



ORDINANCE NO. 3311

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING MISCELLANEOUS AMENDMENTS TO THE CITY'S ZONING CODE AND RELATED REGULATIONS; AMENDING SECTIONS 10.08.200, 19.35.010, 19.40.040E, 19.50.040A, 19.50.050, 21.02.325, 21.16.220, 21.16.330, 21.22.400, 21.25.180, 21.42.110G, 21.42.200, 21.46.100, 21.46.116B, AND 21.46.200 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 1.35.702, 21.02.679, 21.02.688, 21.25.050 AND 21.46.150 TO THE LYNNWOOD MUNICIPAL CODE; 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 enhance the effective application of legislation enacted by the City Council; and

WHEREAS, on the 15<sup>th</sup> day of May 2018, 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 12<sup>th</sup> day of June 2018, the City of Lynnwood SEPA Responsible Official issued a Determination of Non-Significance (DNS) on the proposal; and

WHEREAS, on the 26<sup>th</sup> day of Jul 2018, 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 the Lynnwood City Council adopt the amendments to the Lynnwood Municipal Code as provided herein; and

1  
2 WHEREAS, on the 24<sup>th</sup> day of September 2018, the Lynnwood City Council held a public  
3 hearing on proposed amendments to the Lynnwood Municipal Code provided by this ordinance,  
4 and all persons wishing to be heard were heard;

5  
6 WHEREAS, the City Council finds the provisions of this Ordinance to be in the best interest  
7 of the health, safety and welfare of the community; now, therefore

8  
9 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:  
10

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

16 **Section 2. Amendment.** LMC 21.22.400 is hereby amended to read as follows:  
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18 **21.22.400 Applicable procedure.**

19 The city shall process an application for a reclassification of property as follows:

- 20 A. Site-specific or area-wide reclassification, processed concurrently with an application to amend the  
21 comprehensive plan future land use map designation for the same property: Process IV (decision  
22 by city council following public hearings by planning commission and city council). In instances  
23 where two public hearings for a land use permit may conflict with the provisions of RCW  
24 36.70B.050, a single public hearing on the reclassification will be conducted by the city council.
- 25 B. Site-specific or area-wide reclassification, processed concurrently with adoption of a subarea plan:  
26 Process IV (decision by city council following public hearings by planning commission and city  
27 council). In instances where two public hearings for a land use permit may conflict with the  
28 provisions of RCW 36.70B.050, a single public hearing on the reclassification will be conducted by  
29 the city council.
- 30 C. Area-wide reclassification: Process IV (decision by city council following public hearings by planning  
31 commission and city council).
- 32 D. Site-specific reclassification: Process I (decision by hearing examiner following public hearing);  
33 provided, that any appeal of the hearing examiner's decision will be to the City Council under  
34 Process VII.

35  
36 **Section 3. New Section.** A new section 1.35.702 is added to the Lynnwood Municipal Code to  
37 read as follows:  
38

1 **1.35.702 Process VII: Time for appeal.**

2 An appeal from a decision of the hearing examiner under Process VII shall be filed with the department  
3 director within 14 days from the date of issuance of the decision being appealed, unless a different  
4 appeal period is stated in another provision of the city code. The fee for filing an appeal in the amount  
5 established in Chapter 3.104 LMC shall be submitted with the appeal. The timely filing of an appeal shall  
6 stay the effective date of the decision until such time as the decision is adjudicated or withdrawn.  
7

8 **Section 4. Amendment.** LMC 10.08.200 is hereby amended to read as follows:

9  
10 **10.08.200 Public nuisance defined.**

- 11 A. Every act unlawfully done and every omission to perform a duty, which act or omission does any of  
12 the following, shall constitute a public nuisance:
- 13 1. Injures, endangers or unreasonably annoys the safety, health, comfort, or repose of the citizens  
14 of the city; or
  - 15 2. Offends public decency; or
  - 16 3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a  
17 public park, street, alley, highway, stream, canal, or basin; or
  - 18 4. In any way renders any citizens of the city insecure in life or use of property.
- 19 B. The following acts, omissions or conditions, in addition to any others in violation of subsection (A)  
20 of this section, shall constitute a public nuisance:
- 21 1. Throwing, depositions, exposing, or causing to be disposed of, in any street or other public place  
22 within the city, any garbage, waste, refuse, litter, debris, or other offensive material, unless the  
23 disposal of such items in such place is specifically authorized by law;
  - 24 2. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials to be  
25 collected or deposited, or to remain in any place in the city, to the annoyance of any person,  
26 unless otherwise permitted by law;
  - 27 3. Erecting, continuing, or using any building, room, property, or other place in the city for the  
28 exercise of any trade, employment, or manufacture which results in offensive odors or other  
29 annoyances being released, and which annoys, injures, or is offensive or detrimental to the  
30 health of the individuals there employed or residing, or the public;
  - 31 4. Burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, or  
32 gases arising from such burning to become discomforting or annoying, or to injure or endanger  
33 the health of any person or neighborhood;
  - 34 5. All houses, rooms, booths, or other structures used as a place of resort where disorderly  
35 persons are allowed to congregate, or in which drunkenness is carried on or permitted;

- 1 6. Any pit, basin, hole, or other excavation which is unguarded and dangerous to life, or has been  
2 abandoned, or is no longer used for the purpose for which it was constructed, or is maintained  
3 contrary to law;
- 4 7. All obstructions to streets, rights-of-way, or other public ways in the city, and all excavations in  
5 or under the same, which are by ordinance prohibited, or which may be made without lawful  
6 permission, or which, having been made by lawful permission, are kept and maintained after the  
7 purpose thereof has been accomplished, or for an unreasonable length of time;
- 8 8. Erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or  
9 upon any private lot, building, structure, or premises, or in or upon any street, alley, sidewalk,  
10 park, parkway, or other public or private place in the city, any one or more of, but not limited to,  
11 the following conditions or things:
  - 12 a. Any unsound, putrid, or unwholesome bone, meat, hides, skin, or the whole or parts of any  
13 dead animal or fish, or any unsound, putrid, or unwholesome substance; or the offal,  
14 garbage, or other offensive parts of any animals; or any noxious, offensive, dangerous or  
15 otherwise injurious chemicals or other materials such as oil, grease, poisons, explosives,  
16 radioactive materials, and other similar substances in such a manner as to be offensive or  
17 injurious to public health, or unpleasant or disagreeable to the adjacent residences or  
18 persons;
  - 19 b. Any cellar, vault, drain, sewer, or septic tank to become, from any cause, noxious, foul,  
20 offensive, or injurious to public health, or unpleasant or disagreeable to the adjacent  
21 residences or persons;
  - 22 c. Any noxious, foul, or putrid liquid or substances, or any liquid or substance likely to become  
23 noxious, foul, offensive, or putrid, to be discharged, placed or thrown upon or to flow from  
24 or out of any premises into, or upon, any adjacent premises, or any public street or alley, or  
25 to stand, remain, or be upon any premises;
- 26 9. All vacant, unused, or unoccupied buildings and structures within the city, which are allowed to  
27 become or remain open to entrance by unauthorized persons or the general public, because of  
28 broken, missing, or open doors, windows, or other openings, so that the same may be used by  
29 vagrants or other persons in a manner detrimental to the health and welfare of the inhabitants  
30 of the city;
- 31 10. Any refrigerator, icebox or deep-freeze locker having a capacity of one and one-half cubic feet or  
32 more or any other container manufactured, custom-made or homemade designed for storage  
33 which is discarded, abandoned or left in any place accessible to children and which has not had  
34 the door or latching mechanism removed to prevent the latching or locking of the door;

- 1 11. The depositing or allowing of irrigation or other water to run by any street, alley, or other public  
2 place, or to cause annoyance, damage, or hazard to any user of the street, alley, or other public  
3 place;
- 4 12. Vegetation left uncut and/or in an unkempt condition to the extent it creates safety or fire  
5 hazards, and/or pest harborages, or otherwise interferes with, annoys, injures or endangers the  
6 comfort, repose, health or safety of others, or obstructs or tends to obstruct, or renders  
7 dangerous for passage, any sidewalk, street or highway; or in any way renders other persons  
8 insecure in life, or in the use and enjoyment of property, shall constitute a public nuisance. The  
9 following conditions shall also constitute a public nuisance and are prohibited:
- 10 a. Trees, plants, bushes, shrubs, vines, other vegetation or parts thereof which overhang any  
11 sidewalk, street, alley or other public way which are growing in such a manner as to cause a  
12 sight distance hazard or to obstruct or impair the full use of the sidewalk, street, alley or  
13 other public way are declared to be a public nuisance;
- 14 b. Trees, plants, bushes, shrubs, grasses, vines, other vegetation or parts thereof that are  
15 growing and/or grown and died and are now causing a fire hazard or menace to public  
16 health and safety, or are degrading or causing a decline of the character of the  
17 neighborhood are also declared to be a public nuisance;
- 18 c. Grasses (lawn) within the yards of residential properties which are not maintained at a  
19 height of eight inches or less are also declared to be a public nuisance. The intent of this  
20 provision is to provide guidance and support for enforcement activities in cases where the  
21 city has determined there to be an egregious lack of yard maintenance;
- 22 13. The keeping, using, maintaining of any pen, stable, lot, place of premises in which any hog,  
23 cattle, or fowl may be confined or kept, in such manner as to be nauseous, foul, or offensive;
- 24 14. The keeping or harboring of any animal which by frequent or habitual howling, yelping, barking,  
25 or the making of other noises, or the keeping or harboring of any fowl which by frequent or  
26 habitual crowing or the making of other noises shall annoy or disturb a neighborhood or any  
27 considerable number of persons;
- 28 15. To own or occupy any premises upon which there shall be any trees or shrubbery which have  
29 become infested by caterpillars. It shall be the duty of every person owning or occupying any  
30 premises in the city of Lynnwood on which there shall be growing any fruit, shade or forest  
31 trees, or shrubbery of any kind, to keep the same free from caterpillars, and in the event that it  
32 is found that any fruit, shade or forest trees, or shrubbery have become infested with  
33 caterpillars, it is unlawful for the owner or occupant of any such premises on which there shall  
34 be growing any such trees or shrubbery to fail or neglect to promptly take and use such

1 methods as may be necessary to effectually destroy such caterpillars, or to in lieu thereof  
2 destroy such trees or shrubbery;

3 16. On property residentially zoned, or property occupied by a single-family residence or duplex, the  
4 parking, storing or allowing to be parked or stored or kept:

5 a. Any commercial vehicles, as that term is defined in this section; or

6 b. More than four motor vehicles, but not including any recreational vehicles, trailers,  
7 unmounted camper or canopy shells, motor homes, or boats over 14 feet in length;  
8 provided, it is an affirmative defense to this section for the total to exceed four motor  
9 vehicles by the number of licensed drivers who reside at the residence and whose driver's  
10 licenses are the same as the residence; or

11 c. A total of not more than three combined number of recreational vehicles, motor homes,  
12 trailers, unmounted camper or canopy shells, boats over 14 feet in length; and further  
13 provided, that subsections (B)(16)(a) through (c) of this section are subject to the following:

14 i. One commercial vehicle up to 16,500 pounds gross vehicle weight may be parked on  
15 property residentially zoned or property occupied by a single-family residence or  
16 duplex; and

17 ii. Any number of the total allowed may be parked, stored, or located upon a designated  
18 driveway as defined in this subsection; and

19 iii. A total of not more than two of the total allowed may be parked, stored, or located  
20 anywhere else on the property within the side or rear yards, subject to requirements of  
21 the zoning, building, and fire codes; and

22 iv. A total of not more than two of the total allowed, and only if they are motor vehicles  
23 (not including recreational vehicles, motor homes, trailers, unmounted camper or  
24 canopy shells, boats over 14 feet in length), may be parked on private property adjacent  
25 to and within 20 feet of the right-of-way so long as:

26 (A) The area is surfaced by asphalt, concrete, gravel or similar material; and

27 (B) The parking area is immediately accessible to the traveled portion of the roadway  
28 without intervening sidewalk; and

29 v. Any vehicle, recreational vehicle, trailer, boat, camper, or motor home must be  
30 currently licensed and in operable condition;

31 d. This subsection does not apply to the following:

32 i. Any vehicle, including recreational vehicles, motor vehicles, trailers, camper shells, or  
33 boats, when they are kept or located in or under any lawfully permitted and constructed  
34 building;

- 1           ii. Temporary parking for a duration not to exceed 12 hours, for example, for temporary  
2           repairs, cleaning, or guests, excluding temporary parking of commercial vehicles except  
3           as otherwise provided in this section;
- 4           iii. Any property or situation where a development regulation applies. For example, the  
5           limitation on number of vehicles would not apply at an apartment constructed pursuant  
6           to an approved building plan and permit with approved parking plans. For further  
7           example, parking would not be allowed in an approved landscaped area;
- 8           iv. To allow parking in or on the right-of-way, city-owned property, or fire lanes;
- 9           v. To allow the parking of any junk vehicles;
- 10          vi. Parking of motorcycles is exempt from this section;
- 11          e. Designated driveway” means the clearly defined roadway leading from the street which is  
12          surfaced by asphalt, concrete, gravel or similar material not to exceed 24 feet in width, or  
13          otherwise as shown on city-approved building or site plans approved by the public works  
14          department. Where there is curb and gutter at the street, the driveway must have an  
15          approved curb cut. Where a property has more than one driveway, the vehicles may only be  
16          parked in one driveway in the area between the front of the residence or principal structure  
17          and the lot front line;
- 18          f. “Vehicle” or “motor vehicle” means a currently licensed motorized or nonmotorized  
19          conveyance that includes, but is not limited to, an automobile, car, truck, trailer, camper,  
20          motorcycle, or watercraft, in operable condition;
- 21          g. “Recreational vehicle” means a currently licensed motorized or nonmotorized conveyance  
22          that includes, but is not limited to, motor homes, travel trailers, folding tent trailers, truck  
23          campers removed from a truck or pickup, horse trailers, boat trailers with or without boats,  
24          utility trailers, and similar vehicles;
- 25          h. “Commercial vehicle” means any motor vehicle the principal use of which is the  
26          transportation of commodities, merchandise, produce, freight, vehicles, animals, passengers  
27          for hire, or which is used primarily in construction or farming, including but not limited to  
28          bulldozers, backhoes, tractors and cranes. Parking of commercial vehicles on property  
29          residentially zoned, or property occupied by a single-family residence or duplex, shall  
30          constitute a nuisance and is prohibited. It shall be a defense to a violation of this section  
31          that during the entire time that the commercial vehicle was parked in the residential  
32          neighborhood, the operator of the vehicle was actively engaged in making a delivery or  
33          providing services to residents in the immediate vicinity of where the vehicle was parked;
- 34          17. On any property, a recreational vehicle may be used as a dwelling no more than 30 cumulative  
35          days within a calendar year. When there is an existing dwelling unit in a permanent structure on

1 the property and said structure is undergoing construction, a recreational vehicle may be used  
2 as a dwelling for more than 30 cumulative days within a calendar year. If a recreational vehicle is  
3 to be used as a dwelling unit in conjunction with ongoing construction the developer must notify  
4 the City at the time of building permit;

- 5 18. On any privately-owned property, keeping, storing or allowing to be kept or stored any junk that  
6 is not wholly enclosed by a sight-obscuring fence (except for gates, which shall remain closed) so  
7 as to render the junk not visible to public rights-of-way or to adjacent properties. This section  
8 does not apply to any property or situation where a development regulation applies;
- 9 19. Using property as a junk yard, or dumping ground, or for the wrecking or disassembling of  
10 automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out,  
11 wrecked, or abandoned automobiles, trucks or other machinery of any kind, or of any of the  
12 parts thereof unless lawfully licensed to do so;
- 13 20. Allowing, retaining or otherwise permitting a building or structure to remain on any lot, site,  
14 tract or parcel of land in any zone of the city, if that building or structure meets each of the  
15 following four criteria:
- 16 a. For one year or more the building or structure has not been legally occupied by a permitted  
17 use within the land use zone where it is located; and
  - 18 b. The building or structure does not meet minimum occupancy standards for a use permitted  
19 in the applicable zone; and
  - 20 c. The value of the improvements needed to bring the building or structure into compliance  
21 with the minimum occupancy standards for a use permitted in the applicable zone would  
22 exceed 25 percent of the assessed or appraised value, as determined by the community  
23 development director or designee; and
  - 24 d. The building or structure has any exterior openings closed by extrinsic devices, giving the  
25 building or structure the appearance that it is not occupied or used for any use allowed by  
26 the zoning code at the particular location.

27 This provision shall not apply to a building or structure listed on the National Register of Historic  
28 Places, Washington State Register of Historic Places, Washington State Cultural Resource  
29 Inventory, or Snohomish County Cultural Resource Inventory; and

- 30 21. Allowing, retaining or otherwise permitting a nonconforming building or structure, as defined in  
31 LMC Title 21, to remain on any lot, site, tract or parcel of land in any zone of the city if that  
32 building or structure cannot, under the requirements of the zoning code, be restored or  
33 repaired to allow occupancy by a use conforming to the zoning code.



1 This provision shall not apply to a building or structure listed on the National Register of Historic  
2 Places, Washington State Register of Historic Places, Washington State Cultural Resource  
3 Inventory, or Snohomish County Cultural Resource Inventory.

4 C. The following acts, in addition to any others in violation of subsection (A) or (B) of this section,  
5 constitute a public nuisance:

6 1. Conditions which are determined by the department director or department head responsible  
7 for enforcing an ordinance or chapter of the Lynnwood Municipal Code to be violations of the  
8 standards and requirements of the ordinance or code and unreasonably detrimental to the  
9 public health and safety, or welfare, so as to constitute a public nuisance. The criteria for  
10 determining whether a nuisance exists shall be based on the criteria in subsection (A) of this  
11 section and Chapter 7.48 RCW.

12 D. Any determination of or with respect to a public nuisance is subject to review in accordance with  
13 Phase II Process, LMC 1.35.200.  
14

15 **Section 5. Amendment.** LMC 19.35.010 is hereby amended to read as follows:  
16

17 **19.35.010 Lot and block design.**

18 In order to ensure a functional and efficient design, reduce conflicts with transportation facilities, and  
19 create desirable lots for development, all activities regulated under this title shall comply with the  
20 following requirements:

21 A. Lot Design.

22 1. All lots shall meet the minimum requirements of the zoning ordinance, LMC Title 21, for the  
23 zone in which the property is located with respect to area, depth, width at street right-of-way,  
24 width at building line, yards, percentage of coverage, and, if applicable, parking and loading.

25 2. All lots shall be provided direct access from a dedicated public street by means of minimum  
26 frontage on a public street right-of-way or by a private road, ~~as specified by LMC 19.50.050(A),~~  
27 ~~Private Roads.~~

28 3. In general, lots and streets should be designed so that no residential property has direct  
29 driveway access to a principal arterial. Direct driveway access to minor arterials and collectors  
30 shall be minimized. Where driveway access from a principal, minor, or collector arterial may be  
31 necessary for two or more adjoining lots, said lots may be required to be served by a common  
32 driveway in order to limit possible traffic hazards.

33 4. Where lots are more than double the minimum size required for the zone, the subdivider may  
34 be required to arrange lots so as to allow further subdivision and the opening of future streets  
35 to serve potential lots.

- 1 5. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines)  
2 unless variation from this rule will provide a better street or lot pattern.
- 3 6. Lots shall be laid out to provide drainage away from all buildings, and individual lot drainage  
4 shall be coordinated with the storm drainage pattern for the area. In general, drainage shall be  
5 designed to avoid concentration of storm water from one lot onto an adjacent lot.
- 6 7. In general, the ratio of the depth of any lot to its width shall not be greater than two and one-  
7 half to one.
- 8 8. Lots having frontage on two streets shall be avoided wherever possible.
- 9 9. A panhandle may count toward the lot area and any dimensional requirement for the lot from  
10 which the panhandle extends when serving as access to only that lot.
- 11 10. In order to encourage sharing of private roads, the area of a private road may be divided evenly  
12 between the lots using that private road for access in order to meet lot area requirements. A  
13 private road may be used to meet any dimensional requirement for a lot that uses that private  
14 road for access.

15 B. Blocks shall meet the following requirements:

- 16 1. The length of blocks shall not exceed 1,320 feet;
- 17 2. In any block exceeding 500 feet in length, walks or pedestrian ways at a mid-block point shall be  
18 required in order to encourage walking in between residential subdivisions. Pedestrian  
19 walkways may be required to provide circulation or access to school, playgrounds, shopping  
20 centers, etc. The walks or pedestrian ways shall be provided in a public easement which shall be  
21 at least 10 feet in width and designed to the specifications of the public works director;
- 22 3. Lots and blocks intended for commercial and industrial use shall be designed specifically for  
23 such purposes, with adequate space provided for off-street parking, loading, and delivery. In  
24 order to assist review of the proposed development, the hearing examiner may require a  
25 preliminary site plan, a preliminary floor plan, or a preliminary landscaping plan to ensure that  
26 the platted area is adequate and will not create a need for future variances;
- 27 4. The hearing examiner may grant an exception to the requirements of this subsection if it finds  
28 that complying with these requirements would result in improved traffic calming and/or  
29 pedestrian circulation.

30 C. Private Roads.

- 31 1. Any road surface not open to general public use shall be retained permanently as a privately  
32 owned and privately maintained road. This may be accomplished by creating a private tract or  
33 easement for ingress and egress purposes.

- 1        2. The covenants of any plat containing a private road shall bear the following language: "Warning:  
2        Lynnwood has no responsibility to build, improve, maintain, or otherwise service the private  
3        roads contained within or providing service to the property described in this plat."
- 4        3. Privately owned roads shall be open for necessary public use (emergency and utility access) as  
5        determined by the city of Lynnwood.
- 6        4. Private roads shall meet the following:
  - 7            a. The tract or easement and driving surface shall be a minimum of 20 feet wide. When serving  
8            a single lot, the tract or easement and driving surface may be reduced to minimum of 15  
9            feet wide with approval by the Public Works Director and Fire Marshal. Where a lot is served  
10           by a private road with a reduced width, fire suppression sprinklers shall be installed at any  
11           residence built at such lot. The design of the sprinklers shall be subject to approval of the  
12           fire marshal;
  - 13           b. No parking shall be permitted on the private road serving two or more lots. A "No Parking"  
14           sign shall be posted in accordance with city standards and at the owner's expense;
  - 15           c. Addresses of all residences shall be posted at the intersection of the private road and the  
16           public street, subject to staff approval.
- 17        5. All roads within a plat shall meet city construction standards for private roads.
- 18        6. Private roads shall serve no more than four lots and not exceed 300 feet in length unless  
19        approved by the public works director and fire marshal.
- 20        7. A workable turnaround shall be provided in conformance to the standards of the fire  
21        department and public works department.
- 22        8. A private maintenance agreement shall be required for any private road serving two or more  
23        lots.
- 24        9. All private roads shall meet the access control guidelines within ordinance 2968, or any  
25        subsequent ordinance.

26  
27 **Section 6. Amendment.** LMC 19.50.040A is hereby amended to read as follows:  
28

29 **19.50.040 Final short plat application.**

- 30        A. The final short plat application shall contain the following information:
  - 31            1. ~~The gross and net square footage computation of each lot, or parcel, and/or tract. The square~~  
32            ~~footage of land contained in access panhandles and/or private roads may be included in the lot~~  
33            ~~size computation when serving no more than one lot from a right of way. Building area shall be~~  
34            ~~demonstrated at time of preliminary review/approval;~~
  - 35            2. The source of water supply;

3. The method of sewage disposal;
4. A survey prepared by a licensed surveyor registered in the state of Washington.

**Section 7. Amendment.** LMC 19.50.050 is hereby amended to read as follows:

**19.50.050 General requirements.**

In addition to the design standards of Chapter 19.35 LMC, the following are applicable to all short subdivisions:

~~A. Private Roads.~~

- ~~1. Any road surface not open to general public use shall be retained permanently as a privately owned and privately maintained road. This may be accomplished by creating a private tract or easement for ingress and egress purposes.~~
- ~~2. The covenants of any short plat containing a private road shall bear the following language:  
"Warning: Lynnwood has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the property described in this short plat."~~
- ~~3. Privately owned roads shall be open for necessary public use (emergency and utility access) as determined by the city of Lynnwood.~~
- ~~4. Private roads shall meet the following:
  - ~~1. The tract or easement and driving surface shall be a minimum of 20 feet wide, except as provided in LMC 9.06.020. Where a lot is served by a private road with a reduced width, under LMC 9.06.020, fire suppression sprinklers shall be installed at any residence built at such lot. The design of the sprinklers shall be subject to approval of the fire marshal;~~
  - ~~2. No parking shall be permitted on the private road serving two or more lots. A "No Parking" sign shall be posted in accordance with city standards and at the owner's expense;~~
  - ~~3. Addresses of all residences shall be posted at the intersection of the private road and the public street, subject to staff approval.~~~~
- ~~5. All roads within a short plat shall meet city construction standards for private roads.~~
- ~~6. Private roads shall serve no more than four lots and not exceed 300 feet in length unless approved by the public works director and fire marshal.~~
- ~~7. The area within the access panhandle and/or private road may be included in the computation of the lot area or be used to meet any dimensional requirement of the lot when serving no more than one lot from a right-of-way and when held in a separate easement or panhandle. When serving more than one lot from a right-of-way, or when served by a separate tract, this area within the access panhandle and/or private road shall not be included in the computation of the lot area.~~

1 ~~8. A workable turnaround shall be provided in conformance to the standards of the fire~~  
2 ~~department and public works department.~~

3 ~~9. A private maintenance agreement shall be required for any private road serving two or more~~  
4 ~~lots.~~

5 AB. Lots.

6 1. All lots shall provide for the minimum depth, width, width at the building line and area as required  
7 by the zoning code, LMC Title 21.

8 2. The community development director shall designate the yard designations for lots within short  
9 plats to ensure that the location of buildings will be compatible to the existing development in the  
10 area. In determining setbacks, under no circumstance shall a house be allowed to be constructed  
11 within five feet of a private road whether held in a separate tract or access easement, as required  
12 by the zoning code for an interior lot in a single-family residential zone. The determined setbacks  
13 shall be indicated on the final short plat map.

14 BC. Utilities.

15 1. All utility improvements shall be prepared and certified by a licensed professional engineer,  
16 registered in the state of Washington.

17 2. All utility improvements shall be designed in conformance with the standards of the public  
18 works department.

19  
20 **Section 8. Amendment.** LMC 19.40.040E is hereby amended to read as follows:

21  
22 E. Site Plan. One original 18-inch by 24-inch drawing; and a digital copy ~~seven copies~~, containing the  
23 following information:

24 1. The location and size of all proposed lots, tracts and easements, consistent with separately  
25 attached plat map required in subsection (F) of this section;

26 2. Proposed site improvements and structures;

27 3. Any existing structures or site improvements intended to be retained on the site;

28 4. All proposed uses, including existing uses intended to be retained;

29 5. The location of proposed or existing open space, including any required landscaped areas;

30 6. The location and identification of critical areas;

31 7. Adjacent streets, access easements and proposed locations and dimensions of driveways  
32 providing access to the site

33 8. The layout of an internal vehicular and pedestrian circulation system, including proposed ingress  
34 and egress for vehicles and emergency vehicle access; parking shall be calculated and designed  
35 for each lot in compliance with Chapter 21.42 LMC, although parking required for a dwelling

1 may be provided on a different lot or tract within the parent lot as long as the right to use that  
2 parking is formalized by an easement declared on the plat. Where parking for detached single-  
3 family buildings is provided on a different lot or tract, parking allowances for detached single-  
4 family residences in Chapter 21.42 LMC, including tandem parking and backing into a street,  
5 shall not apply.

- 6 9. Location of existing and proposed fire hydrants;
- 7 10. The number and location of proposed or existing parking spaces on the site, and on streets  
8 directly abutting the site;
- 9 11. The location of utilities and drainage systems proposed to serve the site;
- 10 12. The location and size of water bodies and drainage features, both natural and manmade;
- 11 13. A layout of sewers and the proposed water distribution system;
- 12 14. Proposed easements and access;
- 13 15. Proposed freestanding signage; and
- 14 16. Depictions of easements, deed restrictions and other encumbrances referenced in subsections  
15 (F) and (T) of this section.  
16

17 **Section 9. Amendment.** LMC 21.02.325 is hereby amended to read as follows:  
18

19 **21.02.325 Family.**

20 "Family" means an individual or two or more persons related by blood, ~~or~~ marriage, domestic  
21 partnership, or adoption including foster children and exchange students, or a group of not more than  
22 five persons, excluding ~~domestic employees-servants,~~ who need not be related by blood or marriage  
23 living together in a dwelling unit as a family unit and who are cooking and living as a single housekeeping  
24 unit. For the purposes of this definition, and notwithstanding any other provision of this code, children  
25 with familial status within the meaning of Title 42 United States Code, Section 3602(k), and persons with  
26 handicaps within the meaning of Title 42 United States Code, Section 3602(h), will not be counted as  
27 unrelated persons.  
28

29 **Section 10. New Section.** A new section 21.02.679 is hereby added to the Lynnwood Municipal  
30 Code to read as follows:  
31

32 **21.02.679 Sign, feather.**

33 "Feather sign" means a sign that is constructed of cloth, canvas, plastic fabric, or similar light-weight  
34 non-rigid material supported by a pole mounted into the ground or on a portable structure.  
35

36 **Section 11. New Section.** A new section 21.02.688 is hereby added to the Lynnwood Municipal  
37 Code to read as follows:

1  
2 **21.02.688 Sign, inflatable.**

3 "Inflatable sign" means a sign capable of being filled with and expanded by air or other gas, including sky  
4 dancers and tube men.

5  
6 **Section 12. Amendment.** LMC 21.16.220 is hereby amended to read as follows:  
7

8 **21.16.220 Prohibited signs.**

9 The following signs and outdoor advertising devices are prohibited in all zones unless expressly  
10 permitted by other sections of this chapter:

- 11 A. Balloons.
- 12 B. Pennants.
- 13 C. Festoons
- 14 D. Revolving signs and signs with moving parts.
- 15 E. Signs with flashing and blinking lights and signs with lights that go on and off sequentially, except  
16 for electronic changing message signs.
- 17 F. Portable reader board signs.
- 18 G. Off-premises signs, except for those permitted in LMC 21.16.225, 21.16.260, 21.16.270 and  
19 21.16.290.
- 20 H. Portable and temporary signs, except for those permitted in LMC 21.16.225, 21.16.260, 21.16.270,  
21 21.16.290 and 21.16.310.
- 22 I. Signs attached to vehicles that can be seen from the public right-of-way or adjacent property that  
23 do not have a current license or are inoperable.
- 24 J. Feather signs.
- 25 K. Inflatable signs.  
26

27 **Section 13. Amendment.** LMC 21.16.330 is hereby amended to read as follows:  
28

29 **21.16.330 Signs in industrial zones.**

- 30 A. Objectives. Permitted signs should be the minimum necessary for the expected business uses, and  
31 minimize light, glare, and other adverse sign impacts on nearby residences.
- 32 B. Signs. ~~On transitional sites where a sign program has been established by development plan~~  
33 ~~approval, new signs or modification of existing signs may be allowed per the limitations of the sign~~  
34 ~~program or amendment thereto. (See LMC 1.35.180.) Only the following signs shall be allowed for~~  
35 ~~new development on sites zoned industrial and shall be subject to the following regulations. Such~~  
36 ~~signs do not require development plan approval. The following signs are permitted, subject to the~~  
37 following limitations:

- 1 1. Wall Signs at Transitional Sites.
  - 2 a. All signs shall be of a uniform color and letter style compatible with building materials used
  - 3 elsewhere on the site;
  - 4 b. There shall be not more than one sign per business;
  - 5 c. The top of such signs shall not be higher than the top of the building;
  - 6 d. The maximum sign area shall be per the regulations of LMC 21.16.310(B);
  - 7 e. The signs shall not be internally illuminated and signs on building facades oriented toward
  - 8 nearby residential zones shall not be externally illuminated;
  - 9 f. The signs shall be constructed with materials which minimize reflective capabilities;
  - 10 g. Signs shall only be located on the building frontage; and
  - 11 h. No roof signs shall be allowed.
- 12 2. Wall Signs at General Sites.
  - 13 a. All signs shall be of a uniform color and letter style compatible with building materials used
  - 14 elsewhere on the site;
  - 15 b. The top of such signs shall not be higher than the top of the building;
  - 16 c. The maximum sign area shall be per the regulations of LMC 21.16.310(B);
  - 17 d. Signs shall not be internally illuminated except for individual letter signs and signs with
  - 18 opaque sign face backgrounds that only allow letters and/or business logos or graphics to be
  - 19 visible at night;
  - 20 e. Signs on building facades oriented toward nearby residential zones shall not be illuminated;
  - 21 f. The signs shall be constructed with materials which minimize reflective capabilities; and
  - 22 g. No roof signs shall be allowed.
- 23 3. Ground Signs. Ground signs shall be allowed subject to the following regulations:
  - 24 a. All ground signs shall conform to the regulations of LMC 21.16.310(A); and
  - 25 b. A maximum of two ground signs are allowed per street per property, and spaced at least
  - 26 300 feet apart.
- 27 4. Real Estate Signs. Real estate signs shall comply with the regulations of LMC 21.16.310(I).
- 28 5. Construction Signs. Construction signs shall comply with the regulations of LMC 21.16.280.
- 29

30 **Section 14. New Section.** A new section 21.25.050 is hereby added to the Lynnwood Municipal  
31 Code to read as follows:

32  
33 **21.25.050 Procedure.**

34 The issuance of any project design review must be in accordance with procedures set forth in Process III,  
35 LMC 1.35.300 et seq.



1 **Section 15. Amendment.** LMC 21.25.180 is hereby amended to read as follows:  
2

3 **21.25.180 Complete compliance required.**

- 4 A. Generally. Except as specified in subsection (B) of this section, the applicant must comply with all  
5 aspects, including conditions and restrictions, of an approval granted under this process in order to  
6 do everything authorized by that approval.
- 7 B. Exception, Subsequent Modification. If a specific site configuration for the subject property was  
8 approved under this process or any quasi-judicial process, the applicant is not required to apply for  
9 and obtain approval through this process for a subsequent change in site configuration unless:
- 10 1. There is a change in use and this title establishes different or more rigorous standards for the  
11 new use than for the existing use; or
- 12 2. The director determines that there will be substantial changes in the impacts on the  
13 neighborhood or the city as a result of the change.
- 14 C. Maintenance. The developer, its successor and/or subsequent owners and their agents shall be  
15 responsible for the maintenance of the site in compliance with the approval granted under this  
16 process on a continuing basis for the life of the development in order to do everything authorized  
17 by that approval.

18  
19 **Section 16. Amendment.** LMC 21.42.200 is hereby amended to read as follows:  
20

21 **21.42.200 Development Standards.**

**Table 21.42.02 Development Standards**

Standard	RS-8	RS-7	RS-4
Minimum Lot Area <sup>+++</sup>	8,400 sf	7,200 sf	4,000 sf
Minimum Lot Width	70 ft. <sup>+++</sup>	60 ft.	40 ft.
Minimum Frontage at Street	30 ft. <sup>+++</sup>	30 ft.	25 ft.
Minimum Front Yard Setback	-	-	-
<u>Minimum Front Yard Setback</u>			
<i>Interior Lot</i>	25 ft.	20 ft.	15 ft.
<i>Corner Lot</i>	25 ft.	20 ft.	15 ft.

**Table 21.42.02 Development Standards**

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

1 \* 20 ft. when abutting an RS-7 or RS-8 zone.

2 +++ See LMC 21.42.210(C).

3 +++ A reduction to 15 feet is allowed for lots that include an access easement that has a width that

4 measures a minimum of 15 feet.

1 **Section 17. Amendment.** LMC 21.42.110G is hereby amended to read as follows:  
2

3 G. Accessory Dwelling Units. Accessory dwelling units shall be permitted subject to the provisions of  
4 this subsection.

5 1. Purpose.

- 6 a. To provide the opportunity for resident homeowners to enjoy companionship and security  
7 from tenants while maintaining the privacy of a single-family residence;  
8 b. To create additional affordable housing in Lynnwood;  
9 c. To allow a property owner to continue to reside in a neighborhood after a lifestyle change,  
10 in particular, by having the opportunity to receive rental income;  
11 d. To develop housing that is appropriate to smaller households; and  
12 e. To protect neighborhood stability, property values, and the appearance and character of  
13 single-family neighborhoods by regulating the installation and use of accessory dwelling  
14 units and by ensuring that properties continue to be owner-occupied.

15 2. Permitted Zones. Attached ADUs shall be permitted in the R-7 and R-8 zones. Detached ADUs  
16 shall only be permitted in the RS-8 zone.

17 3. Number. A maximum of one ADU shall be permitted on a lot. A lot cannot have both an  
18 attached and a detached ADU.

19 4. Location. Attached ADUs may be added to or within the principal residence in compliance with  
20 the RS-7 or RS-8 development standards. Detached ADUs are required to meet all development  
21 standards for the RS-8 zone and shall be located only in the rear yard.

22 The unit may be created by either building new habitable space or by converting existing  
23 habitable space, or by a combination of new construction and conversion.

24 5. Development Standards. Any new construction shall meet all the development standards for the  
25 applicable zone, except as modified by this section, and shall comply with all applicable city  
26 codes, including but not limited to required setbacks and the requirements of the adopted  
27 building, electrical, fire, mechanical and plumbing codes. Only one electric meter, and one water  
28 meter, shall be allowed for the entire parcel, serving both the primary unit and the detached  
29 ADU.

30 6. Size. The maximum gross floor area shall be 800 square feet or 40 percent of the habitable  
31 square footage of the primary unit, whichever is less. A maximum of one bedroom shall be  
32 provided for units less than 600 square feet in size; a maximum of two bedrooms shall be  
33 provided for units 600 square feet or greater in size. When calculating the square footage of the  
34 unit, covered exterior elements such as decks and porches will not be included. The total size of

- 1 all such covered exterior elements shall not exceed 200 square feet and the design shall be  
2 consistent with the primary dwelling unit.
- 3 7. Design. The ADU/DADU shall be designed so that the appearance of the building containing the  
4 principal residence remains that of a single-family residence. At a minimum, the plans for the  
5 unit shall conform to the following guideline: ~~the ADU/DADU any new exterior construction~~  
6 ~~associated with creating an attached or detached ADU~~ shall match the existing exterior  
7 materials and design of the principal residence, and the pitch of ~~any new~~ the roof of the  
8 ADU/DADU should match that of the principal residence, as much as practical. Any new  
9 landscaping should conform with or improve existing landscaping.
- 10 8. Screening. The entrance(s) to an attached ADU shall be located in such a manner as not to  
11 appear as a second primary entrance to the structure which encompasses the principal  
12 residence. For an attached ADU, only one primary entrance shall be permitted; a second street-  
13 facing entrance may be permitted if it is sufficiently screened from view using either fencing,  
14 landscaping, or a combination thereof.
- 15 9. Parking. One off-street parking space, having minimum dimensions of nine feet by 17-1/2 feet  
16 (standard vehicle parking), shall be provided for studio and one-bedroom units and two off-  
17 street parking spaces shall be provided for two-bedroom units, in compliance with Chapter  
18 21.18 LMC. Such parking shall be in addition to the two parking spaces required for the main  
19 residence; provided, that if at the time of the ADU application the property is nonconforming as  
20 to parking for the main residence, the applicant shall not be required to correct that  
21 nonconformity as a condition of approval of the ADU application. Parking shall be paved in  
22 conformance with standard city requirements and made to appear as one driveway servicing  
23 the primary residence. Parking may be located in a garage, carport, or in an off-street area  
24 reserved for vehicle parking. Parking may be located in tandem with parking spaces for the  
25 primary unit. Only one driveway may be used to meet the parking requirement. Parking may not  
26 encroach into any portion of the front setback, or the public or private right-of-way (including  
27 any landscaped portion).
- 28 10. Accessibility. In order to allow for barrier-free accessible design, the community development  
29 director may allow for reasonable deviations from the requirements of this section to install  
30 features or facilities that facilitate accessibility. Such features or facilities shall comply with the  
31 city's building and fire codes, more particularly with the requirements for a Type A unit as  
32 referenced by the adopted standards of Chapter 16.04 LMC.
- 33 11. Owner Occupancy. The property owner (title holder or contract purchaser) must occupy either  
34 the primary dwelling unit or the accessory dwelling unit as their permanent residence. Owners

1 shall sign and record with Snohomish County an affidavit in a form acceptable to the city  
2 attesting to their occupancy.

3 12. Permitting. No construction permit or occupancy permit for any structure or other  
4 improvements for an ADU or DADU shall be issued until and unless a permit for the unit is  
5 approved and recorded pursuant to this subsection.

6 a. Application and Fee. The property owner shall submit an application for an ADU or DADU  
7 permit to the community development director, including plans for creating the ADU  
8 (including design plans for any new construction), evidence of current ownership (or  
9 purchase contract), certification of owner occupancy, payment of related fees and costs as  
10 set forth in Chapter 3.104 LMC, and such other information as the director may require in  
11 order to determine whether the application conforms with city requirements.

12 b. Action. The community development director shall approve the application and issue an  
13 ADU permit if he/she finds that the application conforms with the requirements of this  
14 section and other applicable sections of this code. The application shall be exempt from the  
15 following procedure:

16 i. Notice of impending decision, LMC 1.35.330.

17 c. Validity. Any ADU permit issued pursuant to this section shall be issued only to the property  
18 owner and shall be valid only so long as the permit holder owns the property in title or as a  
19 contract purchaser. Such permit shall expire automatically upon any transfer of property  
20 ownership from the permit holder. Continued occupancy of the ADU as a separate living  
21 unit shall require application for a new permit by the contract purchaser or new property  
22 owner and renewal of the permit by the director. The community development director  
23 shall renew any permit under this subsection if he/she finds that the unit complies with all  
24 provisions of this section. Any permit approved under this subsection shall not be effective  
25 until evidence of recording is presented to the director. The fee for ADU or DADU permit  
26 renewal shall be the same as that for an administrative amendment, as set forth in Chapter  
27 3.104 LMC.

28 d. Extension of Tenancy After Property Sale. If a property is sold and the new owner files an  
29 application for a permit, the tenants may continue to reside at the property for the  
30 remainder of any lease, or up to 90 calendar days, whichever is longer, except that such  
31 residency continuation shall not exceed one year. A single additional continuation of up to  
32 six months may be granted by the director, upon written request by both the tenant and the  
33 (new) property owner, if she/he finds that termination of residency by the tenants would  
34 impose a substantial and unusual hardship on the tenants.

- 1 e. Recording. The permit shall be recorded by the property owner and any subsequent owners  
2 with the Snohomish County auditor's office to indicate the presence of the ADU. At a  
3 minimum, the recorded information shall:
- 4 i. Be recorded as a deed restriction which runs with the land;
  - 5 ii. Identify the address of the property;
  - 6 iii. State that the owner(s) reside(s) in either the primary unit or the ADU for entire  
7 calendar year;
  - 8 iv. Include a written description and/or a floor and site plan of the approved unit;
  - 9 v. Include a statement of the requirements and conditions of approval, as determined by  
10 the director;
  - 11 vi. Include a statement that the owner will notify any prospective purchasers of the  
12 limitations of this section; and
  - 13 vii. Provide for the revocation of the issued permit for the ADU if any of the requirements of  
14 this subsection are violated.
- 15 Any permit approved under this subsection shall not be effective until evidence of  
16 recordation is presented to the director within 10 calendar days of notice of approval.
- 17 f. Expiration. Any permit for a new ADU shall expire two years from the date of approval  
18 unless a building permit for the ADU has been obtained. The director may grant a single  
19 one-year extension to this time limit, provided a written request for the extension is  
20 received two weeks prior to expiration.
- 21 g. Cancellation. Cancellation of an ADU may be accomplished by the property owner by  
22 recording with the Snohomish County auditor's office and by filing with the city a certificate  
23 stating that the ADU no longer exists on the property. Cancellation may also result from an  
24 enforcement action by the city.
- 25 h. Complaint. Upon receipt of a complaint of noncompliance, the city may require proof by the  
26 owner that all requirements of this section are met.
- 27 i. Revocation. In addition to the conditions imposed during the permit approval process,  
28 permits for ADUs shall expire automatically whenever:
- 29 i. The ADU is substantially altered and is thus no longer in conformance with the plans and  
30 drawings reviewed and approved by the city;
  - 31 ii. The subject parcel ceases to maintain the required number of parking spaces; or
  - 32 iii. The property owner(s) cease(s) to reside in either the primary unit or the ADU for the  
33 entire calendar year, the owner-occupied unit is rented, or the current owner fails to  
34 record the certificate as required under this section.

1 j. Appeal. Any action by the director may be appealed by the applicant to the hearing  
2 examiner only for noncompliance with these regulations; provided, that such appeal shall be  
3 filed in writing within 10 calendar days of mailing of a notice of action. Such appeal shall be  
4 processed as provided for in Process II, LMC 1.35.200 et seq.

5 13. Subdivision Prohibited. No ADU may be sold as separate property or as a condominium, or in  
6 any way be part of a subdivision of the lot upon which it is located, unless that subdivision  
7 conforms with all provisions of the Lynnwood Municipal Code.

8 14. Home Occupations. Home occupations may be allowed in either the primary unit or the ADU,  
9 but not both, provided the home occupation is reviewed and approved in accordance with LMC  
10 21.42.300 and any other applicable provisions of this code.

11  
12 **Section 18. Amendment.** Table 21.46.04 in LMC 21.46.100 is hereby amended to read as  
13 follows:  
14

**Table 21.46.04**

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

**Section 19. Amendment.** Table 21.46.09 in LMC 21.46.100 is hereby amended to read as follows:

**Table 21.46.09**

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



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

10  
11 **Section 20. Amendment.** LMC 21.46.116B is hereby amended to read as follows:  
12

13 **B. Multiple-Family Housing.**

- 14 1. For properties zoned NC and ~~B-2~~, dwellings may be permitted in commercial or office buildings  
15 on the second floor or higher. All provisions normally applying to high-rise multiple-family  
16 housing shall apply.  
17 2. For properties zoned PCD, dwellings may be permitted on the second floor of buildings  
18 or higher; provided, that:  
19 a. General commercial, office, or similar land uses occupy the ground level of the building  
20 where the building faces or abuts a public street.  
21 b. Not more than 20 percent of the linear frontage of the ground level that faces a public  
22 street may be used for the entrance, lobby, leasing office, etc., for the building's residences.  
23 c. Floor area at ground level limited to general commercial, office, or similar uses shall have a  
24 minimum depth of 30 feet, as measured perpendicular to the building facade, so that the  
25 floor area may be occupiable for nonresidential land uses.  
26 d. For development sites where the building is not accessible or visible from the abutting  
27 public street, the community development director may authorize dwellings to be located  
28 below the second floor of the building.  
29 3. For properties subject to the provisions of this chapter, development with multifamily dwellings  
30 shall provide a minimum of 40 square feet of on-site recreation area per dwelling. The on-site  
31 recreation area shall consist of a minimum of two of the following:  
32 a. Individual patio, deck or balcony immediately adjacent to the corresponding dwelling.  
33 Individual patios, decks, or balconies shall be designed so that a six-foot-by-six-foot square  
34 will fit within the perimeter of the patio, deck or balcony.  
35 b. Outdoor recreation area accessible to all residents of the development and designed so that  
36 a 15-foot-by-15-foot square will fit within the perimeter of the outdoor recreation area.  
37 Common outdoor recreation areas shall include features such as: landscaped courtyard or  
38 plaza; seating; lighting; rooftop garden; children's play structure; and sport court. Outdoor

1 recreation areas may include overhead weather protection, but shall not be enclosed.  
2 Landscaping required within parking areas shall not be considered outdoor recreation area.  
3 c. Indoor recreation space accessible to all residents of the development and designed so that  
4 a 12-foot-by-12-foot square will fit within the indoor recreation area. Indoor recreation  
5 areas shall include furnishings and fixtures for activities such as: aerobic exercise; children’s  
6 play; indoor games; sports; hobbies and crafts; and video entertainment.

7  
8 **Section 21. New Section.** A new section 21.46.150 is hereby added to the Lynnwood Municipal  
9 Code to read as follows:

10  
11 **21.46.150 Accessory Structures and Uses.**

12 Any use may be permitted by the community development director as an accessory use to a principal  
13 use that is allowed in the applicable zone; provided, that the community development director finds  
14 that the proposed accessory use is clearly accessory or incidental to the principal use of the property  
15 and that the proposed accessory use is consistent with the purpose of the applicable zone. A  
16 determination made pursuant to this section may be appealed through Process II.

17 A. Placement of accessory buildings and structures – Interior lots. In commercial zones, accessory  
18 buildings which:

- 19 1. Are behind the front wall of the main building;
- 20 2. Do not exceed one story in height (not to exceed 15 feet);
- 21 3. Are not greater than 600 square feet in floor area; and
- 22 4. Do not contain habitable space (as defined in the building code);  
23 shall be set back not less than five feet from the lot side and rear lines, except that one  
24 accessory building which does not exceed eight feet in height nor 64 square feet in floor area  
25 may be located on lot side and rear lines. In no case shall the accessory building or structure be  
26 located closer to the street than the main building.

27 B. Placement of accessory buildings and structures – Corner and reverse corner lots. In commercial  
28 zones, accessory buildings which:

- 29 1. Are behind the front wall of the main building;
- 30 2. Do not exceed one story in height (not to exceed 15 feet);
- 31 3. Are not greater than 600 square feet; and Do not contain habitable space (as defined in the  
32 building code);  
33 Shall be set back not less than five feet from the interior side and rear lines and any corner lot  
34 setback requirement shall apply. One accessory building which does not exceed eight feet in

1 height nor 64 square feet in floor area may be located on interior lot side lines and lot rear lines.

2 In no case shall the accessory building be located closer to the street than the main building.

- 3 C. Shipping container or other similar storage units as defined in Chapter 21.02 LMC are not  
4 permitted as accessory structures in commercial zones. Shipping containers may be used  
5 as temporary storage in conjunction with an ongoing construction project.

7 **Section 22. Amendment.** LMC 21.46.200 is hereby amended to read as follows:

9 **21.46.200 Development standards.**

10 The following standards shall apply to all structures and nonstructural uses in the commercial zones:

11 A. General Area and Dimensional Standards. No building, structure or land shall be established, erected,  
12 enlarged or structurally altered, except in conformance with the following standards and in  
13 conformance with the adopted building code and applicable Lynnwood Citywide Design Guidelines, as  
14 adopted by reference in LMC 21.25.145(B)(3) (for purposes of determining the required yards along  
15 public streets, the classification of streets indicated on the comprehensive plan shall apply):

16 **Table 21.46.14**  
17 **Minimum Standards**

	NC	PCD	CG
Area (unless adjacent to similar zoned land)	none	none	none
Maximum Area	none	none	none
<del>Front Yard</del>	-	-	-
<u>Front Yard</u>			
<i>Located on a principal arterial</i>	15 ft.	15 ft.	15 ft.
<i>Located on all other streets</i>	15 ft.	15 ft.	15 ft.
<del>Side Yard — Street</del>	-	-	-
<u>Side Yard - Street</u>			
<i>Located on a principal arterial</i>	15 ft.	15 ft.	15 ft.
<i>Located on all other streets</i>	15 ft.	15 ft.	15 ft.
<u>Side Yard</u>	<u>none*</u>	<u>none*</u>	<u>none*</u>
Rear Yard	none*	none*	none*
Maximum Building Height	35 ft.+	none	none
Maximum Lot Coverage	35%	none	35%

1 Key:

2 \* Except where adjoining a residential zone; see LMC 21.46.220 and 21.46.230.

3 + Multifamily is permitted at three stories or 45 feet (whichever is less) on parcels that have a minimum of one acre in  
4 size, subject to standards and procedures established in Chapter 21.43 LMC for the multiple residential medium-  
5 density zone (RMM). See Figure 21.46.1 for specific permitted locations.

6 B. Exceptions.

7 1. *Repealed by Ord. 3010.*

8 2. *Repealed by Ord. 2295.*

9

10 **Section 23. Severability.** If any section, sentence, clause or phrase of this Ordinance should be  
11 held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or  
12 unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,  
13 clause or phrase of this Ordinance.

14

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

18

19 PASSED BY THE CITY COUNCIL, the 24th day of September 2018.

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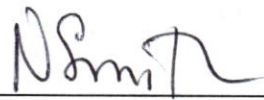
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APPROVED:



Nicola Smith, Mayor

29

ATTEST/AUTHENTICATED:

30

31

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Sonja Springer, Finance Director

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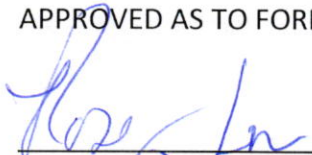
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APPROVED AS TO FORM:



Rosemary Larson, City Attorney

39

FILED WITH ADMINISTRATIVE SERVICES: 09/25/2018

40

PASSED BY THE CITY COUNCIL: 09/24/2018

41

PUBLISHED: 09/28/2018

42

EFFECTIVE DATE: 10/03/2018

43

ORDINANCE NUMBER: 3311




On the 24th day of September 2018 the City Council of the City of Lynnwood, Washington, passed ordinance 3311. A summary of the content of this ordinance, consisting of the title, provides as follows:

**ORDINANCE NO. 3311**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING MISCELLANEOUS AMENDMENTS TO THE CITY'S ZONING CODE AND RELATED REGULATIONS; AMENDING SECTIONS 10.08.200, 19.35.010, 19.40.040E, 19.50.040A, 19.50.050, 21.02.325, 21.16.220, 21.16.330, 21.22.400, 21.25.180, 21.42.110G, 21.42.200, 21.46.100, 21.46.116B, AND 21.46.200 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 1.35.702, 21.02.679, 21.02.688, 21.25.050 AND 21.46.150 TO THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

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

DATED this 28th day of September 2018.

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

# Everett Daily Herald

## Affidavit of Publication

State of Washington }  
County of Snohomish } ss

Maggie Boyd 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 EDH827667 ORDINANCE 3311, 3312 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 09/28/2018 and ending on 09/28/2018 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$47.02.

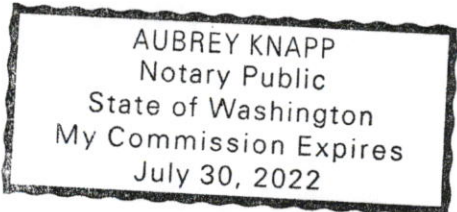
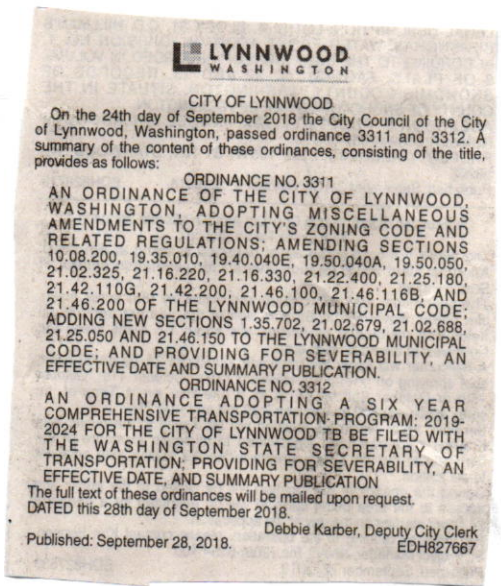
*Maggie Boyd*

Subscribed and sworn before me on this 28 day of September, 2018.

*Aubrey Knapp*

Notary Public in and for the State of Washington.

City of Lynnwood - LEGAL ADS | 14127890  
DEBBIE KARBER





**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. 3311 of the City of Lynnwood, Washington, entitled as follows:

### **ORDINANCE NO. 3311**

**AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING MISCELLANEOUS AMENDMENTS TO THE CITY'S ZONING CODE AND RELATED REGULATIONS; AMENDING SECTIONS 10.08.200, 19.35.010, 19.40.040E, 19.50.040A, 19.50.050, 21.02.325, 21.16.220, 21.16.330, 21.22.400, 21.25.180, 21.42.110G, 21.42.200, 21.46.100, 21.46.116B, AND 21.46.200 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 1.35.702, 21.02.679, 21.02.688, 21.25.050 AND 21.46.150 TO THE LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND SUMMARY PUBLICATION.**

That said ordinance was passed by the Council on September 24, 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 September 28, 2018.

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Debra Karber, Deputy City Clerk