entitled "Interpretation" of the Lynnwood Municipal Code, is  
76 renumbered and amended to read as follows:

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78 **21.57.200 Interpretation**

79 A. All regulations and design guidelines of this zone and the Citywide Design  
80 Guidelines (All-Districts and Commercial Districts) shall apply to properties within the  
81 CDM zone. In the event of conflict between requirements, the provisions of the CDM  
82 zone and its design standards shall prevail.

83 B. Land uses not specifically listed in the following sections may be allowed  
84 when determined by the Director of Community Development to be compatible with  
85 the listed uses and consistent with the intended development of the district.  
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87 **Section 4.** Section 21.57.400, entitled "Land uses" of the Lynnwood Municipal Code is  
88 renumbered and amended to read as follows:  
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90 **21.57.300 Land uses**

91 A. Principal Uses Permitted Outright (square footage calculation are individual to a  
92 use and not cumulative for a building).

- 93 1. College and university-buildings, support services and college accessory  
94 facilities.
- 95 2. Library.
- 96 3. Public transit stops and stations.
- 97 4. Retail store or service business under 5,000 square feet GFA per tenant.
- 98 5. Offices or clinics.
- 99 6. Food and beverage service businesses under 4,000 square feet GFA.
- 100 7. Multiple-family dwellings (including senior housing):
  - 101 a. Maximum density: 43 units per net acre;
  - 102 b. Minimum density: 20 units per net acre;
  - 103 c. Density may be less than minimum if residential units are  
104 combined with other uses in same building or on same lot.
- 105 8. Electric vehicle charging station, Level 1, Level 2 and Level 3, if accessory  
106 to a permitted use.
- 107 9. Arts or performance facilities.
- 108 10. Child day-care center (13 or more children) per LMC 21.42.110(E).
- 109 11. Boarding house, dormitory or other group residential facilities suitable  
110 for students.
- 111 12. Inn, hotel, or similar transient lodging.
- 112 13. Battery exchange station (electric vehicle), and only if accessory to a  
113 permitted.
- 114 14. Single-family residences, including home occupations, subject to the  
115 development standards set forth for the RS-7 zone in LMC 21.42.200,  
116 Table 21.42.02.
- 117 15. Land uses not specifically listed above may be allowed when determined  
118 by the Director of Community Development to be compatible with the  
119 listed uses and consistent with the intended development of the district.

120 B. Prohibited Uses.

- 121 1. Marijuana and marijuana- infused products retail sales, processing or  
122 production.
- 123 2. Medical marijuana collective gardens.
- 124 3. The following uses are prohibited unless their sites have frontage on and  
125 access to 196<sup>th</sup> Street SW. and 64<sup>th</sup> Avenue W.

- 126 a. Gas stations, car washes, auto parts stores, auto repair and
- 127 maintenance and similar auto-related uses.
- 128 b. Drive-through facilities.
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130 **Section 5.** Section 21.57.500, entitled "Land uses" of the Lynnwood Municipal Code is  
 131 renumbered and amended to read as follows:

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 133 **21.57.400 Development Standards**

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- 135 A. **Building to Site Relationships**
- 136 1. Minimum lot area: One-half acre.
- 137 2. Minimum lot area per dwelling: none.
- 138 3. Minimum lot width: none.
- 139 4. Minimum frontage at street: none.
- 140 5. Front yard setback: no minimum; 15 feet maximum.
- 141 6. Side setbacks: none.
- 142 7. Rear setbacks: 25 feet (may be used for parking, private yards, recreation,
- 143 etc.).
- 144 8. Minimum building separation: none.
- 145 9. Maximum lot coverage: 90 percent.
- 146 10. Maximum building height: 50 feet.
- 147 11. Minimum floor area: none.
- 148 B. **Buildings and Uses**
- 149 1. Architectural Consistency. The scale and design features of a new or
- 150 remodeled building shall be compatible with its surroundings and
- 151 consider the architectural style of existing development on and off
- 152 campus.
- 153 2. Utilities. Newly installed utility services shall be placed underground.
- 154 3. Reduced Parking. Businesses in this zone will be within a pedestrian-
- 155 oriented environment designed to cater to walk-in and bicycle traffic
- 156 from the college and surrounding neighborhoods. To emphasize the
- 157 pedestrian intent and discourage automobile usage, minimum parking
- 158 requirements for nonresidential uses within the CDM zone shall be
- 159 calculated at 50 percent of the normally required standards of Chapter
- 160 21.18 LMC. With the exception of required "accessible spaces,"
- 161 development proposals may include provisions for off-site parking and
- 162 shared parking agreements to meet parking requirements and maximize
- 163 parking space utilization, provided the proposed parking is within a
- 164 walking distance of 500 feet of its principal use.
- 165 4. Pedestrian Environment. 68<sup>th</sup> Avenue between 200<sup>th</sup> and 204<sup>th</sup> Streets,
- 166 204<sup>th</sup> Street between Highway 99 and the campus and 202<sup>nd</sup> Street from
- 167 the campus to Highway 99 are designated "pedestrian-oriented" streets.
- 168 The following shall apply to properties fronting these streets:

- 169 a. Buildings shall be at least two stories in height (maximum 50 feet  
170 height).  
171 b. Street level spaces shall be reserved for retail, office, service uses  
172 or similar active non-residential functions.  
173 c. Upper floors may be used for additional retail, offices, services,  
174 studios or residential uses, including living/working lofts, to a maximum  
175 density of 43 DU/ac (net).  
176 5. Mix of Uses. With the exception of the commercial spaces required at  
177 street level in subsection (B)(4)(b) of this section, all buildings within the  
178 CDM zone may be used for retail, offices, services, studios, living/work  
179 lofts, other residential uses or a combination of those uses.

180 C. Outdoor Areas.

- 181 1. To enhance the pedestrian environment of the CDM zone, the design of  
182 open front yard areas and spaces between buildings shall consider and  
183 incorporate such elements as decorative landscaping and paving, seating  
184 areas, outdoor eating areas, bike racks, public art, kiosks, trees, awnings  
185 or other protection from the natural elements, and access to drinking  
186 fountains and public restrooms.  
187 2. Plans for outdoor pedestrian areas shall include a coordinated design for  
188 safe and convenient outdoor lighting consistent with Chapter 21.17 of  
189 this code and signage.  
190 3. Deciduous street trees having a minimum caliper size of two inches shall  
191 be provided at 30 feet intervals or clustered when spacing is not feasible,  
192 along 68<sup>th</sup> Avenue W., 204<sup>th</sup> Street SW., 196<sup>th</sup> Street SW., 64<sup>th</sup> Avenue W.  
193 and 202<sup>nd</sup> Street SW as a design element of the project.  
194 4. Unless designed as a plaza or other outdoor pedestrian area, not more  
195 than 10 percent of landscaped areas may be covered with inanimate  
196 materials, unless the applicant can document a problem on the site that  
197 makes it unsuitable for plant materials.  
198 5. In areas determined to be unsuitable for plants, such alternatives as  
199 fences, walls, and paving of brick, wood, stone, concrete pavers, gravel or  
200 cobbles may be used in the design – subject to design review approval.

201 D. Other Limitations and Standards

- 202 1. The college district mixed use (CDM) zone is considered a “commercial”  
203 zone and subject to applicable limitations on uses and other  
204 development standards, contained in Chapter 21.46 LMC, Commercial  
205 Zones, and not contained in this chapter.  
206 2. Tandem parking may be used to meet residential parking requirements,  
207 providing both spaces are assigned to the same dwelling. Tandem  
208 parking will not be approved for nonresidential applications.  
209 3. Parking lot design and related landscaping shall be in accordance with  
210 LMC 21.46.210(B) (parking lot development standards for commercial  
211 zones). Off-street parking, whether in surface lots, or structures, shall be

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located beside or behind buildings, and prohibited between buildings and streets, with the exception of master-planned parking on the EdCC campus.

4. Signage shall comply with LMC 21.16.310 (commercial signage requirements). The following types are prohibited within the CDM zone, with the exception of commercially zoned properties fronting 196<sup>th</sup> Street SW. and 64<sup>th</sup> Avenue W.
  - a. Freestanding signs, other than ground signs
  - b. Pole signs; and
  - c. Roof signs.
5. The location and design of trash and recycling facilities shall comply with the requirements of LMC 21.46.900 (refuse and recycling collection areas and enclosures).
6. The provisions of the CDM zone shall prevail in cases of conflict.
7. Transition or Buffer Strips.
  - A. Transitional or buffer landscaped strips (also referred to as greenbelts) of which the purpose of the landscaping is to provide a sight, sound, and psychological barrier between zones with a high degree of incompatibility. The transition or buffer strips shall be installed in the following situation:
    1. Where the side yard or rear yard of a property zoned CDM is adjacent to a property zoned multiple-family residential or public and semi-public.
      - a. The landscaped 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 landscaped 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. The spacing of plants shall be such that they will form a dense hedge within five years. Minimum plant height shall be four feet.
      - b. A permanent six-foot site-screening fence shall be placed at the property line.

**Section 6.** Section 21.57.600, entitled "Site plan and design approval" of the Lynnwood Municipal Code is renumbered and amended to read as follows:

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**21.57.500 Site plan and design approval**

- A. New development with the college district mixed use (CDM) zone shall comply with the development standards of LMC 21.57.400 and with Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3) and receive approval pursuant to Chapter 21.25.LMC.
- B. In addition to the general decision criteria established in Chapter 21.25 LMC, the following criteria shall be considered when reviewing development proposals in the CDM zone:
  - 1. The proposal shall be compatible with the design and function of surrounding development and land uses.
  - 2. Streetscapes shall be designed to include a combination of facilities to serve pedestrians, cyclists and transit patrons, such as attractive lighting, awnings and canopies, seating, directional signage, information kiosks, designated street crossings, bus shelters, and/or other amenities to enhance the pedestrian environment.
  - 3. Public sidewalks and/or trails, bikeways or greenbelt linkages shall be provided to connect parks, municipal golf course, the college and other public areas frequented by the general public when the proposed development is on or adjacent to such planned facilities.

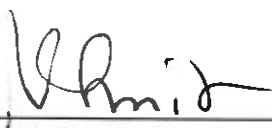
**Section 7.** Chapter 21.58, entitled "College-District Overlay" of the Lynnwood Municipal Code is repealed.

**Section 8.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

**Section 9.** This Ordinance, or a summary thereof consisting of the title, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED this 26th day of September, 2016 and sign in authentication of its passage this 28<sup>th</sup> day of September, 2016.

APPROVED:

  
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Nicola Smith, Mayor

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ATTEST/AUTHENTICATED:

  
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Sonja Springer, Finance Director

APPROVED AS TO FORM:

  
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Rosemary Larson, City Attorney

FILED WITH ADMINISTRATIVE SERVICES:	09/12/2016
PASSED BY THE CITY COUNCIL:	09/26/2016
PUBLISHED:	09/30/2016
EFFECTIVE DATE:	10/05/2016
ORDINANCE NUMBER:	3216





On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3216. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3216**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

  
\_\_\_\_\_  
Debbie Karber, Deputy City Clerk

DATED this 30th day of September, 2016.

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH724566 ORD. 3216-3224 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/30/2016 and ending on 09/30/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$107.74.

Kathleen Landis (handwritten signature)

Subscribed and sworn before me on this 30 day of Sept, 2016.

Debra Ann Grigg (handwritten signature)

Notary Public in and for the State of Washington.



On the, 26th day of September, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3216 through 3224. A summary of the content of these ordinances, consisting of the title, provides as follows:

ORDINANCE NO. 3216 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3217 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE PUBLIC AND SEMI-PUBLIC ZONE AMENDING SECTIONS 21.44.050 AND 21.44.100 OF THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3218 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, APPROVING AMENDMENTS TO THE CITY OF LYNNWOOD COMPREHENSIVE PLAN AND THE FUTURE LAND USE MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SUBMISSION TO THE STATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3219 AN ORDINANCE OF THE City of Lynnwood, Washington, AMENDING THE CITY'S OFFICIAL ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY PUBLICATION.

ORDINANCE NO. 3220 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE CITY'S WASTEWATER PRETREATMENT REGULATIONS; AMENDING CHAPTERS 14.06 AND 14.60 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3221 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3222 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO CLASSIFICATION FOR CITY EMPLOYEES; AMENDING SECTION 2.48.185 OF THE LYNNWOOD MUNICIPAL CODE AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

ORDINANCE NO. 3223 AN ORDINANCE AMENDING THE RATES AND FEES CHARGED FOR WATER, SEWER, AND SURFACE WATER SERVICES; AMENDING UTILITY SERVICE REGULATIONS; AMENDING SECTIONS 13.20.010, 13.20.080, 13.34.030, 13.34.060, 13.35.070, 14.40.035, AND 14.40.040; AND REPEALING SECTION 13.20.085 OF THE LYNNWOOD MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE, AND SUMMARY PUBLICATION.

ORDINANCE NO. 3224 AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, SUPERSEDING ORDINANCE 3212, ESTABLISHING FUNDING FOR THE 196TH STREET SW IMPROVEMENT PROJECT; AND AUTHORIZING EXPENDITURES IN FUND 316; AND CONSISTENT WITH THE PROJECT FINANCIAL PLAN; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request. DATED this 30th day of September, 2016.

Debbie Karber, Deputy City Clerk Published: September 30, 2016. EDH724566

DEBRA ANN GRIGG Notary Public State of Washington My Commission Expires October 31, 2017



**LYNNWOOD**  
WASHINGTON

## **CERTIFICATE**

I, the undersigned, Debra Karber, the duly appointed Deputy City Clerk of the City of Lynnwood, Washington, hereby certify that the Ordinance hereto attached is a full, true and correct copy of Ordinance No. 3216 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3216**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO THE COLLEGE DISTRICT MIXED USE ZONE AND THE COLLEGE DISTRICT OVERLAY ZONE, AMENDING AND/OR RENUMBERING SECTIONS 21.57.100, 21.57.300, 21.57.400, 21.57.500, AND 21.57.600 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTION 21.57.200 AND CHAPTER 21.58 OF THE LYNNWOOD MUNICIPAL CODE, AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on September 26, 2016 of said City and was published and posted according to law; that said ordinance was duly published in the official newspaper of said City on September 30, 2016.

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Debra Karber, Deputy City Clerk