



LYNNWOOD
WASHINGTON

ORDINANCE NO. 3233

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO DEFINITIONS AND COMMERCIAL AND PLANNED REGIONAL SHOPPING CENTER ZONING DISTRICT REGULATIONS; ADDING NEW SECTIONS 21.02.049, 21.02.275 AND 21.02.659 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTIONS 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.116, 21.46.118, 21.46.119, 21.46.120, 21.46.210, 21.46.220, 21.46.900, 21.48.100, 21.48.116, 21.48.118 AND 21.48.210 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 21.02.272, 21.02.273, 21.02.441, 21.02.530, 21.46.112, 21.46.113, 21.48.112, 21.48.113, 21.48.115 AND LMC 21.48.119, REPEALING CHAPTER 5.92 OF THE LYNNWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

WHEREAS, under Chapters 35A.11 and 35A.63 RCW, the City Council of the City of Lynnwood has the authority to adopt ordinances relating to the use of real property located within the City; and

WHEREAS, from time to time, it is appropriate to amend the City's land use and development regulations in order to improve efficiency and draft effective application of legislation enacted by Ordinance by the City Council; and

WHEREAS, on October 13, 2016 on the Community Development Director, acting as Lynnwood's State Environmental Policy Act (SEPA) Responsible Official, issued a threshold determination for this draft ordinance; and

WHEREAS, this proposal was submitted for the required state agency review under RCW 36.70A.106 and the State of Washington granted the City of Lynnwood expedited review for the: proposed ordinance amending the city's zoning code; and

WHEREAS, on October 26, 2016, the Planning Commission held a public hearing on a draft zoning ordinance; and

WHEREAS, on November 28, 2016, the City Council held a public hearing on the draft zoning ordinance; and

1 WHEREAS, the City Council after due consideration finds that the regulations contained
2 in this ordinance are consistent with and implement the City's Comprehensive Plan, and are
3 consistent with applicable state law, and will benefit the public health, safety and general
4 welfare;

5
6 NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DOES ORDAIN AS
7 FOLLOWS:

8
9 **Section 1.** REPEAL (DEFINITIONS) Section 21.02.272 entitled "Public, dance", of the Lynnwood
10 Municipal Code, is repealed.

11
12 **Section 2.** REPEAL (DEFINITIONS) Section 21.02.273 entitled "Dance hall, licenses", of the
13 Lynnwood Municipal Code, is repealed.

14
15 **Section 3.** Section 21.46.050. entitled "Purpose" of the Lynnwood Municipal Code, is amended
16 to read as follows:

17
18 **21.46.050 Purpose**

- 19 1. General. The purpose of the regulations set forth in this chapter are:
- 20 1. To regulate the location, height, bulk, and size of buildings constructed for business
21 and commercial uses, thereby assuring adequate light and air in commercial zones;
 - 22 2. To provide a range of use zones of varying degrees of restrictiveness in the types of
23 businesses permitted; thereby providing for the development of shopping centers and
24 the various other types of businesses and/or commercial areas;
 - 25 3. To facilitate the economical provision of utilities; to provide for convenient, efficient,
26 and safe access to commercial zones by vehicles, and by pedestrians; and
 - 27 4. To encourage general improvement of the appearance of commercial areas.
- 28

29 It is further intended that the establishment of several zones for business and
30 commercial uses, differentiated by the types of business uses permitted and by the height
31 and character of structures allowed, will provide additional protection for residential
32 areas wherever they exist in close proximity to business zones, excluding in such
33 transitional areas those uses which would be detrimental to nearby residences by reason
34 of traffic generation or other characteristics of the business.

- 35 2. Individual Zones. The purpose of the individual zones are as follows:
- 36 1. Neighborhood Commercial (NC). The Neighborhood Commercial zone is intended to
37 provide for compatible retail, professional, and personal service uses, and offices and
38 services including municipal services of not more than two stories which generally
39 serve the everyday needs of the residents of the surrounding neighborhood. Multi-
40 family residential units may be permitted on select NC parcels subject to location
41 (Figure 21.46.1). Neighborhood Commercial zones should be located:
 - 42 a. To provide for neighborhood commercial centers at appropriate locations along
43 arterial streets within residential areas;

1 b. To preserve existing neighborhood commercial centers which are at appropriate
2 locations within residential areas, but which may not be located along an arterial
3 street; or

4 c. As a transition zone between residential zones and more intensive commercial
5 zones.

6 The boundaries between Neighborhood Commercial zones and adjacent
7 residential zones should be well defined and have significant buffering standards to
8 discourage encroachment into and/or degradation of those residential zones. The size of
9 individual zones should be scaled to the intensity of residential development in the area.

10 2. Limited Business (B-2). This zone is intended to provide areas for the location of office
11 buildings of unrestricted height and size to accommodate executive, administrative,
12 clerical, professional or scientific staffs of business or professional concerns, and other
13 compatible or complementary uses, including internally oriented businesses which
14 serve the office businesses or their personnel, and including municipal service. It is
15 intended that this zone should be so located that it will completely occupy a large area
16 of several city block, without intermingling of other small spots zoned for other uses,
17 in order that the typically high aesthetic quality of office buildings will be consistent
18 throughout a large area and each such building will benefit by the presence of the
19 others. Other uses which characteristically are of similar aesthetic quality are
20 permitted, including financial institutions. Whereas other business zones provide
21 goods and services for households, the Limited Business zone is intended to provide
22 employment opportunities for the community, in an organized office zone which will
23 enhance the image of the city.

24 3. General Commercial (CG). The purpose of the General Commercial zone is to provide
25 for a variety of commercial, retail, and other uses, including municipal services. These
26 uses are primarily related to auto borne clientele, rather than pedestrian clientele. It
27 is further intended that certain uses which have been heretofore been permitted but
28 which are more of an industrial nature shall be allowed only by a conditional use
29 permit thereby providing that the existing establishments shall not be nonconforming
30 but any new establishments may be confined to appropriate locations. With the
31 expansion of the bus system serving Highway 99, the location of multiple-family
32 residential housing in the vicinity of the highway allows the opportunity to create a
33 more sustainable environment. Multiple-family housing on sites on specified parcels
34 within the Highway 99 corridor as designated on the city of Lynnwood future land use
35 map, allows compact multiple-family residential development a walkable distance
36 from convenience retail with goods and services and reduces single-vehicle trips due
37 to the availability of transit.

38 4. Planned Commercial Development (PCD). The Planned Commercial Development
39 zone is intended to allow and encourage the controlled development of commercial
40 uses and services, including municipal services in areas where, because of traffic
41 flows, adjacent uses or other land use factors, conventional commercial development
42 and other alternative land uses are not desirable. It is intended that the PCD zones
43 may be located adjacent to existing planned regional shopping centers, major
44 highways or industrial and business park developments where appropriate, but not

adjacent to single-family residential neighborhoods as designated by the comprehensive plan. The purpose of the zone is to allow the planned commercial development of contiguous parcels under multiple ownerships with a degree of coordination and control not possible under other zoning classifications.

Property may only be reclassified to PCD after the comprehensive plan has been amended to designate the area as appropriate for the PCD zone. A design concept for the area included in each PCD zone shall be developed simultaneously with a proposal for amending the comprehensive plan to allow PCD in that zone. The design concept shall indicate major circulation and utility proposals for the zone. Consideration shall be given to internal and external vehicular and pedestrian circulation. The primary purpose of the design concept is to allow advance consideration of coordinated development of parcels in the zone. The design concept shall consist of a site plan and textual guidelines for development of the specific zone. The textual guidelines shall be developed to address specific concerns or attributes of the individual zone which may not be adequately dealt with in the zoning code.

Section 4. Section 21.46.100, entitled “Permitted structures and uses” of the Lynnwood Municipal Code, is amended to read as follows:

21.46.100 Permitted structures and uses

- A. No building, structure or land use shall be used and no building or structure shall be erected, or structurally altered, except for one or more of the uses permitted by Table 21.46.01 through 21.46.12 or the community development director may permit a use not listed in any Table if the Director determines, in his or her discretion, the use is found consistent with the intent of the zone.

Section 5. Table 21.46.01 in Section 21.46.100 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.01

Automotive Sales	NC	B-2	PCD	CG
Auto Parts, Accessory, and Supplies Stores	P	-	P*	P
Auto Glass Stores	-	-	P	P
Automobile Repair, including body and fender and mechanical repair, excluding outdoor storage, display or sales	-	-	-	P
Automobiles, rental or sale	-	-	P**	P
Electric Vehicle Charging Station Level 1, Level 2 and Level 3	C	C	P	P
Battery Exchange Station (Electric Vehicles), Principal Use	C	C	C	C
Car Wash	-	-	-	P
Mobile or Manufactured Homes, open lots for sale or rental of	-	-	-	P

Automotive Sales	NC	B-2	PCD	CG
Park and Pool Lots+	C	C	-	C
Parking Garages and accessory refueling and servicing	-	P	P	P
Public and Private Parking Lots for Passenger Cars	-	C	P	P
Service Stations, full self, or gas+	C***	-	-	C
Tire Store, provided, that in the PCD zone, such activities be conducted indoors without outdoor storage, overnight parking, excessive noise or other adverse environmental impacts	-	-	P	P
Oil Lubrication, Brake, Muffler Service and Tune-up	-	-	P	P

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

** (1) Only at properties either with frontage on the freeway right-of-way or within 1,500 feet of a freeway on- or off-ramp (measured in a straight line from the nearest point of the end of the freeway ramp (where the ramp connects to a public street) to the nearest point of the property). (2) Sale of used vehicles as a principal use of the property is prohibited.

*** Service stations shall not be located adjacent to or across the street from any residential zoning district.

Section 6. Table 21.46.02 in Section 21.46.100 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.02

Business Service Uses	NC	B-2	PCD	CG
Business Services, not including furniture or equipment sales	P	AI	P	P
Business and Professional Services not mentioned elsewhere in this section.	-	-	P	P

Section 7. Table 21.46.03 in Section 21.46.100 of the Lynnwood Municipal Code, is amended to read as follows:

Table 21.46.03

Eating and Entertainment Uses	NC	B-2	PCD	CG
Restaurants and Cafeterias providing on-premises services to seated patrons+	P	AI	P	P-X
Restaurants, drive-in car service+	-	-	-	P-X
Restaurants, drive-through car service			P*	P
Taverns, Bars and Cabarets	-	-	P	P

1 * Drive-through in the PCD zone shall have the drive aisles screened.

2
3 **Section 8.** Table 21.46.04 in Section 21.46.100 of the Lynnwood Municipal Code, is amended to
4 read as follows:

5 **Table 21.46.04**

Institutional Uses	NC	B-2	PCD	CG
Child Day Care	P	-	P	P-X
Churches	P	P	P	P-X
Assisted Living, Congregate Care and Senior Housing+	P	P	P	P
Libraries, Museums, Art Galleries and similar institutions	P	P	P	P-X
Municipal Services	P	P	P	P
Higher Education: Universities, Colleges, Technical, Business, Trade and Vocational Schools, excluding automotive and mechanical schools	P	P	P	P
Primary and Specialty Education: Preschools, Elementary, Secondary, Dance, Music, Art and similar schools	P	C	P	P-X

6
7 **Section 9.** Table 21.46.05 in Section 21.46.100 of the Lynnwood Municipal Code, is amended to
8 read as follows:

9 **Table 21.46.05**

Medical Uses	NC	B-2	PCD	CG
Medical, Dental, Optical and Chiropractic clinics	P	P	P	P
Veterinary Clinics+	P*	-	P	P-X

10 *Excluding outdoor kennels and runs

11
12 **Section 10.** Table 21.46.06 in Section 21.46.100 of the Lynnwood Municipal Code, is amended
13 to read as follows:

14 **Table 21.46.06**

Office Uses	NC	B-2	PCD	CG
Business or Professional Office, including offices of a clerical or administrative nature	P	P	P	P
Office as Home Occupation	C	C	-	C

16
17

1 **Section 11.** Table 21.46.07 in Section 21.46.100 of the Lynnwood Municipal Code, is amended
 2 to read as follows:

3 **Table 21.46.07**

Personal Service Uses	NC	B-2	PCD	CG
Banks and other financial institutions	P	P	P	P
Personal Service Shops	P*	AI	P	P
Dressmaker and Tailoring Shops	P	-	P	P
Dry Cleaning and Laundry Plants	-	-	P	P
Dry Cleaning and Laundry, Self-Service	P	-	PO	P
Dry Cleaning and Laundry, Pick-Up Station for work to be done elsewhere	P	AI*	P	P
Locksmith	P	-	P	P
Pet Grooming	P	P	P	P-X

4 * Notwithstanding the definition of personal service in LMC 21/02.566 or the provisions of Table
 5 21.46.09, in the NC zone, gymnasiums and health clubs may be up to 5,000 square feet in building
 6 area.

7
 8 **Section 12.** Table 21.46.08 in Section 21.46.100 of the Lynnwood Municipal Code, is repealed.

9
 10 **Section 13.** Table 21.46.09 in Section 21.46.100 of the Lynnwood Municipal Code, is renumbered
 11 and amended to read as follows:

12 **Table 21.46.08**

Recreational Activities	NC	B-2	PCD	CG
Amusement Centers located 300 feet or more from a single-family or multiple-family zone*	-	-	P	P
Amusement Centers located less than 300 feet from a single-family or multiple-family zone	-	-	C	C
Indoor Amusement Enterprises, including skating rinks, bowling alleys and pool halls	-	-	P	P-X
Handball Courts, Racquet Clubs, and Indoor and Outdoor Tennis Courts	-	C	-	P
Health Clubs	-	-	P	P
Outdoor Ancillary Playground and related equipment	-	-	-	C
Outdoor Commercial Recreation and Entertainment, including stadiums, race tracks, outdoor theaters, swimming pools, golf courses	-	-	-	P

1 * As measured from the property line of the parcel on which the center is located to the property
 2 line of the nearest residentially zoned parcel.

3
 4 **Section 14.** Table 21.46.10 in Section 21.46.100 of the Lynnwood Municipal Code, is renumbered
 5 and amended to read as follows:

6 **Table 21.46.09**

Residential Uses	NC	B-2	PCD	CG
Adult Family Homes	P	P	P	P
All uses permitted in single-family zones	P	-	P	P
Multiple-Family Housing Units+	C*	C	P	
Multiple-Family Housing Units (on parcels designated as Highway 99 Corridor on the Future Land Use Map)	-	-	-	P
Motels and Hotels	-	P	P	P-X
Respite Care	P	-	P	P

7 * One-acre minimum lot size, subject to standards and procedures established in Chapter 21.43
 8 LMC for the Multiple Residential Medium Density Zone (RMM) with the exception that maximum
 9 building height is three stories or 45 feet, whichever is less. Also subject to additional screening
 10 or privacy measures as determined by the hearing examiner during the conditional use permit
 11 process, including but not limited to: distance, architectural design, significant tree cover,
 12 significant elevation changes, fencing, reduction or elimination of lighting immediately adjacent
 13 to single-family uses, and prohibition of activities immediately adjacent to single-family uses that
 14 will create noise, odor, or other impacts (i.e. garbage collection areas, recreational areas, parking
 15 lots). See Figure 21.46.1.

16
 17 **Section 15.** Table 21.46.11 in Section 21.46.100 of the Lynnwood Municipal Code, is renumbered
 18 and amended to read as follows:

19 **Table 21.46.10**

Retail Uses +	NC**	B-2	PCD	CG
Bakery Retail Stores	P	-	P	P-X
Bicycle Sales and Repair	-	-	P	P-X
Boat and Equipment Sales and Display (can only be indoors in the PCD zone)	-	-	P	P
Building Supplies Stores, indoor	-	-	-	P
Carpet Stores	-	-	P	P
Convenience Stores not located on the same or adjacent lot to a service station+	P	-	P	P-X
Convenience Stores located on the same lot and/or within the same building and operated as a single business with a full-service, self-service station, gas station+	P*	-	-	C-X

Retail Uses +	NC**	B-2	PCD	CG
Florist Shops, Accessory Greenhouses and Plant Nurseries	P	AI	P	P
Fresh Fruit, Vegetable or Produce Stand, Outdoors	P	-	P	P
Grocery Stores	P	-	P	P
Hardware Sores	P	-	P	P
Pet Shops	P	AI	P	P-X
Retail Lumber Yards	-	-	-	C
Retail Stores not mentioned elsewhere in this section	P	-	P	P
Shopping Centers, including only the uses permitted in the applicable zone	P	-	-	P

- 1 * Shall not be located adjacent to or across the street from any residential zoning district.
- 2 ** Retail uses approved after the adoption of Ordinance 3233 can be no larger than 7,500
- 3 square feet per tenant in the NC zone.
- 4 + Retail uses can include incidental service and repair for primary uses.
- 5

6 **Section 16.** Table 21.46.12 in Section 21.46.100 of the Lynnwood Municipal Code is renumbered
7 and amended to read as follow:

8 **Table 21.46.11**

Light Industrial Uses	NC	B-2	PCD	CG
Assembly of Glass, Light Metal, Plastic, Electronic, Electrical or Wood Parts, which are extracted, stamped, manufactured or shaped elsewhere, not precluding minor processes such as cutting or drilling	-	-	-	P
Bottling or Packaging Plants in spaces of 10,000 sq. ft. or less	-	-	-	P
Contractor’s Offices and Shops in spaces of 10,000 sq. ft. or less	-	-	-	P
Public Utility Facilities+	P	-	P	P
Research and Development	-	P	--	P

9
10 **Section 17.** Table 21.46.13 in Section 21.46.100 of the Lynnwood Municipal Code, is
11 renumbered and amended to read as follows:

12 **Table 21.46.12**

Other Uses	NC	B-2	PCD	CG
Adult Establishment	-	-	-	CA
Adult Retail Uses	-	-	-	CA

Other Uses	NC	B-2	PCD	CG
Charitable or Relief Supplies Collection or Storage	-	-	-	P
Distribution Center, not to exceed 100,000 square feet	-	-	-	P
Radio or Television Stations, not including Wireless Communications	-	P	P	P
Self-Service Storage Facilities	-	P	P	P
Warehouse of 10,000 sq. ft. or less				P
Wholesale store of 10,000 sq. ft. or less				P
Wireless Communications Facility less than 300 feet from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) +	C	C	P	P
Wireless Communications Facility 300 feet or more from residential zones (as measured from the wireless communications support structure to the property line of the nearest residentially zoned parcel) +	P	P	P	P
Wireless Communications Facility, Attached	P	P	P	P

* See LMC 21.46.110 through 21.46.119

Key:

- P = Permitted as a principal use
- A = Permitted as an accessory use with a principal permitted or approved conditional
- C = May be permitted as a principal use upon approval of a conditional use permit.
- AI = Permitted as an accessory use if located in the building of a permitted principal use, and internally oriented with principal public access through the main access of the building.
- = Not permitted.
- X = Not permitted in controlled area.
- CA = Permitted only in controlled area. See LMC 21.46.

Section 18. Section 21.46.105, entitled “Project design review,” of the Lynnwood Municipal Code is amended to read as follows:

21.46.105 Project design review.

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

- 2. Construction of any parking lot and/or parking structure with 20 or more stalls or paved parking area of 5,400 square feet or more.
- B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family structure or building including duplexes (two-family dwellings) permitted outright or by conditional use permit in any commercial zone shall comply with Lynnwood Citywide Design Guidelines for All Districts and Multi-Family Districts as adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:
- C. Supersede. Applicable Lynnwood Citywide Designed Guidelines, as adopted by reference in LMC 21.25.145(B)(3), shall supersede any development standards and requirements of this chapter that may conflict, unless otherwise specified in this chapter.
- D. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify development project sites within a gateway or prominent intersection location. Such sites shall be subject to applicable gateway and/or prominent intersection design guidelines identified in the All Districts section of the Lynnwood Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project site lies within a gateway or prominent intersection location, then the entire project shall comply with the applicable design guidelines.

Section 19. Section 21.46.11, entitled “Limitations on Uses – General,” of the Lynnwood Municipal Code is amended to read as follows:

21.46.110 Limitations on uses - General.

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

- A. General Performance Standards.
 - 1. Artificial lighting shall be hooded or shielded so that direct light of lamps will not result in glare when received from beyond the property;
 - 2. Any machinery or operation which generate air or ground vibrations shall be muffled to eliminate any sensation of sound or vibration beyond the property;
 - 3. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property, and in no case shall be visible to drivers on the adjacent streets;
 - 4. Emission of obnoxious odors, fumes, gas, dust or smoke beyond the property is prohibited. Dust and other types of air pollution borne by wind from such sources as storage areas and roads shall be minimized by landscaping where feasible or by paving or other acceptable means;
 - 5. On-site hazardous waste treatment and storage facilities are permitted as accessory uses to any activity generating hazardous waste and lawfully allowed in LMC 21.46.100; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW 70.105.210.
- B. Outdoor Uses. All business uses and activities shall be located within an entirely enclosed building, except as indicated below:

- 1 1. General regulations. Any uses and activities which are permitted to occur outdoors
2 by LMC 21.46.100, or by other provisions of this title, subject to the following:
 - 3 a. The use or activity shall not encroach on site screening or landscaping as currently
4 required by this title or other city ordinances;
 - 5 b. The use or activity shall not block pedestrian traffic or fire lanes;
 - 6 c. The use or activity shall observe the same minimum front, side, and rear yards as
7 apply to buildings, on sides adjoining public streets, except that such yards may
8 be uses for outdoor customer parking and for other uses and activities which are
9 permitted outdoors;
 - 10 d. The highest point of any item displayed within that area shall not be more than six
11 feet in height from an even grade and at least 10 feet from the right-of-way line;
12 and
 - 13 e. Items, which in the opinion of the fire chief, present a potential fire hazard shall
14 be located 15 feet from any interior property line and shall be arranged to provide
15 20-foot fire lanes no more than 300 feet apart.
- 16 2. Incidental Outdoor Displays. For uses not included in the foregoing subsection (B)(1)
17 of this section, incidental outdoor displays are permitted in conjunction with the
18 indoor sales of similar merchandise conducted by the same business. Such displays
19 shall be displayed on racks, pallets, or in neat stacks and shall be located in areas
20 underneath marquees, canopies, or overhanging roofs. If no marquees, canopies, or
21 overhanging roofs exist, such displays shall be not more than eight feet from the walls
22 of buildings. All limitations specified in subsection (B)(1) of this section shall apply.
- 23 3. Business Serving Customers in Automobiles. Automobile service stations, drive-in
24 restaurants, and other businesses which primarily service customers in automobiles
25 as an inherent trait of the business shall not be permitted to store or display
26 merchandise outdoors, except as specified herein and in subsections (B)(1) and (B)(2)
27 of this section.
- 28 4. Commodities Requiring Outdoor Storage. Commodities which would be damaged if
29 required to be kept indoor, including but not limited to growing stock in connection
30 with horticultural nurseries, whether the stock is in open ground, pots or containers;
31 open air sales areas for firewood, trees, shrubs, plants, and home gardening supplies
32 and equipment; and public utility facilities (see LMC 21.46.118(B)) are allowed
33 outdoors subject to the provisions of subsection (B)(1) of this section.
- 34 5. Cross Reference. See also LMC 21.46.100.
- 35 C. On-Site Processing. All products made incidental to a permitted use which are
36 manufactured, processed or treated on the premises shall be sold on the premises only,
37 and at retail only.
- 38 D. Uses in the Neighborhood Commercial Zone – Size Restriction. No use of property in the
39 NC zone shall occupy any floor area or portion of the floor area of a structure that is
40 greater than 7,500 square feet in size; provided, that any use in the NC zone that on the
41 effective date of this Ordinance (Ordinance 3233 adopted November 28, 2016) exists and
42 occupies the floor area or portion of the floor area of a structure that is greater than
43 7,500 square feet in size shall be a legal, permitted use not subject to the requirements
44 of Chapter 21.12 LMC, and use may be continued and expanded, and the structure

1 occupied by the use may be maintained, altered, repaired, remodeled, expanded and
2 reconstructed, without having to comply with Chapter 21.12 LMC and without regard to
3 tenancy.
4

5 **Section 20.** Section 21.46.111, entitled “Limitations on Uses – Auto-oriented uses,” of the
6 Lynnwood Municipal Code is amended to read as follows:
7

8 **21.46.111 Limitations on uses – Auto-oriented uses.**

- 9 A. Automobile Agencies. New car automobile sales and display room buildings and the
10 repair and servicing necessary to the business are permitted as an indoor use.
- 11 B. Full-Service, Self-Service Stations, and Gas Stations. These uses are permitted only by
12 means of a conditional use permit. All full-service, self-service, and gas stations shall be
13 developed in accordance with the following regulations:
- 14 1. Purpose – The purpose of this subsection is to promote the public health, safety, and
15 general welfare in the city by establishing standards for the site design and operation
16 of full-service stations, self-service stations, and gas stations, and convenience stores
17 when combined with the aforementioned uses. The need for such standards is
18 created by the typical close spacing of curb cuts and the frequency with which vehicles
19 enter and leave the sites. This is an inherent trait of these uses. Conflicts with normal
20 traffic patterns on arterial streets increase the potential for automobile accidents and
21 injury to passengers and pedestrians, and contribute to traffic congestion. By
22 establishing standards for such uses and their ingress and egress, it is intended that
23 the smooth flow of traffic will be facilitated and greater safety will be provided for
24 automobile passengers and pedestrians. It is also the purpose of this chapter to
25 establish bulk regulations including standards for landscaping and signs, consistent
26 with the aesthetic objectives of the city as indicated in the texts of the official plans
27 of the city and as are appropriate to the characteristics of this industry.
 - 28 2. Development Standards. In addition to any applicable development standards and
29 Lynnwood Citywide Design Guidelines, as adopted by reference in LMC
30 21.25.145(B)(3), development of full-service stations, self-service stations, and gas
31 stations, and convenience stores when combined with any of these stations, shall
32 comply with the following standards:
 - 33 a. Minimum Street Frontage. One hundred fifty feet of frontage is necessary for
34 street frontages which have two accesses. This figure can be reduced
35 appropriately if the number of curb cuts is also reduced.
 - 36 b. Minimum Lot Area. As provided for the applicable zone.
 - 37 c. Minimum Setbacks for Buildings and Canopies. Minimum setbacks for buildings
38 as provided for the applicable zone. However, canopies shall be set back a
39 minimum of 20 feet from public street right-of-way.
 - 40 d. Site-Screening Standards for Side Yard and Rear Yard. As provided for the
41 applicable zone.
 - 42 e. Off-Street Parking and Landscaping. Same as Chapter 21.18 LMC except that a 20-
43 foot wide landscaping strip shall be required along the street frontage. This 20-
44 foot landscaping strip is in lieu of the five percent landscaping required in the

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

6 f. Street Standards. All public rights-of-way shall be fully improved to the center of
7 the street with paving, curb, gutter, and sidewalk to city standards.

8 g. Driveways. Driveways shall be designed and located according to public works
9 department standards.

10 h. Separation Between Parking and Pump Island. Where there are parking stalls
11 backing up to pump islands, the minimum distance between pump islands and off-
12 street parking shall be 40 feet from the end of the stall to the pump island.

13 i. Signs. See LMC 21.16.310 for sign regulations.

14 j. Lighting Standards. All lighting shall be so arranged and shielded as to confine all
15 direct light rays entirely within the boundary lines of the site, as to prevent, to the
16 extent practicable, reflected light rays from shining upon other properties, and as
17 to avoid glare onto any portion of any adjacent right-of-way or into the path of
18 oncoming vehicles.

19 k. Dumpster Enclosures. All dumpster enclosures shall meet the setback
20 requirements for the applicable zone. The enclosure shall not exceed six feet in
21 height and shall consist of a solid fence made of wood or masonry material.

22 l. Building Height and Maximum Lot Coverage and Interior Yard Setbacks. As
23 provided for the applicable zone.

24 3. Operation, Supervision, and Maintenance Restrictions.

25 a. Services rendered, and products stored on the premises and sold there shall be limited
26 in accordance with the activities includes in the definitions of LMC 21.02.267,
27 21.02.375, 21.02.660 and 21.02.661, as approved by conditional use permit.

28 b. Operation of a rental agency or sale lot for automobiles, trucks, trailers or other
29 equipment or other business accessory to the operation of a full-service station, self-
30 service station, and gas station, shall require a separate occupancy permit and
31 business license. These uses would only be allowed as an accessory use if they are
32 permitted in that zone as a separate use. The application for the occupancy permit
33 and a business license shall be accompanied by a site plan, ad any vehicle or
34 equipment involved shall be stored or parked in areas defined on the site plan and
35 shall be kept in a neat and orderly manner. The development for the accessory use
36 shall meet all applicable city regulations.

37 c. All buildings, grounds, and landscaping shall be kept in a constant state of repair and
38 maintenance. Upon failure to do so, the city shall require repair or replanting as per
39 LMC 21.04.310. Landscape maintenance shall also comply with applicable Lynnwood
40 Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3).

41 d. The work station shall be designed so that at least one qualified attendant shall have
42 maximum view of the fueling areas. For the purpose of this title, a qualified attendant
43 is one who is trained in the operation of the fuel emergency shut-off system.

- e. When a convenience store is combined with a full-service station, self-service station or gas station, dispensing of fuel shall be subject to electronic control (within arm's reach) of a qualified attendant.
 - f. Amusement devices as defined by LMC 5.60.030(A) are not permitted in conjunction with the uses allowed by this subsection.
 - g. All alcoholic beverages shall be stored within cabinets or coolers which can be locked during the time period when alcoholic beverage sales are prohibited by law. A buzzer on the doors of the coolers which store alcoholic beverages shall be provided for monitoring. Observation mirrors shall also be provided.
 - h. Window visibility shall be maintained. Advertising and/or merchandise displays or other objects shall not block attendant visibility from view of the gas pumps. The attendant's cashier station shall be visible from a street and the parking areas.
 - i. Wrecked or dismantled vehicles shall not be stored out-of-doors for more than 24 hours.
4. Motor Vehicle and Pedestrian Separation Between the Public Sidewalk and the Convenience Store. When a convenience store is combined with an automobile service station, self-service station and/or gas station, design considerations shall be implemented to minimize pedestrian conflicts with vehicular traffic such as but not limited to brick pavers, signs, raised sidewalks, striping, or a combination of the above.
 5. Effects of Change of Use. The addition of a convenience store to an automobile service station, self-service station or gas station would constitute a change in use and would require complete compliance with Chapter 21.12. LMC.
 6. General Criteria for Approval. In addition to the criteria found in Chapter 21.24 LMC, no conditional use permit for the uses mentioned in this subsection shall be approved unless:
 - a. The proposal meets the International Fire Code and International Building Code.
 - b. The proposal meets the standards of this chapter and this title; and
 - c. The proposal meets all other applicable city and governmental regulations.Exceptions. There shall not be any relaxation of development standards as provided for in LMC 21.24.100. Any exceptions to these standards shall be subject to the variance criteria as found in Chapter 2.22 LMC. However, the hearing examiner may consider these criteria as part of the conditional use permit process, instead of a separate variance application.
 7. Park and Pool Lots. Park and pool lots may be permitted by a conditional use permit. In considering such a conditional use, the hearing examiner shall review all impacts upon the surrounding neighborhood, including but not limited to traffic, location, displacement of required stalls, ingress and egress, signs, and illumination. The applicant must submit a site plan with the property boundaries and the location of all buildings with their respective floor areas designated on the drawing. The available parking stalls to be used for a park and pool lot must be designated on the submitted site plan. Drawings depicting the proposed signs should also accompany the applications.

Section 21. Section 21.46.112, entitled "Limitations on uses – Restaurants," of the Lynnwood Municipal Code is repealed.

1 **Section 22.** Section 21.46.113, entitled “Limitations on uses – Institutional uses,” of the
2 Lynnwood Municipal Cod, is repealed.

3
4 **Section 23.** Section 21.46.116, entitled “Limitations on uses – Residential uses,” of the Lynnwood
5 Municipal Code is amended to read as follows:
6

7 **21.46.116 Limitations on uses – Residential uses**

- 8 A. **Motels and Hotels.** The initial development must contain at least 20 units composed of
9 multiple-unit type buildings and shall provide hotel and services, including a main lobby,
10 desk attendant, and room service. When accessory uses providing services for the
11 patrons, such as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir,
12 tobacco, and travel are included, they shall be primarily oriented internally. Provisions
13 for public functions such as banquets or meetings need not be oriented internally.
- 14 B. **Multiple-Family Housing.**
- 15 1. For properties zoned NC and B-2, dwellings may be permitted in commercial or office
16 buildings on the second floor or higher. All provisions normally applying to high-rise
17 multiple-family housing shall apply.
 - 18 2. For properties zoned PCD, dwellings may be permitted on the second floor of
19 buildings or higher, provided, that:
 - 20 a. General commercial, office, or similar lands uses occupy the ground level of the
21 building where the building faces or abuts a public street.
 - 22 b. Not more than 20 percent of the linear frontage of the ground level that faces a
23 public street may be used for the entrance, lobby, leasing office, etc., for the
24 building’s residences.
 - 25 c. Floor area at ground level limited to general commercial, office, or similar uses
26 shall have a minimum depth of 30 feet, as measured perpendicular to the building
27 façade, so that the floor area may be occupiable for nonresidential land uses.
 - 28 d. For development sites where the building is not accessible or visible from the
29 abutting public street, the community development director may authorize
30 dwellings to be located below the second floor of the building.
 - 31 3. For properties subject to the provisions of this chapter, development with multi-
32 family dwellings shall provide a minimum of 40 square feet of on-site recreation area
33 per dwelling. The on-site recreation area shall consist of a minimum of two of the
34 following:
 - 35 a. Individual patio, deck or balcony immediately adjacent to the corresponding
36 dwelling. Individual patios, decks, or balconies shall be designed so that a six-foot
37 by six-foot square will fit within the perimeter of the patio, deck or balcony.
 - 38 b. Outdoor recreation area accessible to all residents of the development and
39 designed so that a 15-foot by 15-foot square will fit within the perimeter of the
40 outdoor recreation area. Common outdoor recreation areas shall include features
41 such as: landscaped courtyard or plaza; seating; lighting; roof-top garden;
42 children’s play structure; and sport court. Outdoor recreation areas may include

overhead weather protection, but shall not be enclosed. Landscaping required within parking areas shall not be considered outdoor recreation area.

- c. Indoor recreation space accessible to all residents of the development and designed so that a 12-foot by 12-foot square will fit within the indoor recreation area. Indoor recreation areas shall include furnishings and fixtures for activities such as: aerobic exercise; children’s play; indoor games; sports; hobbies and crafts; and video entertainment.

C. Multiple-Family Housing – Highway 99 Corridor in the Neighborhood Commercial (NC) and General Commercial (CG) zones. Multiple-family housing is permitted on specified parcels in the NC and CG zones on specified parcels in the Highway 99 corridor as designated on the city of Lynnwood future land use map. Multiple-family residential development may be combined with mixed use development subject to the following bulk requirements:

**Table 21.46.13(a)
Development Level**

Development standard	Sites with residential development of less than 20 dwelling units per acre	Sites with residential development of 20 dwelling units or more per acre.
Minimum lot area	None	None
Minimum setbacks*		
Public Street	None	None
Interior property lines	None	None
Ground floor residential units+	10 ft.	10 ft.
Minimum sidewalk width along public streets	12 ft.	12 ft.
Maximum lot coverage	35%	None
Maximum building height	50 ft.	90 ft., not to exceed six stories
Minimum dwelling units/acre++	N/A	20 DU/A
Maximum floor-area ratio	1.0	3.0

* See LMC 21.62.450 for development adjacent to residential zones (Transitional Property Lines).

+ Applies to residential projects only; setback is from all public rights-of-way, internal circulation (vehicle, bicycle, pedestrian), parking areas, or access easement, Alternatively, where vision-obscuring glass is installed, the setback may be eliminated.

++ The minimum number of residential units to qualify for this level shall be calculated using the entire project site. Where residential development is part of redevelopment of one or more parcels, this calculation shall be based only on the portion of the parcel(s) being redeveloped. Fractional portions of a unit are “rounded up” for this calculation.

1 Buildings within 200 feet of Highway 99 shall be mixed use development
2 with commercial development on the first floor. Phased development may occur
3 on large parcels but the initial development plan is required to illustrate the
4 commercial activity adjacent to Highway 99.

5 Multiple-family development shall comply with the remainder of the
6 development regulations established in Chapter 21.62 LMC, Highway 99 Mixed
7 Use Zone, unless otherwise indicated in Chapter 21.62 LMC. Stand-alone multiple-
8 family development or mixed-use development shall also comply with the Design
9 Guidelines for the Highway 99 mixed use zones.

10 Processing of a multiple-family development, including associated mixed
11 use, will be subject to the provisions set forth in Chapter 21.30 LMC, Planned Unit
12 Development.

13 D. Assisted Living and Continuing Care Housing. Assisted living and continuing care housing
14 are allowed subject to the following:

15 1. Staff Evaluation and Recommendation. Before any permit for the uses designated in
16 this subsection is considered a joint recommendation concerning development of the
17 land and/or construction of the buildings shall be prepared by the fire and community
18 development departments, specifying the conditions to be applied if approved. If it
19 is concluded that the application for a permit should be approved, each requirement
20 in the joint recommendation shall be considered and any which are found necessary
21 for the protection of the health, safety, and general welfare of the public shall be
22 made part of the requirements of the permit. In any case, the approval of the permit
23 shall include the following requirements:

- 24 a. The proposal's proximity to stores and services, safety of pedestrian access in the
25 vicinity, access to public transit, design measures to minimize incompatibility
26 between the proposal and surrounding businesses;
- 27 b. Compliance with all applicable state, federal, and local regulations pertaining to
28 such use, a description of the accommodations, and the number of people
29 accommodated or cared for, and any structural requirements deemed necessary
30 for such intended use;
- 31 c. The amount of space around and between buildings shall be subject to the
32 approval of the fire chief as being adequate for reasonable circulation of
33 emergency vehicles or rescue operations and for prevention of conflagration; and
- 34 d. The proposed use will not adversely affect the surrounding area as to prevent use
35 or character of the future development.

36 2. Development Standards. Housing facilities shall conform to the following criteria:
37 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
38 b. Passive recreation and/or open space: 200 square feet per unit. In the city's
39 higher density multiple-family zones, developments are required to provide active
40 recreational space to help satisfy a portion of the demand for recreational
41 facilities. Housing for the those in need of care has a similar need but is of a
42 passive nature. Therefore, passive recreation space and/or open space shall be
43 provided. Up to 50 percent of the requirement may be indoors; provided, that
44 the space is utilized exclusively for passive recreation and/or open space (i.e. arts

1 and crafts rooms, solariums, courtyards). All outdoor recreation and/or open
2 space areas shall be set aside exclusively for such use and shall not include areas
3 held in reserve for parking, as per LMC 21.18.800. All open space and/or
4 recreational areas shall be of a permanent nature, and they may be restricted to
5 use by tenants only. The use of private and semi-private patios and balconies in
6 meeting these requirements is not permitted.
7

8 **Section 24.** Section 21.46.118, entitled “Limitations on uses – Light Industrial uses,” of the
9 Lynnwood Municipal Code is amended to read as follows:
10

11 **21.46.118 Limitations on uses – Light industrial uses.**

12 A. General.

13 1. Scope of Conditions. Wherever these are permitted under conditional use
14 proceeding, the hearing examiner may stipulate the type of machinery allowable, that
15 the performance standards and landscaping requirements of the Light Industrial zone
16 shall apply, that the use must be conducted entirely within a building which is
17 constructed so as to contain the expected noise, and such other conditions as are
18 necessary to assure compatibility with surrounding properties.

19 B. Public Use Facilities. This use includes facilities owned by a public utility and directly used
20 in the performance of a public service but does not include offices or warehouses of a
21 public utility. Public utility offices and warehouses are permitted in the same zones and
22 on the same basis as other offices and warehouses.
23

24 **Section 25.** Section 21.46.119, entitled “Limitations on uses – Other uses,” of the Lynnwood
25 Municipal Code is amended to read as follows:
26

27 **21.46.119 Limitations on uses – Other uses.**

28 A. Wireless Communication Facility. A conditional use permit for a wireless communication
29 facility shall be subject to the following additional standards:

- 30 1. Such facilities shall not be injurious to the neighborhood or otherwise detrimental to
31 the public welfare;
- 32 2. The applicant shall demonstrate the need for the proposed tower (wireless
33 communications support structure) to be located near a residential area, the
34 procedures involved in the site selection and evaluation of alternative sites and
35 existing facilities on which the proposed facility could be located or co-located;
- 36 3. A site development plan shall be submitted showing the location, size, screening, and
37 design of all buildings and structures, including fences, the location, size and nature
38 of outside equipment, and the location, number, and species of all proposed
39 landscaping;
- 40 4. The facility shall be designed to be aesthetically and architecturally compatible with
41 the natural and building environment. This includes, but is not necessarily limited to,
42 building design and the use of exterior materials harmonious with the character of
43 the surrounding neighborhood and the use of landscaping and privacy screening to

1 buffer the facilities and activities on the site from surrounding properties. Any
2 equipment or facilities not enclosed within a building (e.g. towers, transformers,
3 tanks, etc.) shall be designed and located on the site to minimize adverse impacts on
4 surrounding properties;

- 5 5. All wireless communications facilities shall comply with national, state or local
6 standards, whichever is more restrictive, in effect at the time of application, for
7 nonionizing electromagnetic radiation;
- 8 6. The applicant shall demonstrate a justification for the proposed height of the
9 structures and an evaluation of alternative designs which might result in lower
10 heights. If additional height over that allowed in the zone is justified it may be
11 approved by the city; and
- 12 7. The applicant shall include an analysis of the feasibility of future consolidated use of
13 the proposed facility with other public utility facilities.

14 Provided that this subsection shall not apply to utility facilities located on a
15 property which are accessory to the property or to the transmission, distribution or
16 collection lines and equipment necessary to provide a direct utility connection to the
17 property or neighboring properties, or to those utility facilities located on public
18 right-of-way.

19 **B. Self-Service Storage Facilities in Commercial Zones.** Self-service storage facilities have
20 characteristics in common with both commercial uses and industrial uses. This subsection
21 provides regulations to appropriately site self-service storage facilities in certain
22 commercial zones while maintaining the desired character and function of those zones.
23 In general, self-service storage facilities generate low levels of vehicular and pedestrian
24 activity and do not contribute to the vitality of a commercial area compared to other
25 commercial uses. Historically self-service storage facilities have visually resembled
26 industrial facilities, but some recently constructed facilities have featured designs
27 compatible with higher quality commercial development. If designed appropriately as
28 stand-alone multistory structures that emulate the exterior architecture of residential or
29 multifamily or as components located within larger multistory office or residential
30 structures, self-storage uses may be located without adversely impacting comprehensive
31 plan goals, zoning district intent or the surrounding neighborhood. Thus self-storage uses
32 in commercial zones shall adhere to the additional development standards articulated in
33 this chapter.

34 **1. Use Regulations.**

- 35 a. Where the chapter provides for self-service storage facilities upon property zoned
36 CG or PCD, self-service storage facilities are permitted only within multi-story
37 structures designed to emulate multifamily or office buildings.
- 38 b. Where this chapter provides for self-service storage facilities upon property zoned
39 CC or ACC, self-service storage facilities are permitted as an accessory use, and
40 may occupy no more than 20 percent of the property's building floor area. With
41 the exception of the business office and loading/unloading facilities, self-service
42 storage facilities shall not be permitted upon the ground or street level of the
43 multi-story building.

- 1 c. Permitted Activities. The only activities permitted in individual storage units shall
2 be the rental of the unit and the pickup and deposit of goods and/or property in
3 dead storage. Storage units shall not be used for activities such as:
- 4 i. Residences, offices, workshops, studios, hobby or rehearsal areas;
 - 5 ii. Manufacturing, fabrication, or processing of goods, service or repair of
6 vehicles, engines, appliances, or other electrical equipment, or any other
7 industrial activity;
 - 8 iii. Conducting retail sales of any kind including garage or retail sales or
9 auctions or to conduct any other commercial activity;
 - 10 iv. Storage of flammable, perishable or hazardous materials or the keeping of
11 animals.
- 12 d. Accessory Uses. Accessory uses such as the rental of trucks, trailers or moving
13 equipment (hand carts, jacks and lifts, etc.), the installation of trailer hitches, or
14 the sale of boxes or packing materials are permitted only if they are otherwise
15 permitted in the zone in which the facility is located, and shall meet all use and
16 development standards of the commercial zone.
- 17 e. Hours of Operation:
- 18 i. Self-service storage facilities located in commercial zones shall not operate
19 or allow tenant access between the hours of 10:00 p.m. and 7:00 a.m. if
20 the site abuts a Class A EDNA, as defined in Chapter 10.12.LMC Noise.
 - 21 ii. The director may permit extended hours of operation if the facility
22 operator demonstrates that due to facility design or other factors the
23 facility will not have significant noise impacts on the adjacent Class A EDNA
24 property. The burden of proof is on the facility operator.
 - 25 iii. Nothing in this section overrides or supersedes any requirement of
26 Chapter 10.12 LMC and all restrictions of Chapter 10.12 LMC apply even
27 during allowed hours of operation.
- 28 f. Outdoor Storage Prohibited. Within commercial zones, all goods and property
29 stored in a self-service facility shall be stored in an enclosed building. No outdoor
30 storage of boats, RVs, vehicles, etc., or storage in outdoor storage pods or shipping
31 containers is permitted.
- 32 2. Development Standards. All development standards of the commercial zone in which
33 the facility is located apply unless the standard is superseded by regulations in this
34 subsection.
- 35 a. Storage Units.
- 36 i. All storage units shall gain access from the interior of the building(s) or site
37 – no unit doors may face the street or be visible from off the property.
 - 38 ii. If the facility abuts residentially zoned property, the facility loading bays,
39 docks or doors shall not be visible from the residential property.
 - 40 iii. Electrical service to storage units shall be for lighting and climate control
41 only. No electrical outlets are permitted inside individual storage units.
42 Lighting fixtures and switches shall be of a secure design that will not allow
43 tapping the fixtures for other purposes.

- 1 b. Additional standards for self-service storage facilities in the commercial zones as
2 outlined in Table 21.46.13 subject to the following limitations:
- 3 i. The facility shall be located in a multi-story building.
4 ii. Loading docks, entrances or bays may not be located on a street-facing
5 side of a building and shall be screened from residential uses.
- 6 3. Design Standards. Design review shall be required for all new construction and
7 expansions of self-service storage buildings to ensure the development has a high
8 quality design and is appropriate to the desired character of the zone it is located in
9 and the adjacent neighborhood. Self-service storage facilities shall meet the
10 requirements of Chapter 21.25 LMC, Project Design Review, and the following
11 requirements.
- 12 a. Fences and Walls. Fences and walls including entry gates shall be constructed of
13 high quality materials and shall be compatible with the design and materials of the
14 building(s) and site. The design guidelines for fences and walls and the following
15 provisions shall apply to self-service storage facilities:
- 16 i. Decorative metal or wrought iron fences are preferred.
17 ii. Chain-link (or similar fences, barbed or razor wire fences and walls made
18 of precast concrete blocks are prohibited.
19 iii. Fences or walls are not allowed between the main or front building on the
20 site and the street.
21 iv. Street-front landscape areas required by the design guidelines or
22 elsewhere in this code shall not be fenced.
- 23 b. Ground and Upper Floor Facades. Ground floor and upper floor facades for self-
24 service storage facility buildings in commercial zones shall meet the following
25 requirements:
- 26 i. The ground floor transparency requirements of the commercial districts
27 design guidelines shall also apply to each floor above the ground floor of a
28 self-service storage facility building that is visible from a street or from a
29 residentially zoned area.
30 ii. The ground floor on rear or side facades facing residential areas do not
31 have to meet subsection (D)(3)(b)(i) of this section if they are effectively
32 visually screened from view from the street or nearby residential uses by
33 a transition or landscape strip.
34 iii. The design guidelines for treating blank walls and for opaque walls in the
35 design shall apply to the upper floors of self-service storage buildings.
36 iv. In order to promote visual compatibility with commercial and multi-family
37 development allowed in commercial zones, self-service storage facilities
38 buildings shall incorporate architectural and design features common to
39 commercial and/or multi-family development. Examples of such
40 architectural and design features include: massing, proportion; façade
41 modulation; exterior building materials and detailing; varied roof line;
42 pedestrian scale; fenestration; repetition; etc.
- 43 c. Street Entrance. The business office of self-service storage facilities in commercial
44 zones shall have a pedestrian entrance facing the street.

- 1 i. This entrance shall be considered the “main” or “principal” entrance to the
2 building for the purpose of the design guidelines or other sections of this
3 chapter even if the majority of customers using the facility enter through
4 loading docks, bays, doors or other side or rear entrances.
5 ii. This entrance shall meet the design guideline prominent entrance
6 requirements.
7 d. Materials. Self-service storage facility buildings shall be surfaced in high-quality
8 materials. Unfaced concrete block, painted masonry, tilt-up and pre-cast concrete
9 panels and prefabricated metal sheets are prohibited. Prefabricated buildings are
10 not allowed.
11 e. Design Departures. In addition to the requirements for design departures in
12 Chapter 21.25 LMC, the director shall find that a request for approval of a design
13 departure will not cause the development or the use to be inconsistent with the
14 desired character of the zone on which it is located or have negative impacts on
15 surrounding uses.
16

17 **Section 26.** Section 21.46.120, entitled “General commercial areas for controlled uses,” of the
18 Lynnwood Municipal Code is amended to read as follows:
19

20 **21.46.120 General Commercial areas for controlled uses.**

21 Adult establishments and adult retail uses shall be permitted in the CG zone in the
22 area described in subsection (A) of this section and subject to the locational and
23 development standards contained in this section. In the event of invalidation by a court
24 of competent jurisdiction of these provisions, adult establishments and adult retail uses
25 shall be permitted to locate only in the CG, and subject to locational and development
26 standards of this section.

- 27 A. Location of Controlled Use Area. These regulations apply to all General
28 Commercial zones south of a line approximately 800 feet south of 212th
29 Street SW between 68th Avenue W and Highway 99 and south of 212th
30 Street SW, between 67th Avenue W and 68th Avenue W, and between 66th
31 avenue W and 67th Avenue W, south of a line varying between 175 feet
32 and 195 feet north of 212th Street SW as more particularly set forth below:
33

34 Beginning at the Southeast corner of the Southwest quarter of
35 the Southeast quarter of Section 20, Township 27 North, Range
36 4 East, W.M.; thence West 679.56 feet; thence North 175 feet
37 to the true point of beginning thence West 132.6 feet to a
38 point eight feet East of the East line of Lot 15, Block 6, of the
39 Plat of Seattle Heights, Division No. 3; thence North 20 feet
40 more or less, to a point eight feet East of the Northeast corner
41 of said Lot 15; thence West 132.5 feet, more or less, along the
42 North line of said Lot 15 and the prolongation thereof, to the
43 Northwest corner of said Lot 15; thence continuing West along
44 the prolongation of said line 30 feet, more or less, to a point

1 which is the intersection with the centerline of 67th Avenue
2 West; thence South 192.5 feet, more or less, along said
3 centerline of 67th Avenue West; thence South 195.2 feet, more
4 or less, along said centerline to a point which is the
5 intersection of the centerlines of 67th Avenue West and 212th
6 St. SW; thence West along the centerline of 212th St. SW to a
7 point which is the intersection of the centerlines of 212th St.
8 SW and 68th Avenue West; thence South along the 68th Avenue
9 West centerline 830 feet, more or less, to the intersection of
10 the centerline of said right-of-way and the Easterly
11 prolongation of a line located parallel to and 160 feet South of
12 the North line of Lot 19, Plat of Solner's 5 Acre Tracts; thence
13 West along said line and the prolongation thereof, to the
14 intersection with the East line of Lot 21, Plat of Solner's 5 Acre
15 Tracts, said point being 160 feet, more or less, South of the
16 Northeast corner of said Lot; thence North 20 feet, more or
17 less; thence North 89°51'00" West 130.14 feet, more or less,
18 to the East line of the Highway 99 right-of-way.

- 19 B. Uses Permitted. Except for those uses listed in subsection (E) of this section, all uses
20 permitted outright in the General Commercial zone area allowed in this controlled area
21 and all adult establishment are allowed, subject to the location standards of subsection
22 (C) of this section. Adult retail uses are allowed in this controlled use are subject to
23 1. The same location standards as set forth in subsection (C) of this section for
24 adult establishments.
25 2. The same variance from separation requirements as set forth in subsection (D)
26 of this section for adult establishments; and
27 3. The same development standards as forth in subsection (F) of this section for
28 adult establishments.
- 29 C. Location Standards – Any adult establishment use which locates in the city of Lynnwood
30 shall, in addition to any other requirements, meet the following:
31 1. Separation from Location. No adult establishment use shall be allowed to locate
32 within 300 feet of any property zoned residential or P-1.
33 2. Measurement of Distance. The 300-foot separation shall be measured by following a
34 straight line, without reference to intervening structures, between the nearest point
35 on a line defining a residentially zoned or P-1 zoned property and the nearest point of
36 the building or portion thereof used by an adult establishment.
- 37 D. Variance from Separation Requirements. Whenever the proponent of an adult
38 establishment subject to the separation requirements pertaining to adult establishments
39 set forth in this chapter feels that strict application of such requirements is not necessary
40 to achieve an effective degree of physical separation between the adult establishment
41 and property zoned P-1 or residential, the proponent(s) may apply to the hearing
42 examiner for a variance from such requirements. In determining when a variance should
43 be granted, and if so, to what extent, the hearing examiner shall consider the following,
44 in addition to the general criteria for variance established in Chapters 2.22 and 21.26 LMC:

- 1 1. Topographical and other features of the land which provide actual separation
- 2 between the proposed business or other land use and surrounding land uses;
- 3 2. Pedestrian and vehicular circulation pattern in the vicinity of the proposed activity;
- 4 and
- 5 3. Any other fact or circumstance which has a significant effect upon the need for the
- 6 full separation distance required by this chapter.

7 If after considering these criteria the hearing examiner finds that an effective
8 separation between the proposed adult establishment and property zoned
9 residential or P-1 can be achieved without requiring the full distance of separation
10 provided by this chapter, the hearing examiner shall determine the degree of
11 variance to be allowed and shall grant such variance. Otherwise, the application
12 for variance shall be denied.

13 E. Prohibited Uses. The following uses are found to be incompatible with adult
14 establishments and are prohibited in the controlled use area set forth above:

- 15 1. Pet grooming, pet shops, and veterinary clinics;
- 16 2. Churches, libraries, museums, art galleries and similar institutions;
- 17 3. Schools, including pre-schools, child day-care, and nursery school;
- 18 4. Restaurant and cafeterias, drive-in car service, drive-through, and take-out
- 19 restaurants;
- 20 5. Bakery retail stores and convenience stores;
- 21 6. Hotel/motels
- 22 7. Indoor amusement enterprises centers, as defined; and
- 23 8. Bicycle sale and repair.

24 F. Development Standards. The development standards in the controlled use area are the
25 same as general commercial, except as follows:

- 26 1. Signs. See LMC 21.16.310 for sign regulations.
- 27 2. Other Standards. The following standards apply to adult establishments in the
28 controlled use area, and the following standards shall supersede the Lynnwood
29 Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may
30 conflict:
 - 31 a. The starting of an adult establishment constitutes a change in use and is subject
32 to the nonconforming chapter in addition to these development standards;
 - 33 b. Landscaping shall be a wall of trees created by two rows of evergreen conifer
34 trees. The trees shall be staggered and spaced a maximum of 10 feet on center,
35 so as to form an effective visual barrier within five years. The minimum tree height
36 shall be six feet. A permanent six-foot site-screening fence shall be placed on the
37 side and rear property lines;
 - 38 c. All parking areas shall be visible from the street fronting the establishment and
39 shall not allow access to the rear of any structures; and
 - 40 d. The parking areas shall be fully illustrated with street light standards.

41
42 **Section 27.** Section 21.46.210, entitled "Additional development standards," of the Lynnwood
43 Municipal Code is amended to read as follows:
44

1 **21.46.210 Additional development standards.**

2 A. Site-Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any indoor
3 displays or outdoor storage which are permitted in commercial zones, and which are not
4 affected by the standards of LMC 21.46.220, shall be enclosed within a site-screening
5 fence of sufficient height to effectively screen the outdoor display or storage from view,
6 and not less than six feet high in any case, set back five feet from the property line. The
7 outer five feet shall be landscaped with evergreen conifer trees with a minimum height
8 of six feet spaced a maximum of 15 feet on center and low evergreen plantings which will
9 mature to a total groundcover within five years; provided, however, that where these
10 requirements do not apply because the principal use of a property involves the display of
11 merchandise for view from the streets, the display area shall be improved as a parking lot
12 (except for paving where the nature of the merchandise makes paving impractical) with
13 a 10-foot planting strip along the entire street frontage, as per subsection (B(2)) of this
14 section. Display areas shall be segregated from the required customer parking so that
15 there is always sufficient customer parking to meet the minimum requirements of this
16 code.

17 B. Parking.

18 1. Capacity Requirements. For calculating the required number of parking stalls see
19 Chapter 21.18 LMC.

20 2. Landscaping in Parking Areas.

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

- 22 i. To break up the visual blight created by large expanses of barren asphalt
23 which make up a typical parking lot;
- 24 ii. To encourage the preservation of mature evergreens and other large trees
25 which are presently located on most undeveloped sites in this city;
- 26 iii. To ensure the preservation of land values in commercial zones by creating
27 and ensuring an environmental quality which complements the
28 commercial objectives of the respective land.

29 b. Planting at Street Frontages. Development sites with parking areas located only
30 between the sides of buildings and interior property lines shall provide a 10-foot
31 wide planting area along the entire street frontage, except for driveways,
32 walkways and other pedestrian spaces. Development sites with single-aisle,
33 double-loaded parking areas located between buildings and the street right-of-
34 way, shall provide a 15-foot-wide planting area along the entire street frontage
35 with the same above exceptions. Development sites with multi-aisle parking areas
36 located between buildings and the street right-of-way shall provide a 20-foot wide
37 planting area along the street frontage with the same above exceptions. Planting
38 shall consist of ornamental landscaping of low plantings and high plantings. The
39 minimum height of trees shall be eight feet for evergreen trees and 10 feet for all
40 other species. Trees shall be spaced a maximum of 25 feet on center with
41 branches eliminated to a height of six feet where necessary to prevent sight
42 obstruction. The required trees in this planting area may be located within the
43 adjacent street right-of-way as long as they comply with Lynnwood Citywide
44 Design Guidelines as adopted by reference in LMC 21.25.145(B)(3), and are

1 approved by the public works department. Low evergreen plantings, or a mixture
2 of low evergreen and deciduous plantings with a maximum height of 30 inches,
3 shall be provided so as to achieve 50 percent groundcover within two years.

4 The location and width of the planting area may be modified in accordance
5 with the following provisions: that up to five feet of the 10-foot total required
6 may be installed in portions of city right-of-way which are not covered by
7 impervious surfaces or, in the case of right-of-way which is not fully improved, and
8 not projected to be covered by impervious surfaces upon full improvement.

- 9 c. Landscaping in Right-of-Way. Property owners who install landscaping on
10 portions of right-of-way not covered by impervious surfaces shall provide the city
11 with a written release of liability for damages which may be incurred to the
12 planting area from any public use of the right-of-way and an indemnity to the city
13 against any injuries occurring within that portion of right-of-way so utilized.
- 14 d. Coverage. Five percent of the parking areas located on the sides and rear of
15 buildings and interior property lines; 10 percent of parking areas between building
16 and single-aisle, double-loading parking areas located between buildings and the
17 street; and 15 percent of multi-aisle parking areas located between buildings and
18 streets shall be in landscaping (exclusive of landscaping on the street frontage and
19 required landscape buffers); provided, that:
- 20 i. No landscaping area shall be less than 25 square feet in area or less than
21 three feet in width.
 - 22 ii. No parking stall shall be located more than 45 feet from a landscaped area;
23 and
 - 24 iii. All landscaping must be located between parking stalls, at the end of
25 parking columns, or between parking stalls and the property lines.
- 26 e. Landscaping Adjacent to Parking Stalls. Where landscaping areas which fulfill city
27 standards are adjoined by angular or perpendicular parking stalls, landscaping in
28 the form of ground cover materials or plants may be installed in that portion of
29 any parking stall which will be ahead of the wheels and adjacent to the landscaped
30 area; provided, that curbing or wheel stops are installed in a position which will
31 protect the plants from damage. Such landscaping shall not be construed to be
32 part of the percentage of landscaped area required by this chapter nor a reduction
33 of the parking stall.
- 34 f. Additional Landscaping Along Specified Streets. Along streets where it may be
35 desirable and feasible to obtain a higher degree of continuity in landscaping from
36 property to property than is provided for here, the city council, upon
37 recommendation by the planning commission, may designate specific street
38 frontage landscaping plans for those streets.

39
40 **Section 28.** Section 21.46.220, entitled "Transition or buffer strip," of the Lynnwood Municipal
41 Code is amended to read as follows:
42
43
44

1 **21.46.220 Transition or Buffer Strips.**

2 A. Transitional or buffer landscaped strips (also referred to as greenbelts) of which the
3 purpose of the landscaping is to provide a sight, sound, and psychological barrier between
4 zones with a high degree of incompatibility. The transition or buffer strips shall be
5 installed in the following situations:

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

8 a. The planting strip shall be at least 20 feet in width and shall consist of the
9 following;

10 i. Two rows of evergreen conifer trees. The trees shall be staggered and
11 spaced a maximum of 10 feet on center, so as to form an effective visual
12 barrier within five years. The minimum tree height shall be six feet.

13 ii. A permanent six-foot site-screening fence shall be placed at the property
14 line.

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

17 a. The planting strip shall be at least 10 feet in width and shall consist of either of the
18 following two options:

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

23 ii. A site-screening evergreen hedge. The spacing of plants shall be such that
24 they will form a dense hedge within five years. Minimum plant height shall
25 be four feet.

26 iii. A permanent six-foot site-screening fence shall be placed at the property
27 line.

28 B. Maintenance – Whenever greenbelts or landscaping are required to be installed
29 according to city zoning requirements, the plant material shall be regularly maintained
30 and kept in a healthy condition in accordance with zoning requirements, Lynnwood
31 Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and
32 approved development plans. Maintenance shall also include regular weeding, removal
33 of litter from landscaped areas, and repair or replanting so that the greenbelts or
34 landscaping continue to comply with zoning requirements and/or development plans.

35 C. Minimum Standards.

36 1. Signed Plans. All landscaping plans shall bear the seal of a registered landscape
37 architect or signature of a professional nurseryman and be drawn to a scale no less
38 than one inch to 20 feet. The landscape architect or professional nurseryman shall
39 certify that the species of plants are fast-growing and that the design of the plan will
40 fulfill city code requirements within five years.

41 2. Installation Prior to Occupancy. All landscaping that fulfills the city code requirements
42 shall be installed prior to occupancy of any structure located on the same site.

43 If, due to extreme weather conditions or some unforeseen emergency, all
44 required landscaping cannot be installed prior to occupancy, then a cash deposit

1 or guarantee account with the city shall be provided as financial security to
2 guarantee installation of the remaining landscaping. The security shall be equal
3 to the cost of the remaining landscaping including labor and materials or a
4 minimum of \$500.00. The security shall not extend for a period of more than 30
5 days. If within 30 days, the remaining landscaping is installed according to code
6 requirements and approved development plans, then all funds shall be refunded.

7 D. Fence Regulations.

8 1. Definition. For the purposes of this section, a “site-screening fence” means a solid
9 one-inch-thick board (nominal dimensional standards) fence. One made of brick, rock
10 or masonry materials may be substituted for a board fence;

11 2. Exceptions. Where a fence is required by the above standards, no fence will be
12 required in those cases where a fence already exists which meets the intent of this
13 section. However, if the existing fence is ever removed, demolished or partially
14 destroyed, then the owner of the property first being required by the section to
15 provide the necessary fence will be responsible for replacing the fence.

16 In those cases, where the slope of the land is such that the location of a fence
17 required by the above standards is impractical or ineffective in satisfying the
18 intent of this section, the community development director may, at his discretion,
19 permit a location which more adequately satisfies the intent of this section.

20 E. Exception. The community development director may reduce the required buffer width and
21 revise the required planting and fencing if the director finds, that, due to the intensity of
22 existing or proposed landscaping, the amount and type of mature existing vegetation, change
23 in topography between properties, use of the properties along the abutting property line, or
24 other characteristics of the abutting properties, a reduced buffer width or deviation from the
25 code landscape requirements will provide adequate separation between the properties.

26 The community development director may approve variation from the degree
27 and type of code required landscaping on his or her own, or at the applicant’s
28 initiative provided the following is met.

29 A request for approving a reduction in a required buffer shall be made in
30 writing and shall describe fully the reduction and the basis for the request. The
31 fee for processing a request shall be \$200.00. The person(s) requesting the buffer
32 reduction bear the burden of proof that the reduced buffer will provide adequate
33 separation and screening between properties.

34 At least 28 calendar days prior to acting on a request for buffer reduction,
35 notice of the request shall be mailed to the owners of all properties that abut the
36 site of the proposed reduction. Action on a request may not be taken until this
37 noticing period has expired.

38 Anyone may appeal a determination regarding an exception by the director
39 under this subsection by filing a written statement of the reason(s) for the appeal
40 with the community development department. Such an appeal shall be processed
41 pursuant to Process II (LMC 1.35.200 et. seq).

42
43 **Section 29.** Section 21.46.900, entitled “Other regulations,” of the Lynnwood Municipal Code is
44 amended to read as follows:

1 **21.46.900 Other Regulations**

2 A. Refuse and Recycling Collection Areas and Enclosures. On-site paved and enclosed refuse
3 recycling collection areas shall be provided on sites where new buildings are being
4 constructed or existing buildings are being remodeled or expanded, and shall comply with
5 the requirements of this section. One-family dwelling units, two-family dwelling units,
6 and public parks are exempt from the requirements of this section.

7 1. Development Standards. Refuse and recycling collection areas in all commercial zones
8 shall comply with the development standards below. The following development
9 standards shall supersede other applicable setback requirements of this chapter and
10 any Lynnwood Citywide Design Guidelines, as adopted by reference in LMC
11 21.25.145(B)(3), that may conflict.

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

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

16 c. Set back a minimum of 15 feet from any interior property line adjoining an RS or
17 RM zone or a P-1 zone with one-family dwelling units if a business site is less than
18 one acre in area.

19 2. Enclosure. All refuse and recycling collection areas shall be enclosed on three sides
20 by a six-foot-high sight-obscuring fence which uses building materials, color, and
21 design details similar to the primary buildings on the site and a six-foot-high gate on
22 one side. The height of the enclosure may include the height of a surrounding slope
23 or berm (height measured from bottom inside edge of the collection area). The
24 enclosure shall include a gate which can be secured in an open or closed position. If
25 the enclosure includes a gate made of metal chain link fencing, the fencing shall
26 contain slates which screen the view of containers and materials inside the collection
27 area. An alternative design may be approved if it is determined that such alternative
28 would provide equal or better screening, architectural compatibility, and
29 containment.

30 3. Parking. No refuse and recycling collection area shall be located in such a way that
31 new or existing parking stalls will prevent or interfere with the use and servicing of
32 the collection area.

33 4. Design. Refuse and recycling collection areas shall be sized, located, and constructed
34 per standards established by the public works department.

35 B. Procedural Requirements for Proposed Rezoning to the Neighborhood Commercial Zone
36 (NC)

37 The minimum and maximum area specified in LMC 21.46.200(A) shall apply to all
38 future rezones to the Neighborhood Commercial (NC) zone.

39 In addition, the applicants shall provide such market information as may
40 be required by the planning commission or city council in determining whether
41 the proposed development will promote the general welfare of the city.
42 Businesses which are nonconforming in another zone but which would be
43 conforming if zoned Neighborhood Commercial (NC) may be rezoned
44 Neighborhood Commercial without regard to the minimum and maximum area,

1 upon a finding that such a rezone would be in the public interest and/or the
2 businesses in question would be consistent with the general intent of the
3 Neighborhood Commercial zone.

4 C. Requirements for Development of Properties in the General Commercial (CG) zones.

5 1. Plans. Shopping centers or other multi-store retail developments in the General
6 Commercial zones shall be subject to the same site plan and utility plan requirements
7 as are required in the Neighborhood Commercial (NC) zone. The plan shall include a
8 landscaping plan as per LMC 21.46.210(B); provided, however, that an alternate
9 arrangement to LMC 21.46.210(B)(2)(d) may be approved by the planning commission
10 if it finds that the alternate plan would be more effective in meeting the stated
11 objectives of LMC 21.46.210(B).

12 2. Site Utilization. Unless the site plan provides for full utilization of the lot or parcel,
13 the utilized part shall be officially divided from the remainder under the city
14 subdivision regulations and the subdivision shall conform to all normal subdivision
15 requirements. As a condition of the subdivision, the city may require that all parcels
16 of the subdivision have common access to public streets.

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

19 E. Elimination of Nonconforming Uses. All site plans shall provide for the elimination of
20 nonconforming uses.

21
22 **Section 30.** Section 21.48.100, entitled "Permitted uses," of the Lynnwood Municipal Code is
23 amended to read as follows:

24
25 **21.48.100 Permitted uses.**

26 A. All uses permitted in the Neighborhood Commercial (NC) and General Commercial (CG)
27 zone are permitted in this classification, except for the following:

- 28 1. Outdoor used automobile sales;
- 29 2. Funeral parlors and mortuaries;
- 30 3. Self-service storage facilities;
- 31 4. Marijuana and marijuana-infused products retail sales, processing and production;
- 32 5. Medical marijuana collective gardens.

33
34 **Section 31.** Section 21.48.112, entitled "Limitations on uses – Restaurants," of the Lynnwood
35 Municipal Code is repealed:

36
37 **Section 32.** Section 21.48.113, entitled "Limitations on uses – Institutional," of the Lynnwood
38 Municipal Code is repealed.

39
40 **Section 33.** Section 21.48.115, entitled "Limitations on uses – Institutional," of the Lynnwood
41 Municipal Code is repealed.

42
43 **Section 34.** Section 21.48.116, entitled "Limitations on uses – Residential uses," of the Lynnwood
44 Municipal Code is amended to read as follows:

1 **21.48.116 Limitations on uses –Residential uses.**

- 2 A. Motels and Hotels. The initial development must contain at least 20 units composed of
3 multiple-unit type buildings, and shall provide hotel services, including a main lobby, desk
4 attendant, and room service. When accessory uses providing services for patrons, such
5 as barber, bar, beauty parlor, cleaners, clothing, drugs, pottery, souvenir, tobacco and
6 travel are included, they shall be primarily oriented internally. Provisions for public
7 functions such as banquets or meetings need not be oriented internally.
- 8 B. Multiple-Family Housing. Dwellings may be permitted, consistent with the use and
9 development regulations for multiple-family dwellings in the PCD zone.
- 10 C. Assisted Living and Continuing Care Housing. These uses are allowed subject to the
11 following:
- 12 1. Staff Evaluation and Recommendation. Before any permit for the uses designated in
13 this subsection is considered, a joint recommendation concerning development of the
14 land and/or construction of the buildings shall be prepared by the fire and community
15 development departments, specifying the conditions to be applied if approved. If it
16 is concluded that the application should be approved, each requirement in the joint
17 recommendation shall be considered and any which are found necessary for the
18 protection of the health, safety, and general welfare of the public shall be made part
19 of the requirements of the permit. In any case, the approval of the permit shall
20 include the following requirements:
- 21 a. The proposal's proximity to stores and services, safety of pedestrian access in the
22 vicinity, access to public transit, design measures to minimize incompatibility
23 between the proposal and surrounding businesses;
- 24 b. Compliance with all applicable state, federal, and local regulations pertaining to
25 such use, a description of the accommodations, and the number of people
26 accommodated or cared for, and any structural requirements deemed necessary
27 for such intended use;
- 28 c. The amount of space around and between buildings shall be subject to the
29 approval of the fire chief as being adequate for reasonable circulation of
30 emergency vehicles or rescue operations and for prevention of conflagration;
- 31 d. The proposed use will not adversely affect the surrounding area as to prevent use
32 or character of the future development;
- 33 2. Development Standards. Housing facilities shall conform to the following criteria:
- 34 a. Lot area per dwelling unit: 1,000 square feet minimum per unit;
- 35 b. Passive recreation and/or open space: 200 square feet per unit. In the city's
36 higher density multiple-family zones, developments are required to provide active
37 recreational space to help satisfy a portion of the demand for recreational
38 facilities. Housing for those in need of care has a similar need but is of a passive
39 nature. Therefore, passive recreation space and/or open space shall be provided.
40 Up to 50 percent of the requirement may be indoors; provided, that the space is
41 utilized exclusively for passive recreation and/or open space (i.e. arts and crafts
42 rooms, solariums, courtyards). All outdoor recreation or open space areas shall
43 be set aside exclusively for such use and shall not include areas held in reserve for
44 parking, as per LMC 21.18.800. All open space and/or recreational areas shall be

1 of a permanent nature, and they may be restricted to use by tenants only. The
2 use of private and semi-private patios and balconies in meeting these
3 requirements is not permitted.
4

5 **Section 35.** Section 21.46.118, entitled "Limitations on Uses – Light Industrial uses," of the
6 Lynnwood Municipal Code is amended to read as follows:
7

8 **21.48.118 Limitations on uses – Light Industrial uses.**

9 A. General.

10 1. Scope of Conditions. Wherever these are permitted under conditional use
11 proceeding, the hearing examiner may stipulate the type of machinery allowable, that
12 the performance standards and landscaping requirements of the Light Industrial zone
13 shall apply, that the use must be conducted entirely within a building which is
14 constructed so as to contain the expected noise, and such other conditions as are
15 necessary to assure compatibility with surrounding properties.

16 B. Public Use Facilities. This use includes facilities owned by a public utility and directly used
17 in the performance of a public service but does not include offices or warehouses of a
18 public utility. Public utility offices and warehouses are permitted in the same zones and
19 on the same basis as other offices and warehouses.
20

21 **Section 36.** Section 21.48.119, entitled "Limitations on uses – Other uses," of the Lynnwood
22 Municipal Code is repealed.
23

24 **Section 37.** Section 21.48.210, entitled "Additional development standards," of the Lynnwood
25 Municipal Code is amended to read as follows:
26

27 **21.48.210 Additional development standards.**

28 A. Site Screening Standards for Outdoor Displays and Outdoor Storage Areas. Any outdoor
29 displays or outdoor storage permitted in this zone, and which are not affected by the
30 standards of LMC 21.48.220, shall be enclosed within a site-screening fence of sufficient
31 height to effectively screen the outdoor display or storage from view, and not less than
32 six feet high in any case, set back five feet from the property line. The outer five feet shall
33 be landscaped with evergreen conifer trees with a minimum height of six feet at planting
34 spaced a maximum of 15 feet on center and low evergreen plantings which will mature
35 to a total groundcover within five years; provided, however, that where these
36 requirements do not apply because the principal use of a property involves the display of
37 merchandise for view from the streets, the display area shall be improved as a parking lot
38 (except for paving where the nature of the merchandise makes paving impractical) with
39 a 10-foot planting strip along the entire street frontage, as per subsection (B)(2)(b) of this
40 section. Display areas shall be segregated from the required customer parking so that
41 there is always sufficient customer parking to meet the minimum parking requirements
42 of this code.
43

B. Parking.

- 1 1. Required Number of Stalls. See Chapter 21.18.LMC, with the exception of residential
2 parking below.
- 3 2. Residential parking shall have a minimum of one and a maximum of one and one half
4 spaces per dwelling units or as determined by the Community Development Director
5 based upon data submitted by the applicant.
- 6 3. Landscaping in Parking Areas.
 - 7 a. Purpose. The purpose of these landscaping provisions is:
 - 8 i. To break up the visual blight created by large expanses of barren asphalt
9 which make up a typical parking lot;
 - 10 ii. To encourage the preservation of mature evergreens and other large trees
11 which are presently located on most undeveloped sites in this city;
 - 12 iii. To insure the preservation of land values in commercial zones by creating
13 and insuring an environmental quality which complements the commercial
14 objectives of the respective land.
 - 15 b. Planting at Street Frontages. Development sites with parking areas located only
16 between the sides of the building and interior property lines shall provide a 10-
17 foot wide planting area along the entire street frontage, except for driveways,
18 walkways and other pedestrian spaces. Development sites within single-aisle,
19 double-loaded parking areas located between buildings and the street right-of-
20 way, shall provide a 15-foot wide planting area along the entire street frontage
21 with the same above exceptions. Development sites with multi-aisle parking areas
22 located between buildings and the street right-of-way shall provide a 20-foot wide
23 planting area along the entire street frontage with the same above exceptions.
24 Exception: At a regional shopping center developed or redeveloped after April 13,
25 2002, with a gross leaseable floor area of 1,140,000 square feet or greater, the
26 minimum width of the street frontage landscape area shall be 10 feet, with the
27 same above exceptions.

28 Plantings shall consist of ornamental landscaping of low plantings
29 and high plantings. The minimum height of trees shall be eight feet for
30 evergreen trees and 10 feet for all other species. Trees shall be spaced a
31 maximum of 25 feet on center with branches eliminated to a height of six
32 feet where necessary to prevent sight obstruction. The required trees in
33 this planting area may be located within the adjacent street right-of-way
34 as long as they comply with Lynnwood Citywide Design Guidelines, as
35 adopted by reference in LMC 21.25.145(B)(3), and are approved by the
36 public works department. Low evergreen plantings, or s mixture of low
37 evergreen and deciduous plantings with a maximum height of 30 inches,
38 shall be provided so as to achieve 50 percent groundcover within two
39 years. This landscaping plan (providing for coordination of the landscaping
40 throughout the PRSC zone) shall be submitted and approved prior to the
41 issuing of the first building permit.

42 The location and width of the planting area may be modified in
43 accordance with the following provisions: that up to five feet of the total
44 width required may be installed in portions of city right-of-way which are

1 not covered by impervious surfaces or, in the case of right-of-way which is
2 not fully improved, are not projected to be covered by impervious surfaces
3 upon full improvement.

- 4 c. Landscaping in Right-of-Way. Property owners who install landscaping on
5 portions of right-of-way not covered by impervious surfaces shall provide the city
6 with a written release of liability for damages which may be incurred to the
7 planting area from any public use of the right-of-way and an indemnity to the city
8 against any injuries occurring within that portion of right-of-way so utilized.
- 9 d. Coverage. Five percent of the parking areas located on the sides and rear_of
10 buildings and interior property lines; 10 percent of parking areas between
11 buildings and single-aisle, double-loading parking areas located between buildings
12 and the street; and 15 percent of multi-aisle parking areas located between
13 buildings and street shall be in landscaping (exclusive of landscaping on the street
14 frontages and required landscape buffers) except that at a regional shopping
15 center developed or redeveloped after April 13, 2002 with a gross leaseable area
16 of 1,140,000 square feet or greater, all open parking areas shall have a minimum
17 landscape coverage of eight percent; provided that:
- 18 i. No landscaping areas shall be less than 25 feet square feet in area or less
19 than three feet in width;
 - 20 ii. No parking stall shall be located more than 45 feet from a landscaped area;
21 and
 - 22 iii. All landscaping must be located between parking stalls, at the end of
23 parking columns, or between parking stalls and the property lines.
- 24 e. Landscaping Adjacent to Parking Stalls. Where landscaping areas which fulfill city
25 standards are adjoined by angular or perpendicular parking stalls, landscaping in
26 the form of groundcover materials or plants may be installed in that portion of any
27 parking stall which will be ahead of the wheels and adjacent to the landscaped
28 area; provided, that curbing or wheel stops are installed in a position which will
29 protect the plants from damage. Such landscaping shall not be construed to be
30 part of the percentage of landscaped area required by this chapter nor a reduction
31 of the parking stall.
- 32 f. Additional Landscaping along Specified Streets. Along streets where it may be
33 desirable and feasible to obtain a higher degree of continuity in landscaping from
34 property to property than is provided for here, the city council, upon
35 recommendation by the planning commission, may designate specific street
36 frontage landscaping plans for those streets. See Chapter 21.06 LMC.

37 C. Fences and Hedges. Fences and hedge regulations are as provided in Chapter 21.10 LMC.
38

39 **Section 38.** Chapter 5.92 entitled "Living Quarters for Homeless," of the Lynnwood Municipal
40 Code, including Sections 5.92.010 (Definitions), 5.92.020 (License), 5.92.030 (Adult Supervisor),
41 5.92.040 (Maximum number of persons) and 5.92.050 (Preference) is repealed.
42

43 **Section 39. Amendment – New (Definitions).** LMC 21.02.275 (Distribution Center) is hereby
44 added to read as follows:

1 **21.02.275 Distribution Center**

2 “Distribution Center” is a warehouse or other specialized building, often with
3 refrigeration or air conditioning, which is stocked with products (goods) to be
4 redistributed to retailers, to wholesalers, or directly to consumers.
5

6 **Section 40. Amendment – New (Definitions).** LMC 21.02.049 (Assisted Living Facility) is hereby
7 added to read as follows:
8

9 **21.02.049 Assisted Living Facility**

10 “Assisted living facility” also known as “assisted living residences”, “continuing
11 care community” and “Alzheimer’s/dementia care facility” means an establishment which
12 provides full time convalescent or chronic care or both for three or more individuals who
13 are not related by blood or marriage to the operator or who, by reason of chronic illness
14 or infirmity, are unable to care for themselves. Minor medical care may be provided at
15 the facilities. A hospital or sanitarium shall not be construed to be included in this
16 definition. This definition was formerly called “nursing or convalescent home”.
17

18 **Section 41. Repeal (Definitions).** LMC 21.02.441 (Housing for the elderly and physically disabled)
19 is repealed
20

21 **Section 42. Repeal (Definitions).** LMC 21.02.530 (Nursing or convalescent home) is repealed.
22

23 **Section 43. Amendment – New (Definitions).** LMC 21.02.659 (Senior housing) is hereby added
24 to read as follows:
25

26 **21.02 659 Senior housing.**

27 “Senior housing” means multiple dwelling housing which is designed for the
28 particular needs of those elderly and physically disabled who may have functional
29 limitations due to advanced age or physical impairment but are otherwise in good health.
30 Residents of such housing can maintain an independent or semi-independent lifestyle and
31 do not require more intensive care as provided in a nursing or convalescent home. For
32 the purposes of this definition, elderly shall typically mean 55-years of age or older.
33 Design features may include but are not limited to wide doors and hallways and low
34 counters to accommodate wheel chairs, support bars, specialized bathroom and kitchen
35 fixtures, and common dining, recreation, or lounge areas. Minor medical care may be
36 provided at the facilities. The term “senior housing” shall include “congregate care” and
37 “independent living community.” The definition shall not be construed to include
38 facilities to house persons under the jurisdiction of the superior court or the Board of
39 Prison Terms and Paroles.
40

41 **Section 44.** If any section, sentence, clause or phrase of this ordinance should be held to be
42 invalid or unconstitutional by a court of competent jurisdiction, such invalidity or
43 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,
44 clause or phrase of this ordinance.

1 **Section 45.** This Ordinance, or a summary thereof consisting of the title, shall be published in the
2 official newspaper of the City, and shall take effect and be in full force five (5) days after
3 publication.
4

5 PASSED this 28th day of November 2016 and signed in authentication of its passage this
6 29th day of November 2016.

7 APPROVED:

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10 
11 _____

Nicola Smith, Mayor

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14 ATTEST/AUTHENTICATED:

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16 _____
17 Sonja Springer, Finance Director

18 APPROVED AS TO FORM:

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21 Rosemary Larson, City Attorney

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41 FILED WITH ADMINISTRATIVE SERVICES: 12/05/2016
42 PASSED BY THE CITY COUNCIL: 11/28/2016
43 PUBLISHED: 12/06/2016
44 EFFECTIVE DATE: 12/11/2016
45 ORDINANCE NUMBER: 3233



On the, 28th day of November, 2016 the City Council of the City of Lynnwood, Washington, passed ordinance 3233. A summary of the content of this ordinance, consisting of the title, provides as follows:

ORDINANCE NO. 3233

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO DEFINITIONS AND COMMERCIAL AND PLANNED REGIONAL SHOPPING CENTER ZONING DISTRICT REGULATIONS; ADDING NEW SECTIONS 21.02.049, 21.02.275 AND 21.02.659 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTIONS 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.116, 21.46.118, 21.46.119, 21.46.120, 21.46.210, 21.46.220, 21.46.900, 21.48.100, 21.48.116, 21.48.118 AND 21.48.210 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 21.02.272, 21.02.273, 21.02.441, 21.02.530, 21.46.112, 21.46.113, 21.48.112, 21.48.113, 21.48.115 AND LMC 21.48.119, REPEALING CHAPTER 5.92 OF THE LYNNWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

A handwritten signature in blue ink, appearing to read 'D. Karber', is written over a horizontal line.

Debbie Karber, Deputy City Clerk

DATED this 6th day of December, 2016.



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. 3233 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3233

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO DEFINITIONS AND COMMERCIAL AND PLANNED REGIONAL SHOPPING CENTER ZONING DISTRICT REGULATIONS; ADDING NEW SECTIONS 21.02.049, 21.02.275 AND 21.02.659 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTIONS 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.116, 21.46.118, 21.46.119, 21.46.120, 21.46.210, 21.46.220, 21.46.900, 21.48.100, 21.48.116, 21.48.118 AND 21.48.210 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 21.02.272, 21.02.273, 21.02.441, 21.02.530, 21.46.112, 21.46.113, 21.48.112, 21.48.113, 21.48.115 AND LMC 21.48.119, REPEALING CHAPTER 5.92 OF THE LYNNWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on November 28, 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 December 6, 2016.

Debra Karber, Deputy City Clerk

Everett Daily Herald

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 EDH734201 ORDINANCES 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 12/06/2016 and ending on 12/06/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$52.44.

Kathleen Landis

Subscribed and sworn before me on this 6 day of Dec, 2016.

Debra Ann Grigg

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890
DEBBIE KARBBER

CITY OF LYNNWOOD
On the 28th day of November, 2016 the City Council of the City of Lynnwood, Washington, passed ordinances 3231 through 3233. A summary of the content of these ordinances, consisting of the title, provides as follows:
ORDINANCE NO. 3231
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. 3232
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. 3233
AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, RELATING TO DEFINITIONS AND COMMERCIAL AND PLANNED REGIONAL SHOPPING CENTER ZONING DISTRICT REGULATIONS; ADDING NEW SECTIONS 21.02.049, 21.02.275 AND 21.02.659 TO THE LYNNWOOD MUNICIPAL CODE; AMENDING SECTIONS 21.46.050, 21.46.100, 21.46.105, 21.46.110, 21.46.111, 21.46.116, 21.46.118, 21.46.119, 21.46.120, 21.46.210, 21.46.220, 21.46.900, 21.48.100, 21.48.116, 21.48.118 AND 21.48.210 OF THE LYNNWOOD MUNICIPAL CODE; REPEALING SECTIONS 21.02.272, 21.02.273, 21.02.441, 21.02.530, 21.46.112, 21.02.113, 21.48.112, 21.48.113, 21.48.115 AND LMC 21.48.119, REPEALING CHAPTER 5.92 OF THE LYNNWOOD MUNICIPAL CODE, PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.
The full text of these ordinances will be mailed upon request.
DATED this 5th day of December, 2016.
Debbie Karber, Deputy City Clerk
Published: December 6, 2016. EDH734201

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