



ORDINANCE NO. 3243

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE CITY'S DEVELOPMENT REGULATIONS, REPEALING LMC 21.02.150; AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 21.02.663, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900 AND LMC 21.43.110; AND ADDING LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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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 provide for more effective land use regulations in the City; and

WHEREAS, upon review of the provisions of this Ordinance, the City of Lynnwood SEPA Responsible Official on the 22<sup>nd</sup> day of November, 2016, determined that the provisions of the Ordinance are procedural in nature and are categorically exempt from SEPA threshold determination and EIS requirements pursuant to chapter 197-11 WAC and issued a Determination of Non-Significance; and

WHEREAS, on the 28<sup>th</sup> day September, 2016, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

WHEREAS, on the 8<sup>th</sup> day of December, 2016, the Lynnwood Planning Commission held a public hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance, and all persons wishing to be heard were heard; and

WHEREAS, following the public testimony portion of the public hearing, the Planning Commission deliberated on the draft legislation and by regular motion voted to recommend that

1 the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided  
2 herein; and

3  
4 WHEREAS, the City Council finds the provisions of this Ordinance to be in the best interest  
5 of the health, safety and welfare of the community; and

6  
7 WHEREAS, on the 9<sup>th</sup> day of January, 2017, the Lynnwood City Council held a public  
8 hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance,  
9 and all persons wishing to be heard were heard; now, therefore:

10  
11 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

12  
13 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City Council  
14 finds that the amendments contained herein are: a) consistent with the comprehensive plan; and  
15 b) substantially related to the public health, safety, or welfare; and c) not contrary to the best  
16 interest of the citizens and property owners of the city of Lynnwood.

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18 **Section 2. Amendment (License fee).** LMC 5.18.080 (License Fee) is hereby amended to read as  
19 follows:

20 **5.18.080 License Fee.**

21 Business license fees for mobile food vendors shall be in the amount  
22 specified for nonresident businesses in Chapter 3.104 LMC. The city business  
23 license will serve as evidence that the applicant has applied for and obtained a  
24 Washington State Department of Revenue business registration number.

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26 **Section 3. Repeal (Definitions).** LMC 21.02.150 (Building line) is repealed

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28 **Section 4. Amendment (Definitions).** LMC 21.02.566 (Personal Service Shop) is hereby amended  
29 to read as follows:

30 **21.02.566 Personal service shop.**

31 "Personal service shop" means small business establishments, which  
32 provide cosmetic and nonmedical health services for persons (e.g. barber or  
33 beauty shops, weight or fitness clinics, sun tan salons, etc.). This term does not  
34 include gymnasiums or health clubs over 5,000 square feet in building area.

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36 **Section 5. Amendment – New (Definitions).** LMC 21.02.662 (Setback) is hereby added to the  
37 Lynnwood Municipal Code to read as follows:

38 **21.02.662 Setback.**

39 "Front Yard Setback" is a space extending the full width of the lot between  
40 the front property line and the yard setback which is measured perpendicular  
41 from the front lot line to the minimum yard setback line.

1 "Rear Yard Setback" is a space extending across the full width of the lot  
2 between the rear lot line and the yard setback line which is measured  
3 perpendicular from the rear lot line to the minimum yard setback line.

4 "Side Yard Setback" is a space extending from the front yard to the rear  
5 yard measured perpendicular from the side lot line to the minimum yard setback  
6 line.

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8 **Section 6. Amendment – New (Definitions).** LMC 21.02.663 (Setback, building line) is hereby  
9 amended to read as follows:

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11 **21.02.663 Setback, building line.**

12 "Building line" means the line that is the required minimum distance from  
13 any lot line within which a building or structure must be erected or placed except  
14 for cornices, eaves, gutters, chimneys or one-story bay windows projecting not  
15 more than two feet; and open patios or decks not exceeding three feet in height  
16 above the average grade.

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18 **Section 7. Amendment (Capacity Requirements).** LMC 21.18.800 (Capacity Requirements) is  
19 hereby amended to read as follows:

20 **21.18.800 Capacity Requirements.**

21

Table 21.18.04	
Office Uses	Number of Parking Stalls Required
Dental or Medical Clinics (including chiropractors, psychologists/psychiatrists, outpatient surgery centers, optometrists, offices for fitting and repair of hearing aids and prosthetics, massage therapists, nonresident drug and alcohol counseling and treatment centers and similar)	One per 200 SF GFA
Office Buildings/Offices Not Providing On-site Services:	
Less than 25,000 SF GFA	3.8 per 1,000 SF GFA
25,000 – 100,000 SF GFA	3.5 per 1,000 SF GFA
100,000 – 500,000 SF GFA	3.0 per 1,000 SF GFA
Over 500,000 SF GFA	2.8 per 1,000 SF GFA
Offices Providing On-Site Service	One per 200 SF GFA

22  
23 **Section 8. Amendment.** LMC 1.35.180 (Amendment of an approved project or permit) is hereby  
24 amended to read as follows:

1           **1.35.180       Amendment of an approved project or permit.**

2           A. General. Except as otherwise provided in this section, an amendment of  
3           an approved project or permit shall be treated as a new application for  
4           decision using Process

5           B. Administrative Amendment of Conditional Use Permits, Shoreline  
6           Conditional Use Permits, Special Use Permits, and Planned Unit  
7           Developments. The following additions and activities to an approved  
8           project or decision are exempt from conditional use permits, special use  
9           permits, and planned unit development review, unless otherwise required  
10          by city code or by the terms of a concomitant agreement.

- 11          1. Repair without a change in the dimensions or configuration of the  
12          structure or sign; or
- 13          2. The addition of minor structural elements such as fences, carports and  
14          mechanical equipment; or
- 15          3. Restriping of parking or circulation areas, minor adjustments to parking  
16          area layout; provided, the total number of stalls does not fall below the  
17          requirements of the zoning code; or
- 18          4. Minor adjustments in building height not to exceed 10 percent in  
19          height, or minor adjustments in building location not to exceed 10 feet  
20          in any direction; provided, the structures do not vary from zoning code  
21          requirements to any greater degree than as approved with the original  
22          application; or
- 23          5. Reductions in freestanding sign size and height, and minor increases in  
24          sign height not to exceed 10 percent in height or minor adjustments in  
25          sign location not to exceed five feet in any direction; provided the  
26          sign(s) does not vary from zoning code requirements to any greater  
27          extent than as approved with the original application; or
- 28          6. Reductions in wall sign size, and minor adjustments in sign location on  
29          any one side of a building; or
- 30          7. Changes in color, design or in plant material.

31          C. Additional Criteria. In addition to those additions and activities listed in  
32          subsection(B) of this section, the community development director may  
33          determine that a proposed amendment to an approved project or permit  
34          is not suitable for administrative review if:

- 35          1. The proposal may result in any unmitigated significant adverse impact;  
36          and
- 37          2. The proposal is inconsistent with PUD/conditional use permit  
38          requirements or applicable design criteria; and
- 39          3. The proposal adds more than 300 square feet of new floor area per  
40          buildings, to approved building(s).

1 D. Appeal. The decision of the community development director pursuant to  
2 this section is appealable to the hearing examiner using Process II.

3 E. Decision Criteria for Administrative Amendment. The community  
4 development director shall act on a proposed amendment to an approved  
5 project or permit, including signs and sign programs, if:

- 6 1. The amendment maintains the design intent or purpose of the original  
7 approval, and does not modify zoning code requirements to any  
8 greater extent than any modification with the original application; and
- 9 2. The amendment maintains the quality of design or product established  
10 by the original approval; and
- 11 3. The amendment does not add more than the following:
  - 12 a. More than 1,000 square feet for an existing or approved building,  
13 or
  - 14 b. An addition of 1,000 square feet maximum for new structures; or
  - 15 c. An increase of 20 percent of total existing sign for freestanding  
16 signs, and/or 20% increase of total existing sign area for wall signs  
17 not to exceed maximum allowed by code; and
- 18 4. An addition of up to 1,000 square feet per existing or approved building  
19 is automatically treated as an administrative amendment unless the  
20 addition is exempt under subsection (b) of this section; and
- 21 5. The amendment does not cause a significant adverse environmental  
22 impact beyond the site; and
- 23 6. The amendment is not precluded by the terms of the city code or by  
24 state law from being decided administratively; and
- 25 7. The applicant has carried the burden of proof and produced evidence  
26 sufficient to support the conclusion that the application merits  
27 approval or approval with modifications; and
- 28 8. The applicant has demonstrated that the proposal complies with the  
29 applicable criteria of the city code.

30  
31 F. Conditions. The community development director may include conditions  
32 as part of the approval or approval with modifications to ensure  
33 conformance with the provisions of this section.

34 G. Written Proposed Decision. The community development director shall  
35 issue a written proposed decision on the administrative amendment which  
36 contains the following:

- 37 1. A description of the project or decision and the proposed  
38 administrative amendment; and
- 39 2. An analysis of the proposed administrative amendment using the  
40 applicable decision criteria and a determination that the administrative

- 1 amendment is within the scope of an administrative amendment  
2 pursuant to subsection (E) of this section; and  
3 3. A statement that the administrative amendment is proposed to be  
4 approved, approved with modifications or denied subject to the  
5 provisions of this section; and  
6 4. A statement of facts upon which the proposed decision, including any  
7 conditions, was based and conclusions derived from those facts.

8 H. Notice of Decision.

- 9 1. Content. The community development director shall issue notice of  
10 the decision containing the following:  
11 a. The name of the applicant, and if applicable, the project name; an  
12 b. The street address of the subject property and a description in non-  
13 legal terms sufficient to identify its location; and  
14 c. A vicinity map indicating the location of the subject property; and  
15 d. The file number of the previously approved project or decision; and  
16 e. A brief description of the previously approved project or decision  
17 and of the proposed administrative amendment; and  
18 f. A statement that the decision of the director is appealable to the  
19 hearing examiner.  
20 2. Distribution. The community development director shall issue the  
21 notice of the decision to:  
22 a. The applicant; and  
23 b. Each owner of real property abutting or directly across a public  
24 right-of-way from all contiguous property owner by the applicant  
25 determined by projecting the property line of that property.

26 **Section 9. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC 21.30.320 (Final  
27 development plans) is hereby amended to read as follows

28 **21.30.320 Final development plans**

- 29 A. Where preliminary PUD approval is granted, the petitioner shall within two  
30 years of the date of the preliminary approval submit a final development  
31 plan for approval pursuant to Process 1. In the event no final development  
32 plan is submitted within two years of the date of preliminary approval, the  
33 application shall expire.  
34 B. The approved plan will constitute a limitation on use and design of the site.  
35 Permitted land uses and design shall be substantively similar to those  
36 identified in the written decision.

1 **Section 10. Amendment – Chapter 21.30 (Planned Unit Developments).** LMC 21.30.900 (Use  
2 controls in planned unit developments) is hereby amended to read as follows

3  
4 **21.30.900 Use controls in planned unit developments**

5 A. Retail Uses. In residential planned unit developments accessory incidental  
6 limited retail uses will only be permitted in those developments which are  
7 planned for 200 families or more. Building permits or occupancy permits  
8 for such uses shall not be used until one-half of the total project is  
9 complete.

10 B. Open Space Land – Amount. In all residential planned unit developments,  
11 which include attached dwelling units or multiple dwellings, the design of  
12 the planned unit development is expected to demonstrate creativity in  
13 dealing with the topography, soil, existing vegetation, streams, and water  
14 bodies and other physical condition, to maximize common open space, or  
15 combinations of common open space and small private outdoor areas  
16 related to each residential unit. The open space of a planned unit  
17 development is expected to contribute to the continuity of any existing or  
18 planned open spaces within the vicinity, whether public or private.

19 C. Open Space Land – Guarantee. Adequate guarantee must be provided to  
20 insure permanent retention of open space land area resulting from the  
21 application of these regulations, either by private reservation for the use  
22 of residents within the development or by dedication to the public or a  
23 combination thereof.  
24

25 **Section 11. Amendment – Limitations on uses.** LMC 21.43.110 (Limitations on uses) is hereby  
26 amended to read as follows

27 **21.43.110 Limitations on uses.**

28 A. Agricultural and Horticultural Activities. Agricultural and horticultural  
29 activities, including plant nurseries, must be devoted to the raising of  
30 plants. No structures, uses, or accessory uses or structures are permitted,  
31 except those specifically authorized by the conditional use permit.  
32 Agricultural and horticultural activities, including plant nurseries, which  
33 are less than one acre in size are permitted uses. Agricultural and  
34 horticultural activities, including plant nurseries, which are one acre or  
35 more in size require a conditional use permit.

36 B. Public Utility Facilities. Public utility facilities necessary for the  
37 transmission, distribution or collection of electric, telephone, wireless  
38 communication, telegraph, cable television, natural gas, water, and sewer  
39 utility services, excluding sewer treatment plants, offices, repair shops,

1 warehouses, and storage yard, shall be subject to the following additional  
2 standards:

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

32 C. Provided, that this subsection shall not apply to utility facilities located on  
33 a property which are accessory to the residential use of that property or  
34 to the transmission, distribution or collection lines and equipment  
35 necessary to provide a direct utility connection to the property or  
36 neighboring properties, or to those utility facilities located on public rights-  
37 of-way, nor shall it apply to utility facilities installed within new  
38 subdivisions, which shall be evaluated prior to plat approval and do not  
39 require a separate conditional use permit.

40 D. Park and Pool Lots. Park and pool lots may be permitted by conditional  
41 use permit. In considering an application for such a use, the hearing  
42 examiner shall review all impacts of the proposed use upon the



1 surrounding neighborhood including, but not limited to, location, traffic,  
2 displacement of required stalls, noise, hours of operation, ingress and  
3 egress, signage, parking lot illumination and aesthetic impacts. In single-  
4 family zones, park and pool lots should not be the principal use of a  
5 property, but an accessory use to a permitted or conditional use in that  
6 zone.

7  
8 The applicant for such a permit shall submit a site plan indicating:

- 9 1. The property boundaries;
- 10 2. The location of all building on the site with the floor areas of each use  
11 indicated;
- 12 3. The location and dimensions of all existing or proposed parking stalls, including  
13 the designation of those to be available to park and pool users;
- 14 4. The location and type of all existing or proposed landscaping.

15  
16 The applicant shall also submit drawings of proposed signage and an analysis of the  
17 parking demand of any existing uses on the site and the anticipated demand by park  
18 and pool users.

19  
20 E. Child Day-Care Centers.

- 21 1. Considerations. Child day-care centers may be permitted by issuance  
22 of a conditional use permit. Before approval or denial of an  
23 application, the hearing examiner and city council will consider the  
24 need for the activity in the area and all possible impacts in the area  
25 including but not limited to the following:
  - 26 a. Any adverse or significant changes, alterations or increases in  
27 traffic flow that could create a hazardous situation as either a direct  
28 or indirect result of the proposed activity;
  - 29 b. Any abnormal increase in demand for any public service, facility or  
30 utility;
  - 31 c. The size, location, and access of the proposed site; and
  - 32 d. Any adverse effects on the standard of livability to the surrounding  
33 area.
- 34 2. Requirements. In any case, the approval of the conditional use permits  
35 shall include the following requirements:
  - 36 a. The applicant shall be state-licensed before the operation of the  
37 facility;
  - 38 b. Adequate off-street parking must be provided;
  - 39 c. All outdoor play areas must be fenced with a minimum of 800  
40 square feet plus an additional 80 square feet per additional child  
41 over 10;
  - 42 d. Site and sound screening standards for the outdoor play area must  
43 be met;

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- e. The applicant must provide off-street access to the facility from the public right-of-way for the purpose of pickup and delivery of children;
  - f. The applicant must indicate the ages of the children to be cared for;
  - g. See LMC 21.16.290(A) for sign regulations.
- F. **Manufactured Home Developments.** Permitted under the provisions for planned unit developments. See Chapters 21.30 and 21.70 LMC.
- G. **Two-Family Dwelling and Multiple Dwelling Units.** In RML, RMM and RMH zones. If there is more than one dwelling unit on the premises, there shall be not less than two units in a building, except as to the odd-numbered unit which may stand alone.
- H. **Senior Housing, Independent Living Communities, Assisted Living Facilities, Congregate Care and Continuing Care Communities.**
- 1. **Number of Residents.** The number of persons who will be residing in the property shall be generally consistent with the potential density of persons as would be expected from multiple dwelling units, except that the maximum number of units for housing for the elderly and handicapped shall be no greater than one and one-half times the number of units which would be allowed for multiple-family housing within the respective zone.
  - 2. **Impact on Surrounding Area.** The allowing of the proposed use shall not adversely affect the surrounding area.
  - 3. **Staff Evaluation and Recommendation.** Before any conditional use permit for the uses designated in this subsection is considered by the hearing examiner, a joint recommendation concerning development of the land and/or construction of the buildings shall be prepared by the fire and community development departments, specifying the conditions to be applied if approved. If it is concluded that the application for a conditional use permit should be approved, each requirement in the joint recommendation shall be considered and any which are found necessary for protection of the health, safety, and general welfare of the public shall be made part of the requirements of the conditional use permit. In any case, the approval of the conditional use permit shall include the following requirements:
    - a. The proposal's proximity to stores and services, safety of pedestrian access in the vicinity, access to public transit, and design measures to minimize incompatibility between the proposal and surrounding businesses.
    - b. Compliance with state, federal, and local regulations pertaining to such use, a description of the accommodations and the number of

1 persons accommodated or care for, and any structural  
2 requirements deemed necessary for such intended use;

- 3 c. The amount of space around and between buildings shall be  
4 subject to approval of the fire chief as being adequate for  
5 reasonable circulation of emergency vehicles or rescue operations  
6 and for prevention of conflagration;
- 7 d. The proposed use will not adversely affect the surrounding area as  
8 to present use or character of the future development;
- 9 e. Restriction to such intended use except by revision through a  
10 subsequent conditional use permit.

11 4. Open Space. A minimum of 200 square feet of passive recreation  
12 and/or open space shall be provided. Senior housing and care facilities  
13 have a need for recreational open space but is of a passive nature.  
14 Therefore, passive recreation space and/or open space shall be  
15 provided. Up to 50 percent of the requirement may be indoors;  
16 provided, that the space is utilized exclusively for passive recreation or  
17 open space (i.e. arts and crafts rooms, solariums, courtyards). All  
18 outdoor recreation and/or open space areas shall be set aside  
19 exclusively for such use and shall not include areas held in reserve for  
20 parking, as per LMC 21.18.800. All open space and/or recreational  
21 areas shall be of a permanent nature and they may be restricted to use  
22 by tenants only. The use of private and semi-private patios and  
23 balconies in meeting these requirements is not permitted.

- 24 I. Office Uses. The intended uses shall comply with the following minimum  
25 standards:
  - 26 1. No portion of the building in which the offices are permitted shall be  
27 occupied as a resident.
  - 28 2. The office use shall be generally professional in nature, which use shall  
29 include but not be limited to medical and dental offices or clinics,  
30 accountants, architects, attorneys at law, chiropractors, engineers,  
31 land surveyors, and opticians; provided, accessory retail uses may be  
32 allowed only if closely related to the principal uses of the building, such  
33 as pharmacies in medical buildings, and must be specified in the  
34 conditional use permit. When allowed, such retail uses shall be  
35 internally oriented, with external advertising identical to the  
36 professional offices and compliance with the conditional use permit;
  - 37 3. See LMC 21..16.290(G) for sign regulations
  - 38 4. The use shall be of a type unlikely to be open evenings or weekends  
39 and unlikely to generate large volumes of traffic;
  - 40 5. In considering the intended use, location of the building in proximity to  
41 existing multiple-or single-family uses, a determination shall be made

1 that the proposed use would not be detrimental to such existing  
2 residential uses.

3 J. Hospitals and Nursing Homes.

- 4 1. Setbacks. All buildings maintain a distance of not less than 35 feet from  
5 any single-family residential zone;
- 6 2. Occupancy. The accommodations and number of persons cared for  
7 conform to state and location regulations pertaining thereto;
- 8 3. Health Department Approval. The health department shall have  
9 approved all provisions for drainage and sanitation.

10 K. Boarding Houses. For purposes of determining allowable density and  
11 required parking, accommodations for each resident in a boarding house  
12 shall be considered the equivalent of one-half dwelling unit.

13  
14 **Section 12. New 21.42.900(C) (Other regulations).** LMC 21.42.900 (Other regulations) is hereby  
15 amended to read as follows:

16  
17 **21.42.900 Other Regulations**

- 18 A. Parking or storage of recreational vehicles shall be in conformance with  
19 LMC 10.08.200
- 20 B. Maintenance or repair of vehicles on residential property shall conform to  
21 the following standards:
  - 22 1. Such maintenance and repair shall not be conducted on a commercial  
23 basis.
  - 24 2. Any repair, painting, or maintenance work done on such vehicles shall  
25 not create an unsafe to unsightly condition or become a nuisance to  
26 residents of abutting properties.
  - 27 3. Any repair, painting or maintenance work done on such vehicles shall  
28 only be done within the hours from 9:00 a.m. to 9:00 p.m.
  - 29 4. Violations of the preceding standards shall result in notice being given  
30 by the city to the offender to discontinue such work or operation.  
31 Failure to immediately comply will subject the property owner and/or  
32 occupant to the penalties as prescribed by this title.
- 33 C. Setbacks for Residential Heat Pumps, A/C Units, Generators and Other  
34 Noise Generating Equipment. No mechanical equipment is allowed within  
35 three (3) feet of the side yard property line. If located within the minimum  
36 five (5) foot side yard setback, the applicant shall install barriers as a means  
37 of noise reduction. Common barrier materials include earth, steel,  
38 plywood and concrete. General guidelines for barrier walls include the  
39 following

- 1 1. Place barriers as close to the source as possible without restricting  
2 airflow to/from the unit. Consult manufacturer for minimum distance  
3 requirements. Care must be taken not to restrict the airflow of the unit  
4 as this would lead to a decrease in unit efficiency.
- 5 2. Barriers must be solid (i.e. 3/4" inch plywood or greater) extend all the  
6 way to the ground or deck and be free of holes, gaps and cracks. Noise  
7 will be transmitted through the wall if this condition is not met.
- 8 3. Weatherproof absorptive treatment can be provided with the barrier  
9 to reduce the noise reflected from the house wall.
- 10 4. A partial barrier can be provided for the unit in order to reduce the  
11 noise that would otherwise be radiated towards neighboring  
12 properties.
- 13 5. In situations where house walls will reflect sound back at the barrier,  
14 the effectiveness of the barrier shielding will be significantly reduced.  
15 To remedy this, wall surfaces facing the unit could be covered with  
16 sound absorbing material per Chapter 10.12 LMC.

17  
18 **Section 13. Severability.** If any section, sentence, clause or phrase of this Ordinance should be  
19 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
20 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
21 clause or phrase of this ordinance.

22  
23 **Section 14. Effective Date.** This Ordinance or a summary thereof consisting of the title shall be  
24 published in the official newspaper of the City, and shall take effect and be in full force five (5)  
25 days after publication.

26  
27 **Section 15. Summary Publication.** Publication of this Ordinance shall be by summary publication  
28 consisting of the Ordinance title

29  
30 PASSED this 9th day of January, 2017, and signed in authentication of its passage this 11th day of  
31 January, 2017.

32  
33 APPROVED:

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36 \_\_\_\_\_  
37 Nicola Smith, Mayor

38  
39  
40 ATTEST/AUTHENTICATED:

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42 \_\_\_\_\_  
43 Sonja Springer, Finance Director

44 APPROVED AS TO FORM:

45   
46 \_\_\_\_\_  
47 Rosemary Larson, City Attorney

1	FILED WITH ADMINISTRATIVE SERVICES:	01/10/2017
2	PASSED BY THE CITY COUNCIL:	01/09/2017
3	PUBLISHED:	01/13/2017
4	EFFECTIVE DATE:	01/18/2017
5	ORDINANCE NUMBER:	3243



On the, 9th day of January, 2017 the City Council of the City of Lynnwood, Washington, passed ordinance 3243. A summary of the content of these ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3243**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE CITY'S DEVELOPMENT REGULATIONS, REPEALING LMC 21.02.150; AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 21.02.663, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900 AND LMC 21.43.110; AND ADDING LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

The full text of these ordinances will be mailed upon request.

DATED this 13<sup>TH</sup> day of January, 2017.

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



**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. 3243 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3243**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON RELATING TO THE CITY'S DEVELOPMENT REGULATIONS, REPEALING LMC 21.02.150; AMENDING LMC 5.18.080, LMC 1.35.180 21.02.566, LMC 21.02.663, LMC 21.18.800, LMC 21.30.320, LMC 21.30.900, LMC 21.42.900 AND LMC 21.43.110; AND ADDING LMC 21.02.662 AND 21.02.663; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on January 9, 2017 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 January 13, 2017.

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Debra Karber, Deputy City Clerk