

CITY OF LYNNWOOD

ORDINANCE NO. 3283

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTERS 17.10.044C, 21.16.340D, 21.18.700, 21.42.110G.9, 21.42.200, 21.44.100A, 21.46.116C, 21.50.100, 21.62.250 AND 21.62.450A LYNNNWOOD MUNICIPAL CODE (LMC); AND 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 provide for effective application of legislation enacted by the City Council; and

WHEREAS, on the 25^{th} day of September 2017, 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 $3^{\rm rd}$ day of October 2017, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 14th day of December 2017, the Lynnwood Planning Commission held a public hearing on the 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 the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided herein; and

WHEREAS, on the 8th day of January 2018, the Lynnwood City Council 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;

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

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

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

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Section 2. Amendment. LMC 17.10.044 is hereby amended to read as follows:

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17.10.044 Exemptions

C. Existing structures, facilities, landscaping or other improvements that because of their existing location do not meet the setback requirements of this chapter may be remodeled, reconstructed or replaced, or maintained or repaired, providing that any such activity does not further intrude or encroach into a critical area or buffer, or adversely affect critical area functions. In the event that a structure or facility is to be reconstructed or replaced due to catastrophic loss (such as a fire, earthquake, or other major event), the property owner shall submit an application and related plans for reconstruction or replacement within two years from the date of the loss. The applicant shall then have one additional year to complete the reconstruction or replacement. In no case shall this exemption be valid for a period longer than three years. Failure to meet these deadlines shall invalidate this exemption, and any future construction activity on that site shall be required to comply with current regulations. Maintenance and repair does not include any modification that increases the amount of impervious surface, and does not include construction of an additional access road. Nothing herein releases the site from compliance with the provisions of LMC Title 10.08 or all of Title 21. These Titles may impose additional restrictions and limitations on the ability to rebuild or repair the non-conforming use, structure or site plan. They also require maintaining the property and structure in an acceptable condition before reconstruction or repairs are completed.

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Section 3. Amendment. LMC 21.16.340D is hereby amended to the to read as follows:

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21.16.340 Signs in the Highway 99 mixed use zone

- D. Wall Sign Standards.
 - 1. Single Story Building.

- a. Business tenants with building frontage: one square foot for of signage each lineal foot of building frontage; provided, that each tenant is allowed a minimum of 60 square feet of signage.
- Business tenant without building frontage: one half square foot for each lineal foot of building façade, not to exceed 100 square feet maximum.
- c. Allowable sign area may not be transferred from one façade and/or building frontage to another.

2. Multistory Building.

- a. Ground-floor business tenants with a direct exterior entrance into the business (not a lobby) area permitted one square foot of signage for each linear foot of building frontage of the applicable tenant space; provided, that each tenant is allowed a minimum of 60 square feet of signage. This signage shall be located at their exterior entry on the ground floor.
- b. Other Business Tenants with Building Frontage. The total exterior wall signage allowed shall be a maximum of one square foot of signage for each linear foot of building, up to a maximum of 250 square feet per building frontage (total for all business tenants). This signage may identify either the building, a major tenant of the building, or individual tenants that do not have a direct exterior entrance into their tenant space (or a combination of all three), as determined and allocated by the building owner. This signage may be located only on either the ground floor or the top floor (below the cornice or edge of the roof) of the building (or both), as determined by the owner.
- c. Business Tenants Without Building Frontage. The total exterior wall signage allowed shall be a maximum of one-half square foot for each lineal foot of building facade which does not meet the definition of building frontage, up to a maximum of 100 square feet (total for all business tenants). The property owner shall allocate this signage among tenants without building frontage, including tenant spaces without wall space along the exterior facade. This signage may be located only at the ground floor or the top floor of the building (or both), as determined by the owner.
- d. Allowable sign area may not be transferred from one facade and/or building frontage to another.
- e. In no case shall allowable sign area be permitted on intermediate floors (above the first story or below the top story).
- 3. Residential Development or Institutional Identification Signs. Wall signs for multifamily development identification are permitted. Signs at ground-floor public residential or institutional entrances shall have a maximum size of 20 square feet per such entrance. Additional signs may be permitted on the top floor (below the cornice or roof edge), provided such signs shall be allocated as part of the total allowable sign area per facade by the owner (see above).

128	4. Home Occupation Signs. Home occupations may be allocated sign area as part of
129	an internal or external sign directory; no other signage is permitted.
130	5. Maximum Height. Wall signs may not extend above the building parapet, soffit,
131	the eave line or the roof of the building.
132	6. Mounting. Building signs should be mounted plumb with the building, with a
133	maximum protrusion of one foot unless the sign incorporates sculptural elements
134	or architectural devices. The sign frame shall be concealed or integrated into the

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<u>Section 4. Amendment</u>. The "Minimum Stall and Aisle Dimensions" Table and the related notes in LMC 21.18.700 are hereby amended to read as follows:

building's architectural character in terms of form, color, and materials.

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Parking Lot Development Standards. 21.18.700

MINIMUM STALL AND AISLE DIMENSIONS

							One-	Way	Two-	-Way
	Stand	lard Car S	Stalls	Com	pact Car S	talls	Ais	les	Ais	les
	Stall	Stall	Stall	Stall	Stall	Stall	Aisle	Bay	Aisle	Bay
	Width	Center ±	Depth	Width	Center ±	Depth	Width	Width	Width	Width
Stall Angle (°)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)
-A-	-B-	-C-	-D-	-B-	-C-	-D-	-E-	-F-	-E-	-E-
0 (parallel – one side)	8.0	21.0	8.0	8.0	18.0	8.0	12.0	*	22.0	**
0 (parallel – both	8.0	21.0	8.0	8.0	18.0	8.0	22.0	*	24.0	**
sides)										
20	8.5	24.9	13.5	8.0	23.6	13.0	11.0	*	20.0	**
30	8.5	17.0	15.7	8.0	13.8	15.0	11.0	*	20.0	**
40	9.0	14.0	17.4	8.0	12.6	16.4	12.0	*	20.0	**
45	9.0	12.7	18.0	8.0	11.6	17.0	13.0	*	20.0	**
50	9.0	11.7	18.5	8.0	10.6	17.4	15.0	*	20.0	**
60	9.0	10.4	19.2	8.0	9.4	18.0	18.0	*	22.0	**
70	9.0	9.6	19.2	8.0	8.6	17.8	18.5	*	22.0	**
80	9.0	9.1	18.6	8.0	8.2	17.2	24.0	*	24.0	**

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MINIMUM STALL AND AISLE DIMENSIONS

							One-	·Way	Two-	-Way
	Standard Car Stalls			Compact Car Stalls		Aisles		Aisles		
	Stall	Stall	Stall	Stall	Stall	Stall	Aisle	Bay	Aisle	Bay
	Width	Center <u>+</u>	Depth	Width	Center ±	Depth	Width	Width	Width	Width
Stall Angle (°)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)	(ft.)
-A-	-B-	-C-	-D-	-B-	-C-	-D-	-E-	-F-	-E-	-E-
90 (perpendicular)	9.0	9.0	17.5	8.0	8.0	16.0	24.0	*	24.0	**
45 (herringbone)	9.0	12.7	15.1	8.0	11.6	14.2	13.0	*	20.0	**

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144 Notes:

145 * = Sum of D + E

146 ** = Sum of 2(D) + E

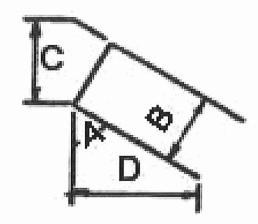
+ = Stall Center indicates the width from the center of a given parking space to the center point

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of the adjacent parking spot, also illustrated in the diagram below as section C. This

measurement is used to ensure that parking spaces are the appropriate size based on

development standards and do not include the measurement of painted lines.



Section 5. Amendment. LMC 21.42.110G.9 is hereby amended to read as follows:

21.42.110 Limitations on Use.

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9. Parking. One off-street parking space, having minimum dimensions of 9 feet by 17½ feet (standard vehicle parking), shall be provided for studio and one-bedroom units and two off-street parking spaces for shall be provided for two-bedroom units, in compliance with Chapter 21.18 LMC. Such parking shall be in addition to the two parking spaces required for the main residence; provided, that if at the time of the ADU application the property is non-conforming as to parking for the main residence, the applicant shall not be required to correct that nonconformity as a condition of approval of the ADU application. Parking shall be paved in conformance with standard city requirements and made to appear as one driveway servicing the primary residence. Parking may be located in a garage, carport, or in an off-street area reserved for vehicle parking. Parking may be located in tandem with parking spaces for the primary unit. Only one driveway may be used to meet the parking requirement. Parking may not encroach into any portion of the front setback, or the public or private right-of-way (including any landscaped portion).

Section 6. Amendment. Table 21.42.02, and the related notes, in LMC 21.42.200 are hereby amended to read as follows:

21.42.200 Development Standards.

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Standard	RS-8	RS-7	RS-4
Minimum Lot Area ⁺⁺⁺	8,400 sf	7,200 sf	4,000 sf
Minimum Lot Width	70 ft.+++	60 ft.	40 ft.
Minimum Frontage at Street	30 ft.***	30 ft.	25 ft.
Minimum Front Yard Setback:			*
Interior Lot	25 ft.	20 ft.	15 ft.
Corner Lot	25 ft.	20 ft.	15 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.

Table 21.42.02 Development Standards

Standard	RS-8	RS-7	RS-4
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.
Abutting a Private Road or Access Easement	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setbacks – Corner Lot:		4)	
Street Side	15 ft.	15 ft.	15 ft.
Interior Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	20 ft.	20 ft.	20 ft.
Abutting a Principal Arterial Street	25 ft.	25 ft.	20 ft.
Minimum Side Yard Setbacks – Interior Lot:			
One Side	5 ft.	5 ft.	5 ft.
Both Sides Combined	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	25 ft.	25 ft.	15 ft.*
Maximum Lot Coverage by Buildings	35 percent	35 percent	40 percent habitable space 50 percent – total
Maximum Building Height	35 ft.	35 ft.	30 ft.

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+++ See LMC 21.42.210.C A reduction to 15 ft. is allowed for lots that include an access easement that has a width that measures a minimum of 15 ft.

^{* 20} ft. when abutting an RS-7 or RS-8 zone.

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177	Section 7. Amendment. LMC 21.44.100A is hereby amended to read as follows:
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179	21.44.100 Uses Allowed.
180	A. Permitted Uses (and Accessory Uses As Determined by the Community Development
181	Director).
182	1. Residential Uses. All uses which are permitted in the RS-8 single-family
183	residential zone are permitted.
184	2. Institutional Uses. The following uses are permitted, subject to the standards
	of this chapter:
185	of this chapter.
186	a. Churches;
187	b. Private or semiprivate memorial buildings;
188	c. Community clubhouses, convention centers, public golf courses, and
	accessory uses;
189	accessory uses,
190	d. Art galleries, libraries, and museums;
191	e. Private and public schools, universities and colleges;
192	f. Child day care;
132	i. Cilia day care,
193	g. Public parks, playgrounds, and schools;
194	h. Municipal buildings, including fire stations, and performance arts
195	facilities, as well as any accessory building, related to a municipal <u>use</u>
196	i. Clubs or fraternal societies;
190	1. Clubs of fraternal societies,
197	j. Transit center;
198	k. Park-and-ride lots; and
199	l. Existing wastewater treatment plant.
133	i. Existing wastewater treatment plants
200	Section 8. Amendment. The introductory language in LMC 21.46.116C is hereby amended to
201	read as follows:
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21.46.116 Limitations of uses - Residential uses.

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 shall meet the Design Guidelines for Highway 99 Mixed-Use, adopted by Ordinance No. 2911, and may be combined with mixed use development subject to the following bulk requirements: ...

Section 9. Amendment. Table 21.50.01 in LMC 21.50.100 is hereby amended to read as follows:

21.50.100 Uses allowed in the industrial zones.

Table 21.50.01

Use	ВТР	LI
Assembly of Wood, Light Metal, Glass, Electronic, Electrical or Plastic Parts, or Components which are extruded, stamped, manufactured, shaped, or prepared elsewhere, not precluding minor processes such as cutting, drilling, soldering or minor welding	Р	Р
Athletic Clubs and Athletic Facilities such as handball, racquetball, tennis, and basketball courts, swimming pools, and exercise rooms	_	Р
Auditoriums	_	Р
Automotive and Machinery Repairing and Storage	_	Р
Banks and Other Financial Institutions	Р	Р
Battery Exchange Station (Electric Vehicles)	AC	Р
Biotechnology (except manufacturing pharmaceuticals)	Р	Р
Blacksmithing, Welding, and Metal Fabricating Shops	_	Р

Table 21.50.01

Use	ВТР	LI
Breweries, Distilleries and Wineries (which can include tasting and food service)	Р	Р
Building Material Yards	_	Р
Business and Professional Offices	Р	Р
Business Services and Office Supplies	Р	-
Cabinet, Millwork, or Wood Prefabrication Operations	С	Р
Child Day Care (e.g., day care for children of employees or patrons)	-	AC
Contractor's Offices, Shops, and Indoor Storage	Р	Р
Contractor's Offices, Shops, and Storage Yards	_	Р
Electric Vehicle Charging Station, Level 1, Level 2 or Level 3	Р	Р
Employee Cafeteria	AC	Р
Food and Dry Goods Distribution Operations	Р	Р
Food and Dry Goods Processing and Packaging	С	Р
Freight Warehouse Terminals	С	Р
Furniture Manufacture and Repair Shops	С	Р
Laundry and Dry Cleaning Plants	_	Р
Manufacturing, Rebuilding or Repairing Nonmetal Products	_	Р
Manufacturing Pharmaceuticals	_	С

Table 21.50.01

Use	ВТР	LI
Mass Transit Storage and Maintenance Facilities	-	С
Municipal Services	Р	Р
Nurseries, Greenhouses and Florist Shops	-	Р
Printing, Publishing and Binding	Р	Р
Public Utility Facilities	С	Р
Recycling Collection Centers	-	С
Research and Development	Р	Р
Residences for Watchmen or Custodians	-	Р
Restaurants with sit-down services (excluding drive-throughs)	Р	Р
Retail (accessory to permitted uses)	Р	Р
Retail Lumber Yards	_	Р
Self-Service Storage Facilities (including periodic auctions of materials from forfeited lockers by the owner/operator of the storage facility)	Р	Р
Universities, Colleges, Schools, including preschools, commercial schools, such as dancing, music, trade, etc.	Р	-
Veterinary Clinics and Veterinary Hospitals ⁺	С	Р
Warehouses (not including self-service storage facilities)	Р	Р

Table 21.50.01

Use	ВТР	LI
Wholesale trade (i.e., wholesale stores) with retailing confined exclusively to products which are manufactured, packaged, repacked, reloaded or otherwise processed on the same premises	С	Р
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) ⁺	С	С
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) ⁺	Р	Р
Wireless Communications Facility, Attached	Р	Р
Other uses that are determined by the community development director would be compatible with the uses permitted in the respective zones per LMC $\underline{21.50.050}$.		

213 +See LMC <u>21.50.110</u>.

214 Key:

P = Use is permitted as a primary use.

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

A = Permitted as accessory use with a principal permitted or approved conditional use.

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

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

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215	Section 10. Amendment. LMC 21.62.250 LMC is hereby amended to read as follows:
216	21.62.250 Regulations for specific uses.
217	A. Veterinarian Clinics. See LMC 21.46.114(A)
218 219	B. Assisted Care Facilities and Senior Housing. See requirement for passive recreation and/or open space in LMC 21.46.116(D)(2)(b).
220 221	C. Temporary Outdoor Display of Merchandise. Small, temporary displays of products of merchandise offered for sale by a business may be displayed outdoors; provided, that:
222 223	1. The display shall be located no more than 20 feet from the primary entry to the business; and
224	2. The area occupied by the display shall not exceed 300 square feet; and
225 226	3. The products or merchandise shall be displayed outdoors only when the business is open; and
227 228	4. Sidewalks shall not be enclosed as building space for retailing by fencing or other means that effectively limit public use of the sidewalk; and
229 230 231	5. The limitations in this subsection do not apply to the display of automobiles of other merchandise that require outdoor storage. Such displays are permitted as a normal part of that use or business.
232	Section 11. Amendment. LMC 21.62.450A is hereby amended to read as follows:
233234235236	21.62.450 Treatment at transitional property lines. Where a property zoned Highway 99 mixed use abuts a property zoned residential, the following regulations shall apply:
237238239	A. Setback and building height adjacent to a multifamily residential zone:
240 241 242	 For the portion of the property line adjacent to a multifamily zone, the setbac shall be a minimum of 15 feet.

Use is prohibited.

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245	2. Portio	ons of buildings within	n 30 feet of an adjacent multifamily zone shall have
246	a max	kimum height of 35 fe	eet.
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248		_	han 30 feet and less than 60 feet from a multifamily
249	zone s	hall have a maximum	building height of 65 feet.
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252			tence, clause or phrase of this ordinance should be
253	held to be invalid or ur	iconstitutional by a	court of competent jurisdiction, such invalidity or
254	unconstitutionality shall	not affect the validity	or constitutionality of any other section, sentence,
255	clause or phrase of this	ordinance.	
256			
257			r a summary thereof consisting of the title shall be
258	published in the official	newspaper of the Cit	ty, and shall take effect and be in full force five (5)
259	days after publication.		
260			
261	PASSED BY THE CITY CO	JNCIL, the 8th day of	January 2018.
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263			APPROVED:
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265 266			Whind
267			Nicela Castale Manage
268			Nicola Smith, Mayor
269	ATTEST/AUTHENTICATE) <u>.</u>	APPROVED AS TO FORM:
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271	M		
272	Sono		100/12m
273	Sonja Springer		Rosemary Larson, City Attorney
274	Finance Director		
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283	FILED WITH ADMINISTRATIVE		
284	PASSED BY THE CITY COUNCIL		
285 286	PUBLISHED: EFFECTIVE DATE:_	01/12/2018 01/17/2018	
287	ORDINANCE NUMBER:	3283	



On the 8th day of January 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3283. A summary of the content of these ordinance, consisting of the title, provides as follows:

ORDINANCE 3283

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTERS 17.10.044C, 21.16.340D, 21.18.700, 21.42.110G.9, 21.42.200, 21.44.100A, 21.46.116C, 21.50.100, 21.62.250 AND 21.62.450A LYNNNWOOD MUNICIPAL CODE (LMC); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

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

DATED this 12th day of January 2018.

Debbie Karber, Deputy City Clerk

Everett Daily Herald

Affidavit of Publication

State of Washington } County of Snohomish

Dicy Sheppard 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 EDH792252 ORDINANCE NO. 3283 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 01/12/2018 and ending on 01/12/2018 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$29.08

Subscribed and sworn before me on this

day of

Notary Public in and for the State of

Washington.

City of Lynnwood - LEGAL ADS | 14127890 SONJA SPRINGER

Linda Phillips Notery Public State of Washington My Appointment Expires 08/29/202

CLASSIFIED ADVERTISING

PROOF/RECEIPT

LYNNWOOD

On the 8th day of January 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3283. A summary of the content of these ordinance, consisting of the litte, provides as follows:

Lynnwood, Washington, Content of these ordinance, consisting or mix content of these ordinance, consisting or mix content of these ordinances of the CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTERS 17.10, 21.16, 21.18, 21.42, 21.44, 21.46, 21.50 AND 21.62 LYNNNWOOD MUNICIPAL CODE (LMC); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

The full text of these ordinances will be mailed upon request. DATED this 8th day of January 2018.

Debbie Karber, Deputy City Clerk EDH792252



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. 3283 of the City of Lynnwood, Washington, entitled as follows:

ORDINANCE NO. 3283

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, AMENDING CHAPTERS 17.10.044C, 21.16.340D, 21.18.700, 21.42.110G.9, 21.42.200, 21.44.100A, 21.46.116C, 21.50.100, 21.62.250 AND 21.62.450A LYNNWOOD MUNICIPAL CODE (LMC); AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.

That said ordinance was passed by the Council on January 8, 2018 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 12, 2018.

Debra Karber, Deputy City Clerk