



CITY OF LYNNWOOD

ORDINANCE NO. 3415

AN ORDINANCE OF THE CITY OF LYNNWOOD, WASHINGTON, ADOPTING MISCELLANEOUS AMENDMENTS TO THE CITY'S ZONING CODE AND RELATED REGULATIONS; AMENDING SECTIONS 1.35.140, 19.05.017, 19.10.030, 19.10.035, 19.10.085, 19.10.115, 19.40.100, 19.50.020, 19.75.055, 21.02.046, 21.02.295, 21.02.300, 21.02.325, 21.02.357, 21.02.576, 21.02.577, 21.02.578, 21.02.689, Table 21.08.03, Table 21.08.06, Table 21.08.07, Table 21.08.09, 21.30.350, 21.10.100, 21.16.290, Table 21.17.01, Table 21.17.02, 21.17.050, Table 21.18.02, Table 21.18.20, 21.18.600, 21.25.105, 21.25.110, 21.25.145, 21.30.950, Table 21.42.02, 21.42.400, 21.42.420, 21.43.400, 21.44.100, Table 21.46.04, 21.46.100, 21.46.103, Table 21.46.14, 21.48.200, 21.50.210, 21.54.100, 21.57.500, 21.60.300, 21.60.350, 21.60.400, 21.60.600, 21.60.700, 21.74.030 OF THE LYNNWOOD MUNICIPAL CODE; ADDING NEW SECTIONS 21.02.579 and 21.42.105 TO THE LYNNWOOD MUNICIPAL CODE; REMOVING SECTIONS 21.02.255, 21.46.130, 21.46.200, and CHAPTER 21.56 OF THE LYNNWOOD MUNICIPAL CODE; 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 enhance the effective application of legislation enacted by the City Council; and

WHEREAS, on the 4th day of February, 2022, notice of the proposed code amendment was sent to the Washington State Department of Commerce in accordance with RCW 36.70A.106; and

47 WHEREAS, on the 15th day of March, 2022, the City of Lynnwood SEPA
48 Responsible Official issued a Determination of Non-Significance (DNS) on the proposal;
49 and

50
51 WHEREAS, on the 24th day of March, 2022, the Lynnwood Planning Commission
52 held a public hearing on proposed amendments to the Lynnwood Municipal Code
53 provided by this ordinance, and all persons wishing to be heard were heard; and

54
55 WHEREAS, following the public testimony portion of the public hearing, the
56 Planning Commission deliberated on the draft legislation and by regular motion voted to
57 recommend that the Lynnwood City Council adopt the amendments to the Lynnwood
58 Municipal Code as provided herein; and

59
60 WHEREAS, on the 9th day of May, 2022, the Lynnwood City Council held a public
61 hearing on proposed amendments to the Lynnwood Municipal Code provided by this
62 ordinance, and all persons wishing to be heard were heard;

63
64 WHEREAS, the City Council finds the provisions of this Ordinance to be in the best
65 interest of the health, safety and welfare of the community; now, therefore

66
67 THE CITY COUNCIL OF THE CITY OF LYNNWOOD, WASHINGTON, DO
68 ORDAIN AS FOLLOWS:

69
70 **Section 1. Findings.** Upon consideration of the provisions of this Ordinance, the City
71 Council finds that the amendments contained herein are: a) consistent with the
72 comprehensive plan; and b) substantially related to the public health, safety, or welfare;
73 and c) not contrary to the best interest of the citizens and property owners of the city of
74 Lynnwood.

75
76 **Section 2. Amendment.** LMC 1.35.140 is hereby amended to read as follows:

77
78 **1.35.140 Notice of hearing**

79 The applicable department director shall provide notice of the public hearing on the
80 application, as follows:

81 A. Content.

- 82 1. Name of the applicant and the project name;
- 83 2. Street address and/or a description of the property in nonlegal terms;
- 84 3. Citation of the portion(s) of the Lynnwood Municipal Code requiring the permit(s)
85 for which the application has been submitted;
- 86 4. A brief description of the proposed action and the requested permit(s);
- 87 5. Date, time and place of the hearing;
- 88 6. A statement of the right of any person to participate;

89 7. A statement that only those persons who participate may appeal to ~~city council~~.
90 superior court.

91 B. Distribution. The applicable department director shall distribute the notice by:

92 1. Publishing the notice in the official newspaper of the city;

93 2. Posting the notice at official posting place(s) of the city and at the site;

94 3. Mailing the notice by regular mail to owners of property within at least 300 feet
95 of the boundary of the subject property and of any property contiguous thereto in
96 the applicant's ownership. For the purpose of this mailing, the applicable

97 department director shall use the listing of ownership and addresses on the city of
98 Lynnwood utility billing records. If no record for any given lot is shown on those
99 records, then notice to the last owner of record in the office of the county treasurer
100 shall be deemed proper notice;

101 4. Mailing the notice by regular mail to each person who has requested such notice
102 in writing for the calendar year and who has paid a fee as shown in
103 Chapter 3.104 LMC for this service to the finance director;

104 5. This noticing requirement shall be satisfied by substantial compliance with this
105 section.

106 C. Timing. The notice of the public hearing shall be provided at least 20 calendar days
107 before the date of the hearing.
108

109 **Section 3. Amendment.** LMC 19.05.017 is hereby amended to read as follows:

110

111 **19.05.017 Exemptions.**

112 The provisions of this chapter do not apply to the following:

113 A. Cemeteries and other burial plots while used for that purpose;

114 B. Divisions of land into lots, tracts or parcels where each lot is five acres or larger. For
115 this purpose, in computing the area of any lot under this paragraph that borders on a
116 street or road, the lot size shall be expanded to include that area that would be bounded
117 by the centerline of the street or road and the side lot lines of the lot running
118 perpendicular to such centerline;

119 C. Divisions of land made by testamentary provisions or the laws of descent;

120 ~~D. Divisions of land into lots or tracts classified for industrial or commercial uses when
121 approved by the city in accordance with Chapter 19.75 LMC, Binding Site Plans;~~

122 ~~E. Except as otherwise provided, a division made for the purpose of alteration by
123 adjusting boundary lines, between platted or unplatted lots or both, which does not~~

124 ~~create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel,~~
125 ~~site, or division which contains insufficient area and dimension to meet city code;~~
126 ~~provided, that such alterations shall be first approved by the community development~~
127 ~~director who shall initial the revised plat map and shall cause same to be recorded with~~
128 ~~the Snohomish County auditor's office at the applicant's expense. Any change in the~~
129 ~~number of lots shall be accomplished as a plat or short plat;~~

130 D. F. Divisions of land into lots or tracts if: ~~1. The improvements constructed or to be~~
131 ~~constructed thereon will be included in one or more condominiums or owned by an~~
132 ~~association or other legal entity in which the owners of units therein or their owners'~~
133 ~~associations have a membership or other legal or beneficial interest;~~

134 ~~2. The division of land is approved by the city in accordance with~~
135 ~~Chapter 19.75 LMC, Binding Site Plans; and~~

136 ~~3. The binding site plan contains thereon the following statement: "All development~~
137 ~~of the land described herein shall be in accordance with the binding site plan, as it~~
138 ~~may be amended. Upon completion, the improvements on the land shall be~~
139 ~~included in one or more condominiums or owned by an association or other legal~~
140 ~~entity in which the owners of units therein or their owners' associations have a~~
141 ~~membership or other legal or beneficial interest";~~

142 E. G. Division of land due to condemnation, or purchase thereof in lieu of
143 condemnation, by an agency or division of government vested with the power of
144 condemnation
145

146 **Section 4. Amendment.** LMC 19.10.030 is hereby amended to read as follows:
147

148 **19.10.030 Bond.**

149 "Bond" means any form of a surety in an amount and form satisfactory to the public
150 works director and the city attorney City of Lynnwood. All bonds shall be approved by
151 the public works director whenever a bond is required by this title.
152

153 **Section 5. Amendment.** LMC 19.10.035 is hereby amended to read as follows:
154

155 **19.10.035 Boundary line adjustment.**

156 "Boundary line adjustment" means a division made for the purpose of adjusting
157 boundary lines between platted or unplatted lots or both which does not create any
158 additional lots, tracts, parcels, or sites. A boundary line adjustment may not modify

159 existing nonconforming lots to make the lots more nonconforming. A boundary line
160 adjustment also provides a procedure to consolidate previously platted lots into a single
161 parcel.

162

163 **Section 6. Amendment.** LMC 19.10.085 is hereby amended to read as follows:

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165 **19.10.085 Declaration of ~~short~~ subdivision.**

166 “Declaration of ~~short~~ subdivision” means a document signed by all persons having any
167 peculiar interest in the land being subdivided and acknowledged before a notary that
168 they signed the same as their voluntary act and deed. The declaration shall, at a
169 minimum, contain the elements of:

- 170 A. A legal description of the tract being divided and all parcels contained therein; and
- 171 B. An illustrative map; and
- 172 C. If applicable, the restrictive covenants.

173

174 **Section 7. Amendment.** LMC 19.10.115 is hereby amended to read as follows:

175

176 **19.10.115 Improvements.**

177 “Improvements” mean any permanent structure or landscape feature that becomes part
178 of, placed upon, or is affixed to real property or within the right-of-way including streets,
179 with or without curb or gutter, sidewalks, crosswalk ways, water mains, sanitary and
180 storm sewers, street trees and other appropriate items.

181

182 **Section 8. Amendment.** LMC 19.40.100 is hereby amended to read as follows:

183

184 **19.40.100 Revisions to an approved fee simple unit lot subdivision.**

185 An application for a revision to an approved preliminary fee simple unit lot subdivision
186 may be submitted before a final fee simple unit lot subdivision application is submitted,
187 as follows:

188 A. Minor Revisions to an Approved Preliminary Fee Simple Unit Lot Subdivision. The
189 director is authorized to make the determination on a minor revision to an approved fee
190 simple unit lot subdivision without a public hearing.

- 191 1. Defined. Minor revisions to an approved preliminary fee simple unit lot
192 subdivision are those which do not change:

- 193 a. The outer boundaries of the fee simple unit lot subdivision (other than
- 194 for survey discrepancies);
- 195 b. The dimension of lot lines within the fee simple unit lot subdivision by
- 196 more than two percent;
- 197 c. The conditions of preliminary fee simple unit lot subdivision approval;
- 198 d. Road alignments or connections and/or do not increase the number of
- 199 lots.

200 2. Application. A complete application for a preliminary fee simple unit lot

201 subdivision revision shall consist of the following:

- 202 a. Application form and filing fee;
- 203 b. Site plan showing the proposed modification, using the same plan
- 204 format as in the original approval;
- 205 c. Explanation in narrative form of the requested modification.

206 3. Processing. The following steps shall be followed in the processing of an

207 application for a minor revision:

- 208 a. LMC 1.35.015, determination of complete application;
- 209 b. LMC 1.35.020, notice of application;
- 210 c. Chapter 17.02 LMC, SEPA (unless exempt under WAC 197-11-800);
- 211 d. LMC 1.35.070, determination of consistency with the development
- 212 regulations and comprehensive plan;
- 213 e. Chapter 1.35 LMC, notice of decision;
- 214 f. Chapter 1.35 LMC, administrative appeal.

215 4. Criteria for Approval. The director shall approve or approve with conditions a

216 proposed preliminary fee simple unit lot subdivision revision application, as long

217 as the applicant demonstrates that all of the following criteria are satisfied:

- 218 a. The proposed revision meets the criteria in LMC ~~19.40.050(A)~~;

219 19.40.060:

- 220 b. The revision will not be inconsistent with, or cause the fee simple unit
- 221 lot subdivision to be inconsistent with, the findings, conclusions or decision
- 222 made by the city in its approval of the preliminary fee simple unit lot
- 223 subdivision; and
- 224 c. Approval of the revision will not affect the ability of the collective lots in
- 225 the property included in the preliminary fee simple unit lot subdivision to
- 226 function as one site with respect to, but not limited to, lot access, interior

227 circulation, open space, landscaping, drainage facilities, facility
228 maintenance and parking.

229

230 5. Time Limitation for Final Decision. The minor preliminary fee simple unit lot
231 subdivision revision application shall be approved, approved with conditions or
232 denied within 120 days after a complete application is submitted, unless the
233 applicant consents to an extension in writing of such time period; provided, that if
234 an environmental impact statement is required as provided in RCW 43.21C.030,
235 the 120-day period shall not include the time spent preparing and circulating the
236 environmental impact statement by the city.

237 6. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended.
238 Approval of a minor preliminary fee simple unit lot subdivision revision shall not
239 extend the deadline set forth in LMC 19.40.090 for submission of a final fee simple
240 unit lot subdivision application to the city.

241 B. Major Revisions to an Approved Fee Simple Unit Lot Subdivision. Major revisions to
242 approved preliminary fee simple unit lot subdivision are defined and processed as
243 follows:

244 1. Defined. A major preliminary fee simple unit lot subdivision revision is any
245 application for a revision of a preliminary fee simple unit lot subdivision that does
246 not meet the definition of a minor preliminary fee simple unit lot subdivision
247 revision.

248 2. Application. An application for a major preliminary fee simple unit lot subdivision
249 revision shall include all of the elements of a complete preliminary fee simple unit
250 lot subdivision application.

251 3. Criteria for Approval, Time Limitation for Final Decision. The criteria for approval
252 and the time limitation for a final decision of a major preliminary fee simple unit lot
253 subdivision revision shall be the same as those for a preliminary fee simple unit lot
254 subdivision application.

255 4. Deadline for Submission of Final Fee Simple Unit Lot Subdivision Not Extended.
256 Approval of a major preliminary fee simple unit lot subdivision revision shall not
257 extend the deadline set forth in LMC 19.40.080(C) for submission of a final fee
258 simple unit lot subdivision application to the city.
259

260 **Section 9. Amendment.** LMC 19.50.020 is hereby amended to read as follows:

261

262 **19.50.020 Preliminary short subdivision application.**

263 Any person desiring to divide land under the provisions of this title situated in the city of
264 Lynnwood into nine or fewer lots shall submit an application for short subdivision
265 approval to the community development director together with payment of related fees
266 and costs as set forth in Chapter 3.104 LMC.

267 A. Applications for a preliminary short plat subdivision shall be submitted on forms
268 prescribed by the community development director. All applications submitted to the
269 community development director shall be complete and contain the following material:

- 270 1. The name, address and telephone number of the owner(s);
- 271 2. A written statement by the owner showing the entire contiguous ownership of
272 land in which there is an interest by reason of ownership, contract for purchase,
273 earnest money agreement or option by any person, firm or corporation in any
274 manner connected with the development, and the names and addresses and
275 telephone numbers of all such persons, firms or corporations;
- 276 3. The existing zoning classifications;
- 277 4. The square footage computation of each lot or parcel. ~~The square footage of~~
278 ~~land contained in access panhandles and/or private roads may be included in the~~
279 ~~lot size computation when serving no more than one lot from a right-of-way.~~
280 ~~Building area shall be demonstrated at time of preliminary review/approval;~~
- 281 5. The source of water supply;
- 282 6. The method of sewage disposal;
- 283 7. A survey prepared by a licensed surveyor registered in the state of
284 Washington. However, if the community development director determines that
285 existing conditions so warrant because of previous development, construction or
286 subdividing, the requirement of a survey of the property to be subdivided may be
287 waived for the preliminary short plat, but a survey shall be required for the final
288 short plat;
- 289 8. For the same reasons as stated in subsection (A)(7) of this section, a current
290 ownership certificate from a recognized title company at the preliminary short plat
291 stage may be waived for the preliminary short plat; however, it shall be required
292 for final short plat approval.

293 B. Map. A map shall be prepared on a sheet of reproducible material, having
294 dimensions of eight and one-half inches by 14 inches, and containing the following
295 information:

- 296 1. The date, scale and north arrow;

- 297 2. The boundary lines, to scale, of the tract to be subdivided and each lot
- 298 contained therein;
- 299 3. The dimensions, square footage and number assigned to each proposed lot;
- 300 4. All existing structures;
- 301 5. All setback dimensions for existing structures; and
- 302 6. The location of any sensitive areas as defined by LMC Title 17 as known to the
- 303 applicant at time of submittal.

304

305 **Section 10. Amendment.** LMC 19.75.055 is hereby amended to read as follows:

306

307 **19.75.055 Factors to be considered in the preliminary binding site plan.**

308 Development and business services director recommendations and mayoral action on
309 preliminary binding site plans shall be based on review of Chapter 58.17 RCW and
310 other factors that follow:

311 A. The preliminary binding site plan shall conform to and it shall be the applicant's
312 burden to demonstrate conformance to the following factors:

- 313 1. The Lynnwood comprehensive parks and recreation plan;
- 314 2. The Lynnwood zoning code, LMC Title 21;
- 315 3. The standards of this title and Chapter 58.17 RCW;
- 316 4. The Lynnwood six-year transportation and improvement plan;
- 317 5. The standards of LMC Title 17, Environment, as may be amended;
- 318 6. The Lynnwood water system comprehensive plan;
- 319 7. The Lynnwood comprehensive flood and drainage management plan, as may
- 320 be amended, and Chapter 13.40 LMC, as may be amended;
- 321 8. The compatibility of the binding site plan to the existing adjacent
- 322 developments;
- 323 9. The land clearing code, Chapter 21.08 LMC;
- 324 10. The federal flood hazard area map and criteria, Chapter 16.46 LMC; and
- 325 11. Other plans and programs as the city of Lynnwood may adopt.

326 B. The community development director, public works director and mayor shall
327 determine whether appropriate provisions are made for the public use and interest by
328 the proposed binding site plan. More specifically, they shall determine if appropriate
329 provisions are made in the binding site plan for, but not limited to:

- 330 1. The public health, safety and general welfare;
- 331 2. Open spaces, parks and playgrounds;
- 332 3. Storm drainage;
- 333 4. Streets, alleys, sidewalks, trails and other public ways;
- 334 5. Water supplies; and
- 335 6. Sanitary and solid waste disposal.

336 If it is found that the public use and interest will not be served by the binding site plan,
 337 the community development director shall recommend disapproval. If the mayor finds
 338 that the public use and interest will not be served they shall disapprove the application.

339

340 **Section 11. Amendment.** LMC 21.02.225 is hereby repealed:

341

342 **21.02.225 Church**

343 ~~“Church” means an establishment, the principal purpose of which is religious worship~~
 344 ~~and for which the principal building or other structure contains the sanctuary or principal~~
 345 ~~place of worship, and including accessory uses in the main building or in separate~~
 346 ~~buildings or structures, including Sunday school rooms and religious education~~
 347 ~~classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, a~~
 348 ~~one-family dwelling unit and residences on-site for nuns and clergy, but excluding~~
 349 ~~facilities for training of religious orders.~~

350

351

352 **Section 12. Amendment.** LMC 21.02.576 is hereby amended to read as follows:

353

354 **21.02.576 Planned unit development Place of worship.**

355 ~~“Planned unit development” means a development which meets the provisions of~~
 356 ~~Chapter 21.30 LMC. “Place of worship” means an establishment, the principal purpose~~
 357 ~~of which is religious worship and for which the principal building or other structure~~
 358 ~~contains the sanctuary or principal place of worship, and including accessory uses in~~
 359 ~~the main building or in separate buildings or structures, including religious education~~
 360 ~~classrooms, assembly rooms, kitchen, library room or reading room, recreation hall, and~~
 361 ~~one-family dwelling unit and residences on-site for religious leaders, but excluding~~
 362 ~~facilities for training of religious orders. Examples include churches, mosques,~~
 363 ~~synagogues, and temples.~~

364

365 **Section 13. Amendment.** LMC 21.02.577 is hereby amended to read as follows:

366

367 **21.02.577 Planning commission Planned unit development.**

368 ~~“Planning commission” means that body as defined in Chapter 35A.63 RCW designated~~
369 ~~by the city council to perform the planning function for the city of Lynnwood.~~

370 “Planned unit development” means a development which meets the provisions of
371 Chapter 21.30 LMC.

372
373 **Section 14. Amendment.** LMC 21.02.578 is hereby amended to read as follows:
374

375 **21.02.578 Premises- Planning commission**

376 ~~“Premises” means the land occupied by, leased to, or otherwise controlled by a use, all~~
377 ~~the structures thereon, and all the space therein. Such space may include one or more~~
378 ~~building sites (either undeveloped or improved land).~~

379
380 “Planning commission” means that body as defined in Chapter 35A.63 RCW designated
381 by the city council to perform the planning function for the city of Lynnwood.

382
383 **Section 15. New Section.** A new section, LMC 21.02.579, is hereby added:
384

385 **21.02.579 Premises.**

386 “Premises” means the land occupied by, leased to, or otherwise controlled by a use, all
387 the structures thereon, and all the space therein. Such space may include one or more
388 building sites (either undeveloped or improved land).

389
390 **Section 16. Amendment.** LMC 21.02.046 is hereby amended to read as follows:
391

392 **21.02.046 Arterial, collector.**

393 “Collector arterial” means a street which collects and distributes traffic from higher type
394 arterial streets to access streets or directly to traffic destinations and serves
395 neighborhood traffic generators such as a store, a small group of stores, elementary
396 school, ~~church~~ place of worship, clinic, or apartment area.

397 **Section 17. Amendment.** LMC 21.02.689 is hereby amended to read as follows:
398

399 **21.02.689 Sign, institution identification.**

400 “Institution identification sign” means a permanent sign used to identify a particular
401 institution such as a school or ~~church~~ place of worship.

402 **Section 18. Amendment.** LMC 21.16.290 is hereby amended to read as follows:
403

404 **21.16.290 Residential Signs**

405 Only the following signs are permitted:

406 A. Occupant Identification, Home Occupation and Child Day-Care Center Signs. A sign
407 identifying the occupants of a residence or home occupation on which premises the sign
408 is located, providing:

- 409 1. There shall not be more than one sign per dwelling unit;
- 410 2. The maximum size of a child day-care sign shall be six square feet for a sign
411 placed flat against the wall of a building, or six square feet and not more than 42
412 inches high for a freestanding sign. The maximum size of an occupant
413 identification sign or a home occupation sign shall be two square feet for a sign
414 placed against the wall of a building, or two square feet and not more than 24
415 inches high for a freestanding sign;
- 416 3. Freestanding signs shall be permanently installed and shall be set back a
417 minimum of five feet from a right-of-way;
- 418 4. There shall be no internal illumination of, nor external illumination directed at,
419 the sign; and
- 420 5. The components of the sign shall not be temporary or removable.

421 B. Restrictions or Danger in Use of Premises. Signs no larger than two square feet
422 referring to the restrictions or danger in use of premises on which the sign is located,
423 including, but not limited to, “no trespassing,” “beware of dog,” and “electrified fence”
424 signs.

425 C. On-Site Sale of Household Goods. Signs advertising sale of household goods, for
426 example, garage and yard sales, providing such signs:

- 427 1. Do not exceed four square feet in area per side;
- 428 2. Are attached to a wall or mounted in the ground on the site where the sale
429 would occur;
- 430 3. Are placed no more than one day prior to sale and removed within one day
431 following sale;
- 432 4. Shall only be used for the sale of household goods and shall not be used for
433 home occupations or any other residential or commercial purpose;
- 434 5. Portable off-premises sale of household goods signs are allowed providing
435 such signs:
 - 436 a. No more than three off-premises signs for sale of household goods are
437 allowed. These signs may be located along the edge of street rights-of-
438 way; however, they shall not be located on or overhang street pavement,
439 street medians, sidewalks or any area where people walk, ride bicycles,
440 drive or park vehicles;

441 b. May be located on property other than that where household goods are
442 for sale with the permission of the property owner where sign is placed.
443 These signs shall not be fastened to any telephone or utility pole, fence,
444 traffic control device, public structure, rock, tree or shrub;

445 6. Shall not be located on city park property or within public rights-of-way adjacent to
446 city park property.

447 D. Real Estate Signs.

448 1. Signs advertising the sale, rental or lease of property, providing such signs:

449 a. Do not exceed 10 square feet per side, do not exceed five feet in height
450 and are attached to a wall or mounted in the ground on the site for sale,
451 rent or lease only so as to prevent such signs from becoming a hazard to
452 pedestrians or motorists for individual developed single-family lots;

453 b. Do not exceed 32 square feet in area per side and subject to the
454 location, number and height regulations of LMC 21.16.310(I) for the
455 following: tracts of undeveloped land; tracts of partially developed land
456 which may be developed at a higher density; and subdivisions; and

457 c. Are removed once the property and/or buildings being advertised are
458 sold, rented or leased.

459 2. Portable off-premises real estate open house and directional signs are allowed
460 providing such signs:

461 a. Shall only be used for sale, lease or rental of real property and shall not
462 be used for home occupations or any other residential or commercial
463 purpose;

464 b. May be within the public right-of-way located along the edge; however,
465 they shall not be located on or overhang street pavement, street medians,
466 sidewalks or any area where people walk, ride bicycles, drive or park
467 vehicles;

468 c. In number are no more than the minimum necessary to direct the public
469 from principal and minor arterials in the city to property for sale, lease or
470 rent and no more than one sign per agent, property manager or seller
471 shall be placed per street intersection;

472 d. May be located on property other than that for sale, lease or rent with
473 permission of property owner where the sign is located. These signs shall
474 not be fastened to any telephone or utility pole, street light, traffic control
475 device, public structure, fence, rock, tree or shrub;

476 e. Shall not exceed four square feet per side;

477 f. Shall only be placed when agent, seller or property manager is at the
478 property for sale, lease or rent and only on Saturday and Sunday during
479 daylight hours, and only on Wednesdays from 10:00 a.m. to 3:00 p.m.;

480 g. Shall not be located on city park property or within public rights-of-way
481 adjacent to city park property.

482 The above described signs do not require a sign permit, but this exemption shall not
483 relieve the owner of the sign from the responsibility for its conformance with this section.

484 E. Construction Signs. Construction signs providing such signs:

485 1. Do not exceed 10 square feet per side, and do not exceed five feet in height
486 for individual developed single-family lots. Such signs may be attached to a wall
487 or mounted in the ground on the site of construction so that such signs are not a
488 hazard to pedestrians, bicyclists or motorists for individual developed single-
489 family lots. Such signs shall be removed at the time permitted construction
490 receives final approval by the city;

491 2. Do not exceed 32 square feet per side and comply with the regulations of LMC
492 21.16.280 for the following: tracts of undeveloped land; tracts of partially
493 developed land that may be developed at a higher density; subdivisions and
494 development in multiple-family zones.

495 The above signs do not require a sign permit, but this exemption shall not relieve
496 the owner of such signs from the responsibility for compliance with this section.

497 F. Residential Development or Institution Identification Signs. Ground signs which
498 identify residential developments such as subdivisions and apartment complexes or
499 institutional uses such as ~~churches~~ places of worship and schools providing such signs:

500 1. Are located within the development or site so identified;

501 2. Do not exceed one per street frontage;

502 3. Comply with the ground sign regulations in LMC 21.16.310 except for the
503 regulation prohibiting removable letters; and

504 4. Such signs shall require a sign permit.

505 G. Signs for Offices in Multiple-Family Zones. There shall be no signs allowed except
506 wall signs, ground signs, and building directories. All wall and ground signs shall
507 conform to the requirements and criteria of LMC 21.16.310. All wall signs shall be
508 noninternally illuminated, except for individual letter signs and signs with opaque sign
509 face backgrounds that only allow letters and/or business logos or graphics to be visible
510 at night. Wall signs on building facades oriented toward nearby residential zones shall
511 not be illuminated.

512

513 **Section 19. Amendment.** LMC Table 21.17.01 is hereby amended to read as follows:

514

515

Table 21.17.01

LIGHTING ZONE	Recommended Uses or Areas	Zoning Considerations
LZ-1	Lighting Zone 1 pertains to areas where low ambient lighting levels are desirable. These typically include single- and two-family residential communities, and other areas with limited nighttime activity. May also include the developed areas in parks and other natural settings.	Recommended default zone for low density residential areas. Includes single- or two-family residential districts, and open space including preserves in developed areas.
LZ-2	Lighting Zone 2 pertains to areas with moderate ambient lighting levels. These typically include multifamily residential uses, institutional residential uses, schools, churches <u>places of worship</u> , hospitals, hotels/motels, commercial and/or business areas with evening activities embedded in predominately residential areas, recreational and playing fields serving neighborhoods, and/or mixed use development with a predominance of residential uses. Can be used to accommodate a district of outdoor sales or industry in an area otherwise zoned LZ-1.	Recommended default zone for light commercial business districts, business parks and high density or mixed use residential districts. Includes neighborhood business districts, churches <u>places of worship</u> , schools and neighborhood recreation facilities, and light industrial zoning with modest nighttime uses or lighting requirements.
LZ-3	Lighting Zone 3 pertains to areas with moderately high lighting levels. These typically include commercial corridors, high intensity suburban commercial areas, town centers, mixed use areas, industrial uses and shipping and rail yards with high nighttime activity, high use recreation and playing fields, regional shopping malls, car dealerships, gas stations, and other retail areas with outdoor nighttime activity.	Recommended default zone for general business districts. Includes business zone districts and industrial and/or manufacturing zone districts.

516

517

518 **Section 20. Amendment.** LMC Table 21.17.02 is hereby amended to read as follows:

519

520

Table 21.17.02

LIGHTING ZONE	ZONING DISTRICT	USES
LZ-1	RS-8, RS-7, RS-4, RML, RMM, P1	Single-family, low/medium density multifamily, mobile home parks, city low-use neighborhood parks
LZ-2	RMH, MHP, B1, B2, B3, NC, CDM, HMU, BTP, P1	High-density multifamily, mobile home parks, neighborhood-oriented business, business parks, <u>churches</u> , <u>places of worship</u> , schools, larger city parks, office buildings
LZ-3	CG, PRC, PCD, CC-C, CC-W, CC-N, ACC, CR, LI, P1	High-intensity commercial areas along arterials, Alderwood Mall, Transition Area, EDCC, Meadowdale Playfields, medium-intensity light industrial, car dealerships, office buildings

521
522
523
524

Section 21. Amendment. LMC Table 21.18.20 is hereby amended to read as follows:

Table 21.18.20: Parking Occupancy Rates

Use ^(a)	Weekdays ^(a)			Weekends ^(a)		
	Day (7:00 a.m. – 6:00 p.m.)	Evening (6:00 p.m. – 11:00 p.m.)	Night (11:00 p.m. – 7:00 a.m.)	Day (8:00 a.m. – 5:00 p.m.)	Evening (5:00 p.m. – 12:00 a.m.)	Night (12:00 a.m. – 8:00 a.m.)
Residential	60%	100%	100%	80%	100%	100%
Office/Industrial/Warehouse	100%	20%	5%	5%	5%	5%
Retail/Commercial	90%	80%	5%	100%	79%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70% ^(b)	100%	10%	70% ^(b)	100%	20%
Theater (Movie or Live)	40%	80%	10%	80%	100%	10%
Entertainment/Recreation	40%	100%	10%	80%	100%	10%
Convention/Conference	100%	100%	5%	100%	100%	5%
<u>Church Place of Worship/Religious Institution</u> ^(c)	10%	5%	5%	100%	50%	5%

(a) Weekends are the period from 6:00 p.m. on Friday to 6:00 p.m. on Sunday.

(b) Fast food and breakfast/lunch oriented facilities = 100%

(c) The development and business services director, on finding that a religious institution place of worship holds its primary religious services during a non-“weekend” period, may require “weekend” parking on the appropriate weekday(s) and/or allow “weekday” parking on Saturday and/or Sunday. In making such

Table 21.18.20: Parking Occupancy Rates

Use ^(a)	Weekdays ^(a)	Weekends ^(a)
determination, the director may consider parking studies at comparable institutions or may require a site-specific study.		

525

526

527 **Section 22. Amendment.** LMC 21.30.950 is hereby amended to read as follows:

528

529 **21.30.950 Permissive variations in requirements**

530 In considering a proposed planned unit development project, the approval thereof may
531 involve modifications in the regulations, requirements, and standards of the zone in
532 which the project is located so as to appropriately apply such regulations, requirements,
533 and standards to the larger site. In modifying such regulations, requirements, and
534 standards as they may apply to a planned unit development project, the following
535 limitations shall apply:

536 A. Yards and Site-Screening. The requirements for yards and site-screening which
537 would normally apply to the uses within the planned unit development, if those uses
538 were being developed in a conventional use zone, shall apply in a planned unit
539 development unless other proposals are approved as part of the preliminary planned
540 unit development. Such proposals shall be accompanied by supporting material
541 demonstrating that the variations would provide equal or greater protection to adjacent
542 or nearby properties.

543 B. Number and Type of Dwelling Units. In a residential planned unit development, the
544 allowed number of units may be arranged into the types of structures allowed in higher
545 density zones. The number of dwelling units permitted in any R zone shall be
546 determined by dividing the net development area by the minimum lot area per dwelling
547 unit required in the zone in which the area is located.

548 Reductions in lot size requirements when parking spaces are placed within the building
549 structure shall not apply to planned unit developments. Net development area shall be
550 determined by subtracting from the total development area the area set aside for
551 ~~churches~~ places of worship, schools or commercial use and the amount of land that
552 would be required for streets if the land was developed under standard provisions
553 instead of PUD. In RS zones, street right-of-way requirements under standard
554 subdivision practices may be assumed to be 15 percent unless demonstrated
555 otherwise.

556 C. Permitted Residential Site Coverage. The permitted percentage of coverage by
557 residential buildings and structures for the net development area as determined in
558 subsection (B) of this section shall not exceed the percentage of coverage permitted in
559 the zone in which the project is located.

560 D. Permitted Nonresidential Site Coverage. The site coverage permitted for the
561 nonresidential uses shall be solely in the discretion of the city council; in exercising its
562 discretion, the city council shall be guided by the density and uses permitted on lands
563 affected by this PUD, the objectives of the comprehensive plan, the site coverage
564 permitted by the existing zoning, any fire hazards and the ability to provide fire
565 protection and other emergency services, the amount of area needed for parking and
566 open space to cause this PUD to be compatible to adjacent lands and uses, and such
567 additional information as the city council determines to be relevant to its deliberation.

568 E. Off-Street Parking. An off-street customer parking plan shall be provided in
569 connection with the preliminary planned unit development application, conforming to the
570 standards of this title for the number of stalls and dimensional standards. Any proposed
571 variations from the dimensional standards shall be shown on the parking plan and shall
572 be accompanied by supporting material justifying the variations. The parking plan may
573 also provide for flexibility in the number of parking stalls by designating a part of the
574 parking plan to be made available upon demand by the city council or their designee.
575 Such reserve parking capacity shall be guaranteed by bond or other appropriate
576 guarantee. The land to be reserved for potential parking improvements shall be
577 improved with an interim landscaping, but the preliminary approval may provide that
578 existing vegetation may be retained in lieu of the landscaping.

579 **Section 23. Amendment.** LMC 21.42.400 is hereby amended to read as follows:

580

581 **21.42.400 Accessory structures and uses.**

582 A. Solar Energy Systems. The use of solar energy systems (for example, attached solar
583 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and
584 efficient method for producing energy and reducing energy consumption. The majority
585 of residential structures within Lynnwood were constructed before solar energy systems
586 became a viable means for producing energy, thus lot yard setbacks and height
587 restrictions do not take such systems into account. The city of Lynnwood finds that it is
588 in the best public interest to encourage solar energy systems. If it is found that a solar
589 energy system would have a positive impact on energy production and conservation
590 while not having an adverse environmental impact on the community, but the placement
591 of such system requires violation of city setback or maximum height limitations,
592 allowance of such systems may be permitted through the variance process and shall be
593 encouraged. In viewing such variance request, the following shall be considered in
594 making a determination:

- 595 1. That the solar energy system has a net energy gain;
- 596 2. That the solar energy system is designed to minimize glare towards vehicular
597 traffic and adjacent properties;
- 598 3. That the solar energy system not adversely affect solar access to adjacent
599 properties;
- 600 4. That the solar energy system complies with all other city zoning, engineering,
601 building, and fire regulations; and
- 602 5. That the solar energy system is found to not have any adverse impacts on the
603 area, which impacts shall include, but not be limited to, the effects of such
604 system upon the views from neighboring properties and public ways.

605 In order to show that the proposed energy system will conform to the above, the
606 applicant shall be required to submit a site plan and elevations showing the location,
607 size, and dimensions of the solar energy system and its relation to all adjacent
608 properties. Care shall be taken to ensure that the design, materials used and colors
609 architecturally blend in with the existing structure. The city may require that the site plan
610 and elevations and/or energy-saving calculations be prepared by an engineer, architect
611 or builder specializing in solar energy construction.

612 B. Family Child Care Homes. Family child care homes are permitted as an accessory
613 use to a dwelling.

614 C. Keeping Small Animals as Pets.

- 615 1. The keeping of small animals as pets shall be permitted as an accessory use.
- 616 2. Livestock, Except Chickens and Miniature Goats. The keeping of livestock
617 (except chickens and miniature goats; see subsections (C)(3) and (C)(4) of this
618 section) shall not be permitted except that an occupant shall be able to keep one
619 animal, i.e., horse, cow or sheep, on a lot having a minimum of 20,000 square
620 feet and an additional animal for each 20,000 square feet additional lot area. The
621 entire square footage of roaming area shall be fenced. Fences must be of such a
622 type and size as to prevent encroachment on adjacent property. Encroachment
623 shall be defined as reaching over, under or through, as well as trespassing or
624 intruding upon, the property of another. Accessory buildings used for housing
625 animals shall be provided, and shall be a minimum of 200 square feet and a
626 maximum of 250 square feet in area per animal, except as allowed by variance,
627 and shall not be closer than 25 feet to a property line, except for those provisions
628 provided for chickens and goats, below. An accessory building for the housing of
629 small animals or fowl (except chickens, see below) shall not exceed 36 square
630 feet in floor area when located on a residential lot and neither the building nor the
631 fenced area for their roaming shall be closer than 25 feet to a property.
- 632 3. Chickens. The keeping of chickens for personal use of the household (eggs shall
633 not be sold) shall be permitted subject to the following:
 - 634 a. A maximum of five chickens may be kept per lot associated with a single-
635 family residential dwelling unit.
636

- 637 b. A suitable structure to provide shelter from the elements and an outdoor
638 pen shall be provided. The shelter and pen shall be built and maintained to
639 prevent the chickens from breaking through, out, over, or under the same.
640 The shelter and pen shall be kept in good working condition, shall not
641 cause odor or noise nuisances, and must be kept in a clean and well-
642 maintained condition at all times.
- 643
- 644 i. The enclosed shelter shall provide a floor, walls, and roof and shall
645 be a minimum of four square feet per chicken.
- 646 ii. The outdoor pen (a ground level roaming area) shall be a minimum of
647 eight square feet per chicken.
- 648 iii. Pens and shelters shall be constructed so as to discourage
649 predators.
- 650 iv. The outer edge of the shelter or pen shall be set back a minimum of
651 15 feet from side and rear property lines. Pens and shelters are not
652 permitted in the area between the primary dwelling unit and the front
653 property line. The side of the pen facing an adjacent residence shall
654 be sight obscuring through the use of a solid fence.
- 655 v. Electricity provided to the shelter will require an electrical building
656 permit.
- 657
- 658 c. Bedding/manure shall be composted or bagged and tied and placed within
659 garbage dumpsters.
- 660 d. Roosters shall be prohibited.
- 661 e. Chickens shall not be processed on premises. Infected chickens with
662 diseases harmful to humans shall be removed.
- 663
- 664 4. Goats. The keeping of miniature goats for personal use of the household (no
665 commercial uses) shall be permitted subject to the following:
- 666 a. Miniature breeds of goats include the following: pygmy, Nigerian dwarf and
667 pygora or similar breeds (based on height and weight). Adult goats shall
668 not exceed 30 inches measured from the withers or weigh more than 100
669 pounds. The wither is the ridge between the shoulder blades of the goat.
- 670 b. A maximum of three miniature goats may be kept per lot associated with a
671 minimum of 7,200-square-foot lot area of a single-family residential
672 dwelling unit. Nursing offspring may be kept until weaned, no longer than
673 12 weeks after birth.
- 674 c. Male goats must be neutered.
- 675 d. All goats must be dehorned.
- 676 e. A suitable structure to provide shelter from the elements and an outdoor
677 pen shall be provided. The shelter and pen shall be built and maintained to
678 prevent the goats from breaking through, out, over, or under the same. The
679 shelter and pen shall be kept in good working condition, shall not cause
680 odor nuisances, and must be kept in a clean and well maintained condition
681 at all times.
- 682 i. The shelter shall provide walls, a roof and a door.

- 683 ii. The outer edge of the shelter or pen shall be set back a minimum of
- 684 15 feet from side and rear property lines. Pens and shelters are not
- 685 permitted in the area between the primary dwelling unit and the front
- 686 property line. The side of the pen facing an adjacent residence shall
- 687 be sight obscuring through the use of a solid fence.
- 688 iii. Electricity provided to the shelter will require an electrical building
- 689 permit.
- 690 iv. No confinement area shall be located within a critical (sensitive) area
- 691 or their buffers.
- 692 f. Goats shall not be slaughtered on premises.
- 693 g. Goats over 12 weeks old shall be annually licensed per the current fee
- 694 schedules adopted for dogs in the city of Lynnwood.
- 695 5. The keeping of mink, goats (with the exception of miniature breeds permitted
- 696 under subsection (C)(4) of this section), foxes, or hogs is prohibited.

697 D. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted
 698 if accessory to a school, ~~church~~ place of worship, park, or other facility of a similar
 699 nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

700 E. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging
 701 stations are allowed as an accessory use but shall be privately owned with restricted
 702 access (e.g., occupants of a single-family home, employees and members of the
 703 congregation in the case of a religious institution). The electric vehicle charging station
 704 shall not be open for use to the general public.

705 F. Shipping container or other similar storage units as defined in Chapter 21.02 LMC
 706 are not permitted as accessory structures in residential zones.

707 **Section 24. Amendment.** LMC 21.43.400 is hereby amended to read as follows:

708
 709 **21.43.400 Accessory structures and uses.**

710 A. Private Garages and Carports. Private garages and carports are allowed in the RML,
 711 RMM, and RMH zones as long as they adhere to the side yard, rear yard and front yard
 712 setbacks as required herein for the applicable zone. In the RML zone, where more than
 713 one dwelling unit is involved, private garages shall be limited to accommodating not
 714 more than two cars for each dwelling.

715 B. Solar Energy Systems. The use of solar energy systems (for example, attached solar
 716 greenhouses, attached solar sunspaces, and solar collectors) can be an effective and
 717 efficient method for producing energy and reducing energy consumption. The majority
 718 of residential structures within Lynnwood were constructed before solar energy systems
 719 became a viable means for producing energy, thus lot yard setbacks and height
 720 restrictions do not take such systems into account. The city of Lynnwood finds that it is
 721 in the best public interest to encourage solar energy systems. If it is found that a solar
 722 energy system would have a positive impact on energy production and conservation

723 while not having an adverse environmental impact on the community, but the placement
724 of such system requires violation of city setback or maximum height limitations,
725 allowance of such systems may be permitted through the variance process and shall be
726 encouraged. In viewing such variance request, the following shall be considered in
727 making a determination:

- 728 1. That the solar energy system has a net energy gain;
- 729 2. That the solar energy system is designed to minimize glare towards vehicular
730 traffic and adjacent properties;
- 731 3. That the solar energy system not adversely affect solar access to adjacent
732 properties;
- 733 4. That the solar energy system complies with all other city zoning, engineering,
734 building, and fire regulations; and
- 735 5. That the solar energy system is found to not have any adverse impacts on the
736 area, which impacts shall include, but not be limited to, the effects of such
737 system upon the views from neighboring properties and public ways.

738 In order to show that the proposed energy system will conform to the above, the
739 applicant shall be required to submit a site plan and elevations showing the location,
740 size, and dimensions of the solar energy system and its relation to all adjacent
741 properties. Care shall be taken to ensure that the design, materials used and colors
742 architecturally blend in with the existing structure. The city may require that the site plan
743 and elevations and/or energy-saving calculations be prepared by an engineer, architect
744 or builder specializing in solar energy construction.

745 C. Family Child Care Homes. Family child care homes are permitted as an accessory
746 use to a dwelling.

747 D. Keeping Small Animals as Pets. The keeping of small animals as pets shall be
748 permitted as an accessory use; the keeping of livestock shall not be permitted.

749 E. Carnivals, Circuses, and Other Temporary Special Events. These uses are permitted
750 if accessory to a school, ~~church~~ place of worship, park, or other facility of a similar
751 nature. Such activities shall not be subject to regulation by Chapter 5.30 LMC.

752 F. Electric Vehicle Charging Stations. Level 1 and Level 2 electric vehicle charging
753 stations are allowed as an accessory use but shall be privately owned with restricted
754 access (e.g., renters of a multiple-family dwelling complex, employees and members of
755 the congregation in the case of a religious institution). The electric vehicle charging
756 station shall not be open for use to the general public.

757 G. Shipping container or other similar storage units as defined in Chapter 21.02 LMC
758 are not permitted as accessory structures in residential zones.

759 **Section 25. Amendment.** LMC 21.44.100 is hereby amended to read as follows:

760

761 **21.44.100 Uses Allowed**

762 A. Permitted Uses (and Accessory Uses As Determined by the Community
763 Development Director).

764 1. Residential Uses. All uses which are permitted in the RS-8 single-family
765 residential zone are permitted.

766 2. Institutional Uses. The following uses are permitted, subject to the standards of
767 this chapter:

768 a. ~~Churches;~~ Places of Worship;

769 b. Private or semiprivate memorial buildings;

770 c. Community clubhouses, convention centers, public golf courses, and
771 accessory uses;

772 d. Art galleries, libraries, and museums;

773 e. Private and public schools, universities and colleges;

774 f. Child day care;

775 g. Public parks, playgrounds, and schools;

776 h. Municipal buildings, including fire stations, and performance arts facilities,
777 as well as any accessory building, related to a municipal use;

778 i. Clubs or fraternal societies;

779 j. Transit center;

780 k. Park-and-ride lots; and

781 l. Existing wastewater treatment plant

782 B. Conditional Uses.

783 1. All uses permitted through the issuance of a conditional use permit in the RS-8
784 zone, except as amended by this section;

785 2. Charitable, nonprofit or social service organizations other than those uses
786 specifically allowed as a permitted use;

787 3. Medical facilities, including hospitals, convalescent homes and medical or dental
788 clinics; and

789 4. Expansion or major alteration of an existing wastewater treatment plant.

790 C. Factors for Consideration for Proposed Conditional Uses. In considering any
791 conditional use permit application, the hearing examiner shall consider all factors
792 relevant to the public interest including, but not limited to:

793 1. Consistency of the proposal with the comprehensive plan and with the purpose
794 of the P-1 zone as stated in LMC 21.44.050, especially discouraging activities of a
795 commercial or industrial nature, whether public or private;

796 2. Impact of the proposal on the visual and aesthetic character of the
797 neighborhood;

798 3. Impact of the proposal on the distribution, density or growth rate of the
799 population in the neighborhood;

800 4. Orientation of facilities to developed or undeveloped residential areas;

801 5. Preservation of natural vegetation and other natural features;

802 6. Hours of operation;

803 7. Ability to provide adequate on-site parking;

804 8. Traffic impacts of the proposal on the neighborhood; and

805 9. Conformance of the proposal with the city noise ordinance, Chapter 10.12 LMC.

806 Whenever the proposed use involves occupying a partially or totally vacant school, the
807 applicant must demonstrate that the proposed use will have no greater impacts than the
808 use for which the facility was first designed.

809 D. Exemption from Conditional Use Permit Application Process. Some limited
810 expansion of uses and structures of existing uses at the Lynnwood wastewater
811 treatment plant may be approved for exemption from the conditional use permit process
812 by the development and business services director if the proposed alteration meets the
813 following criteria:

814 1. The alteration does not expand the treatment capacity of the plant.

815 2. The alteration does not result in a significant increase in noise, odor, traffic, or
816 visual impact.

817 3. Any proposal to add accessory structures does not result in the addition of more
818 than 500 square feet of building coverage.

819 **Section 26. Amendment.** LMC Table 21.46.04 is hereby amended to read as follows:

820

Table 21.46.04

Institutional Uses	NC	PCD	CG
Adult Day Care Centers	P	P	P-X
Child Day Care	P	P	P-X
Churches <u>Place of Worship</u>	P	P	P-X
Assisted Living, Congregate Care and Senior Housing*	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

821

822 **Section 27. Amendment.** LMC 21.54.100 is hereby amended to read as follows:

823

824 **21.54.100 Land Use**

825 A. Commercial Uses. Except as specifically stated otherwise in this section, all land
826 uses permitted “by right” in the city center zones are permitted “by right” in this zone. All
827 land uses permitted with approval of a conditional use permit in the city center zones
828 are permitted with approval of a conditional use permit in this zone.

829 B. Residential Uses. Multifamily residential uses are permitted, provided the multifamily
830 residential use is part of a mixed-use building or is on property that has commercial
831 uses. Multifamily residential development without commercial uses on the property shall
832 not be permitted.

833 C. Conditional Uses. Notwithstanding the regulations of the city center (CC) zones, the
834 following uses are permitted in this zone with approval of a conditional use permit:

835 1. Convenience store.

836 2. Drive-in or drive-through window or any other facility that provides services
837 to customers in vehicles.

838 3. ~~Church~~ Place of worship.

- 839 4. Home improvement stores
- 840 5. Carpeting or floor covering stores.
- 841 6. Furniture stores.
- 842 7. Battery exchange station (electric vehicle).

843 D. Prohibited Uses. Notwithstanding subsections (A) and (B) of this section, the
844 following uses are prohibited in this zone:

- 845 1. Vehicle display, sales, rental, repair, washing, or servicing as a principal use
846 except that:
 - 847 a. Retail sales of new automobile tires, batteries and other motor vehicle
848 accessories and installation thereof within a completely enclosed building; and
 - 849 b. Retail sale of automobile and recreational vehicle fuels (but without repairs
850 or servicing) when accessory to an otherwise permitted retail use over 50,000
851 square feet GFA.
- 852 2. Gas or service stations as a principal use.
- 853 3. Dry cleaning plants.
- 854 4. Appliance or small engine repair.
- 855 5. Self-service storage or cold storage lockers.
- 856 6. Agricultural and horticultural activities (including plant nurseries). Florist shops
857 are permitted.
- 858 7. Marijuana and marijuana-infused products retail sales, processing or production.
- 859 8. Medical marijuana collective gardens.
- 860 9. Supervised drug consumption facilities.

861 **Section 28. Amendment.** LMC 21.02.300 is hereby amended to read as follows:

862
863 **21.02.300 Dwelling unit**

864 “Dwelling unit” means one or more rooms designed for or occupied by one or more
865 persons ~~family~~ for living or sleeping purposes and containing kitchen facilities for use

866 solely by the occupants ~~one family~~. All rooms comprising a dwelling unit shall have
867 access through an interior door to other parts of the dwelling unit.

868 **Section 29. Amendment.** LMC 21.02.325 is hereby amended to read as follows:

869
870 **21.02.325 Family**

871 “Family” means ~~an individual or two or more persons related by blood, marriage,~~
872 ~~domestic partnership, or adoption including foster children and exchange students. or a~~
873 ~~group of not more than five persons, excluding domestic employees, who need not be~~
874 ~~related by blood or marriage living together in a dwelling unit as a family unit and who~~
875 ~~are cooking and living as a single housekeeping unit.~~ For the purposes of this definition,
876 and notwithstanding any other provision of this code, children with familial status within
877 the meaning of 42 U.S.C. 3602(k), and persons with handicaps within the meaning of 42
878 U.S.C. 3602(h), will not be counted as unrelated persons.

879
880 **Section 30. New Section.** A new section 21.02.440 is hereby added to the Lynnwood
881 Municipal Code to read as follows:

882
883 **21.02.440 Household**

884 “Household” means all the people who occupy a dwelling unit, regardless of
885 relationship. Examples of a household include a person living alone in a dwelling unit,
886 multiple related people sharing a dwelling unit; or unrelated people sharing a dwelling
887 unit such as partners or roommates.

888
889 **Section 31. Amendment.** LMC 21.02.295 is hereby amended to read as follows:

890
891 **21.02.295 Dwelling, types of.**

892 A. Dwelling, Group. “Group dwelling” means more than two separate buildings, each
893 containing one or more dwelling units.

894 B. Dwelling, ~~One~~ Single-Family. ~~“One Single-family dwelling”~~ means a detached
895 building or zero lot line attached building with one common wall on an individual lot
896 containing one dwelling unit and designed for occupancy by one household per lot.
897 ~~designed exclusively for occupancy by one family and containing one dwelling unit per~~
898 ~~lot.~~

899 C. Dwelling, Two-Family (Duplex). “Two-family dwelling or duplex” means a building
900 designed exclusively for occupancy by two ~~families~~ households living independently of
901 each other, and containing two dwelling units.

902 D. Dwelling, Multiple-Family. "Multiple-Family dwelling" means a building designed
 903 exclusively for occupancy by three or more families households living independently of
 904 each other, and containing three or more dwelling units.

905 E. Accessory Dwelling Unit. "Accessory dwelling unit" is defined in LMC 21.02.011 as a
 906 second dwelling unit on a premises occupied by a single-family detached dwelling. This
 907 unit provides a separate and completely independent dwelling unit with facilities for
 908 cooking, eating, sanitation and sleeping.

909
 910 **Section 32. Amendment.** LMC 21.02.357 is hereby amended to read as follows:

911
 912 **21.02.357 Frontage, street.**

913 "Street frontage" means the length of the lot line which abuts a public-street not
 914 including alleys.

915
 916 **Section 33. Amendment.** LMC Table 21.08.03 is hereby amended to read as follows:

917

**Table 21.08.03: Parking Lot Frontage, Service Yard,
 and Outdoor Storage Area Landscape Strips**

Type	Location	Minimum width	Minimum number of trees per linear feet of frontage	Minimum number of shrubs or fence requirements
A	Between property line abutting the right-of-way and parking lot.	10 ft	1 small tree per 15 linear ft, or 1 medium tree per 22 linear ft. A combination of sizes is allowed per 21.08.300.C.2.	2 per 20 sf
B	Between property line abutting the right-of-way and parking lot.	15 ft	1 small tree per 15 linear ft, or 1 medium tree per 22 linear ft. A combination of sizes is allowed per 21.08.300.C.2.	2 per 20 sf
SERV (Service Yard)	Any area between service yard and right-of-way.	Entire area between service yard and ROW	One row of trees 10 ft on center	Solid vision-obscuring fence or hedge minimum 4 feet (mature) height and max 6 feet. Locate at edge of service yard.

Table 21.08.03: Parking Lot Frontage, Service Yard, and Outdoor Storage Area Landscape Strips

Type	Location	Minimum width	Minimum number of trees per linear feet of frontage	Minimum number of shrubs or fence requirements
OUTDOOR (Outdoor Display Area)	Anywhere on site.	5 ft along any side; 10 ft along entire street frontage if applicable	One row of trees Min 6 ft tall at planting 15 ft on center	Vision-obscuring fence max 6 ft high at edge of outdoor display area.

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Section 34. Amendment. LMC Table 21.08.06 is hereby amended to read as follows:

Table 21.08.06: Parking Lot Interior Landscaping Tree Requirements

Zone	Number of Trees
All zones except: Highway 99 Mixed Use and Commercial-Residential Zone	1 Large Tree per 7 Parking Spaces, <u>or</u> 1 Medium Tree per 4 Parking Spaces, <u>or</u> 1 Small Tree per 3 Parking Spaces. At Least 50% Shall Be Medium or Large Trees. A combination of sizes is allowed per 21.08.300.C.2.
Highway 99 Mixed Use (HMU) Zone	1 Large Tree per 6 Parking Spaces, <u>or</u> 1 Medium Tree per 3 Parking Spaces, <u>or</u> 1 Small Tree per 2 Parking Spaces. At Least 50% Shall Be Medium or Large Trees. A combination of sizes is allowed per 21.08.300.C.2.

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Section 35. Amendment. LMC Table 21.08.07 is hereby amended to read as follows:

Table 21.08.07: Parking Structure Parking Strip Types

Parking structure's zone	Minimum width abutting ROW	Minimum width abutting private street, access easement, or driveway	Minimum width abutting other sides of parking structure	Minimum number of trees	Groundcover
Parking Structure in	25 feet	15 feet	10 feet	1 large tree per 30 linear feet, <u>or</u>	3 feet max mature height shrubs.

Table 21.08.07: Parking Structure Parking Strip Types

Parking structure's zone	Minimum width abutting ROW	Minimum width abutting private street, access easement, or driveway	Minimum width abutting other sides of parking structure	Minimum number of trees	Groundcover
Any Zone Except for ACC or CC Zone				1 medium per 22 linear feet, <u>or</u> 1 small per 15 linear feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per 21.08.300.C.2.	Remainder planted with vegetative groundcover.
Parking Structure in ACC Zone	10 feet	15 feet	10 feet	1 small, medium, or large tree per 150 square feet of landscaped area. May be clustered or evenly spaced. A combination of sizes is allowed per 21.08.300.C.2.	3 feet max mature height shrubs. Remainder planted with vegetative groundcover.
Parking Garage in a CC Zone	Parking structures fully screened in accordance with the City Center Design Guidelines are not required to provide landscape strip buffers abutting ROW or streets, easements, or driveways. If a parking structure does not meet these standards the parking structure shall comply with requirements for parking structures in the ACC zone.				

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927

928 **Section 35. Amendment.** LMC Table 21.08.09 is hereby amended to read as follows:

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Table 21.08.09: Buffer Strip Types

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
Low (L)	5 ft	1 small per 15 lineal feet.	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.
Medium (M)	10 ft	1 large per 30 lineal feet, <u>or</u> 1 medium tree per 22 lineal feet, <u>or</u>	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max.

Table 21.08.09: Buffer Strip Types

Buffer Type	Width	Trees	Plants and Groundcover	Fence or Other Barrier
		1 small per 15 lineal feet.*		
High (H)	20 ft	1 large per 30 lineal feet, or 1 medium per 22 lineal feet. A combination of sizes is allowed per 21.08.300.C.2.	Mix of natural groundcover that provides 75% cover. Shrubs of any height. Mulch or woodchips on rest of area.	6-foot vision-obscuring fence or Row of shrubs reaching 3 ft max or Berm (see below).
Berm in lieu of buffer (3 to 4 feet in height, grade no steeper than 2:1)	20 ft	1 large per 30 lineal feet, or 1 medium per 22 lineal feet. May be planted in a row or staggered on the slope closest to the property line. A combination of sizes is allowed per 21.08.300.C.2.	Mix of natural groundcover that provides 100% cover. Shrubs of any height.	Fence not required. A row of shrubs to ensure a 6-foot total height from surrounding grade.

930

931 **Section 36. Amendment.** LMC 21.17.050 is hereby amended to read as follows:

932

933 **21.17.050 General requirements.**

934 A. The following general requirements shall apply to all proposed outdoor lighting:

935 1. Site lighting trespass onto adjacent residential properties shall be minimized;

936 2. Site lighting shall minimize light spillage into the night sky;

937 3. Outdoor lighting shall be controlled by either a combination of a photo sensor and a
938 time switch or an astronomical time switch. All time switches shall be capable of
939 retaining programming and the time setting during loss of power for a period of at least
940 10 hours;941 4. Fixtures and lighting systems ~~used for safety and security~~ shall be maintained in good
942 working order and in a manner that serves the original design intent of the system; and943 5. The applicant shall submit to the city a site lighting plan to enable a determination
944 that the applicable provisions of this chapter will be satisfied.

945 a. The outdoor lighting plan shall include the following:

- 946 i. Manufacturer specification sheets, cut-sheets or other manufacturer provided
- 947 information for all proposed lighting fixtures;
- 948 ii. The proposed location, mounting height, and aiming point of all outdoor lighting
- 949 fixtures; and
- 950 iii. If building elevations are proposed for illumination, drawings shall be provided for all
- 951 building elevations showing fixtures, portions of the elevations to be illuminated,
- 952 illumination levels of the elevations, and the aiming point for any remote light fixture.
- 953 b. If needed to review proposed outdoor lighting installations, the city may require
- 954 additional information following the initial lighting plan submittal, including but not limited
- 955 to:
 - 956 i. A brief written narrative, with accompanying plan or sketch, which demonstrates the
 - 957 objectives of the lighting;
 - 958 ii. Photometric data, BUG ratings as defined by the Illuminating Engineering Society of
 - 959 North America (IESNA), Color Rendering Index (CRI) of all lamps, or LEDs, and other
 - 960 descriptive information on the fixtures, or designation as IESNA “cutoff fixtures”;
 - 961 iii. A computer generated photometric grid showing footcandle readings every 10 feet
 - 962 within the property or site, and 10 feet beyond the property lines; iso-footcandle contour
 - 963 line style plans are also acceptable; and
 - 964 iv. Landscaping information that indicates mature vegetation in order to evaluate the
 - 965 long-term and seasonal effectiveness of lighting or screening of lighting.

966
 967 **Section 37. Amendment.** LMC 21.18.600 is hereby amended to read as follows:

968
 969 **21.18.600 Parking lot illumination.**

970 Lighting in off-street parking areas shall be arranged so as to not constitute a nuisance

971 or hazard to passing traffic. Where lots share a common boundary with any “R”

972 ~~classified~~ Residential zoned property, and where any RM zone lot shares a boundary

973 with an RS zone, the illumination shall be directed away from the more restrictively

974 classified property. See Chapter 21.17 LMC, Outdoor Lighting Standards, for specific

975 regulations pertaining to parking lot illumination.

976
 977 **Section 38. Amendment.** LMC Table 21.18.02 is hereby amended to read as follows:

978
 979 **Table 21.18.02**

Eating and Entertainment Uses	Number of Parking Stalls Required
Adult Cabarets (with or without alcoholic beverage service)	One per 100 SF GFA

Bars, Taverns, Saloons and Cocktail Lounges	One per 100 SF GFA
Restaurant, Dine-in (building code occupant load for 20 or more)	One per 100 SF GFA
Restaurant with Drive-Through Service (building code occupant load for 20 or more, plus drive-through window or facility)	One per 100 SF GFA + stacking lane requirements
Drive-Through/Take-Out Food/Beverage Stand: (establishment primarily serving drive-through and/or take-out clientele, but which may have incidental seating for less than 20 (building code occupant load))	One per 200 SG SF GFA + stacking lane requirements

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982

Section 39. Amendment. LMC Table 21.18.03 is hereby amended to read as follows:

Table 21.08.03

Institutional Uses	Number of Parking Stalls Required
Libraries	One per 250 SF GFA
Museums and Art Galleries (not including retail galleries or studios)	One per 500 SF GFA
Colleges, Universities or Institutions of Higher Learning	One per employee and faculty member, plus one per three full-time equivalent students <u>3.5 day-student FTEs</u>
Business and Trade Schools (e.g., beauty, cosmetology, secretarial, music, art, dance, vocational and occupational training, extension programs, etc.)	One for every 100 SF GFA
Hospitals (includes offices within the hospital building, but parking for medical office buildings, even if co-located with the hospital, shall be in accordance with Table 21.18.04)	Five per licensed bed
Nursing, convalescent and rest homes	See residential uses
Schools, Elementary and Middle and Equivalent Private or Parochial Schools	One per six student capacity (“capacity” means the designed capacity of the school, even if actual enrollment varies by year), plus sufficient off-street space for safe loading and unloading of students from school buses. The proponent shall demonstrate how special event parking will be provided through a combination of on-site, on-street (where public parking is available) and off-site parking provisions.
Schools, Senior High and Equivalent Private or Parochial Schools	One per three student capacity
Child Day Care Centers, Preschools, Nursery Schools and Kindergartens ⁽²⁾	One per employee required by WAC <u>170-295-2090</u> plus: When enrollment is known: 45 students or less: 1 per 5 students More than 45 students: 8 + 1 per 40 students When enrollment is not known: For 2,500 SF or less: 1/300 SF

Table 21.08.03

Institutional Uses	Number of Parking Stalls Required
	For more than 2,500 SF: 8 + 1/5,000 SF

983

984 **Section 40. Amendment.** LMC 21.25.105 is hereby amended to read as follows:

985

986 **21.25.105 Administration**

987 Various places in this title indicate that applications for certain multiple-family,
 988 commercial, industrial and other nonresidential development are permitted only if it
 989 complies with ~~Lynnwood Citywide Design Guidelines~~ applicable design guidelines and
 990 approved pursuant to the provision of this chapter. In addition, various parts of this title
 991 that also require design review for remodeling and expansion of existing multiple-family,
 992 commercial, industrial and other nonresidential development shall also comply with the
 993 applicable design guidelines ~~Lynnwood Citywide Design Guidelines~~ and be approved
 994 pursuant to the provisions of this chapter. The development and business services
 995 director will make the decision on compliance with the Lynnwood Citywide Design
 996 Guidelines based on written comments and information. Appeals of the decision will be
 997 decided by the hearing examiner.

998

999 **Section 41. Amendment.** LMC 21.25.110 is hereby amended to read as follows:

1000

1001 **21.25.110 Purpose of Review**

1002 Project design review has the following purposes:

1003 A. To review the proposal for compliance with the provisions of this title, ~~Lynnwood~~
 1004 ~~Citywide Design Guidelines~~ applicable design guidelines and all other applicable laws
 1005 and regulations.

1006 B. To help insure that the proposal is coordinated, as is reasonable and appropriate,
 1007 with other known or anticipated development on private properties in the area and with
 1008 known or anticipated right-of-way and other public improvement projects within the area.

1009 C. To encourage proposals that embody good design principles that will result in high
 1010 quality development on the subject property.

1011 **Section 42. Amendment.** LMC 21.25.145 is hereby amended to read as follows:

1012

1013 **21.25.145 Director's decision**

1014 A. General.

1015 Coordination with Decisions Under SEPA. If a SEPA threshold determination is
1016 required to be issued, the threshold determination must precede the director's
1017 decision on the project. If the SEPA threshold determination is appealed, the
1018 director's decision shall be issued prior to the open record hearing on the threshold
1019 determination appeal.

1020 B. Decisional Criteria. The director shall use the criteria listed in this section.

1021 1. It is consistent with the comprehensive plan.

1022 2. It is consistent with all applicable provisions of this chapter.

1023 3. It is consistent with the applicable design guidelines found in the ~~Lynnwood~~
1024 ~~Citywide Design Guidelines~~ applicable design guidelines, adopted by this
1025 reference and incorporated in the provisions of the LMC and this chapter as fully
1026 as if herein set forth.

1027 4. For development applications for remodeling or expansion of an existing
1028 development, it is consistent with those provisions in the ~~Lynnwood Citywide~~
1029 ~~Design Guidelines~~ applicable design guidelines identified by the director as being
1030 applicable.

1031 5. For such applications, the director may modify applicable design standards and
1032 guidelines to provide continuity between existing and new development and/or
1033 proposed phases of development.

1034 C. Conditions and Restrictions. The director shall include in the written decision any
1035 conditions and restrictions that are necessary to ensure compliance with the decisional
1036 criteria listed in subsection (B) of this section.

1037 D. Content and Notice of Decision. The decision of the director shall be prepared and
1038 distributed as specified by Chapter 1.35 LMC.

1039
1040 **Section 43. New Section.** A new section 21.42.105 is hereby added to the Lynnwood
1041 Municipal Code to read as follows:

1042

1043 **Chapter 21.42**
1044 **RESIDENTIAL SINGLE-FAMILY ZONES**

1045 Sections:

1046 **21.42.050 Zones and purposes.**

1047 **21.42.100 Uses allowed in single-family residential zones.**

1048 **21.42.103 Uses prohibited in the single-family residential zones.**

- 1049 **21.42.105 Project design review**
- 1050 **21.42.110 Limitations on use.**
- 1051 **21.42.200 Development standards.**
- 1052 **21.42.205 Single-family dwelling standards.**
- 1053 **21.42.210 Additional development standards.**
- 1054 **21.42.250 Development standards for park facilities.**
- 1055 **21.42.300 Home occupations.**
- 1056 **21.42.400 Accessory structures and uses.**
- 1057 **21.42.420 Placement of accessory buildings and structures – Interior lots.**
- 1058 **21.42.440 Placement of accessory buildings and structures – Corner and**
- 1059 **reverse corner lots.**
- 1060 **21.42.500 Signs.**
- 1061 **21.42.900 Other regulations.**
- 1062

1063 **21.42.105 Project design review.**

1064 A. Design Guidelines for Non-Residential Uses. Construction of any non-residential
1065 buildings (excluding single-family accessory structures) as allowed per Table 21.42.01,
1066 permitted by conditional use permit, in any single-family residential zone shall comply
1067 with Lynnwood Citywide Design Guidelines for All Districts and Commercial Districts as
1068 adopted by reference in LMC 21.25.145(B)(3), and receive approval pursuant to
1069 Chapter 21.25 LMC, unless otherwise specified in this chapter:

1070 1. Construction of any non-residential structures or buildings (excluding single-
1071 family accessory structures or buildings) with a gross floor area of more than
1072 1,000 square feet.

1073 2. Construction of any parking lot and/or parking structure with 20 or more stalls
1074 or paved parking area of 5,400 square feet or more.

1075 B. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by
1076 reference in LMC 21.25.145(B)(3), shall supersede any development standards and
1077 requirements of this chapter that may conflict, unless otherwise specified in this chapter.

1078 C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify
1079 development project sites within a gateway or prominent intersection location. Such
1080 sites shall be subject to applicable gateway and/or prominent intersection design
1081 guidelines identified in the All Districts section of the Lynnwood Citywide Design
1082 Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project
1083 site lies within a gateway or prominent intersection location, then the entire project shall
1084 comply with the applicable design guidelines.

1085
1086 **Section 44. Amendment.** LMC Table 21.42.02 is hereby amended to read as follows:
1087

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1089

Table 21.42.02 Development Standards

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 Front Yard Minimum Setbacks – All Lots			
<u>Front Yard Setback</u>	<u>25 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
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.
Abutting a Private Road or Access Easement	15 ft.	15 ft.	15 ft.
Side Yard Minimum Setbacks – Interior Lots			
<u>One Side</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Both Sides Combined</u>	<u>15 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Minimum Side Yard Setbacks – Corner Lot Side Yard Minimum Setbacks – Corner Lots			
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			
<u>One Side</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Both Sides Combined</u>	<u>15 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
Rear Yard Minimum Setbacks – All Lots			
Minimum Rear Yard Setback	25 ft.	25 ft.	15 ft.*
Any Yard Abutting a Principal Arterial			
<u>Minimum Setback</u>	<u>25 ft.</u>	<u>25 ft.</u>	<u>20 ft.</u>
Minimum Lot Coverage and Building Heights			
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.

1090 * 20 ft. when abutting an RS-7 or RS-8 zone.

1091 ++ See LMC 21.42.210(C).

1092 +++ A reduction to 15 feet is allowed for lots that include an access easement that has a width
 1093 that measures a minimum of 15 feet.

1094
 1095 **Section 45. Amendment.** LMC 21.42.420 is hereby amended to read as follows:

1096
 1097 **21.42.420 Placement of accessory buildings and structures – Interior lots.**

1098 ~~A. Accessory Buildings and Structures on Lot Lines. In single-family zones, accessory~~
 1099 ~~buildings which:~~

- 1100 ~~1. Are behind the front wall of the residence;~~
- 1101 ~~2. Do not exceed one story in height (not to exceed 15 feet);~~
- 1102 ~~3. Are not greater than 600 square feet in floor area; and~~
- 1103 ~~4. Do not contain habitable space (as defined in the building code);~~

1104 ~~shall be set back not less than five feet from the lot side and rear lines, except that one~~
 1105 ~~accessory building which does not exceed eight feet in height nor 64 square feet in floor~~
 1106 ~~area may be located on lot side and rear lines.~~

1107 **21.42.440 Placement of accessory buildings and structures – Corner and**
 1108 **reverse corner lots.**

1109 ~~A. Accessory Buildings and Structures on Lot Lines. On the rear one-third of a corner or~~
 1110 ~~reverse corner lot, accessory buildings which do not exceed one story in height (not to~~
 1111 ~~exceed 15 feet) and which are not greater than 600 square feet in floor area shall be set~~
 1112 ~~back not less than five feet from interior lot side lines and lot rear lines, except that one~~
 1113 ~~accessory building which does not exceed eight feet in height nor 64 square feet in floor~~
 1114 ~~area may be located on interior lot side lines and lot rear lines. Any corner lot street~~
 1115 ~~setback requirements shall apply.~~

1116 Accessory buildings or structures in RS zones. Single-family accessory structures shall
 1117 comply with the following development standards:

1118

1119 **Table 21.42.03 Placement of Accessory Structures**

	<u>Accessory Buildings and Structures – Type 1</u>	<u>Accessory Buildings and Structures – Type 2</u>
<u>Maximum area</u>	64 SF	600 SF
<u>Maximum height</u>	8 ft.	15 ft. and no greater than one (1) story
<u>Front yard setback</u>	Not permitted	Not permitted
<u>Side yard setback</u>	0 ft.	5 ft.

Street side yard setback	15 ft.	15 ft.
Rear yard setback	0 ft.	5 ft.
Habitable space	Not permitted	Not permitted
Other	<u>Only one Type 1 building or structure is permitted per lot. All other accessory buildings and structures must meet Type 2 requirements.</u>	<u>Any number of Type 2 buildings allowed provided the primary dwelling unit and all Type 2 buildings do not exceed lot coverage limit.</u>

1120

1121 **Section 46. Amendment.** LMC 21.46 is hereby amended to read as follows:

1122

1123

1124

Chapter 21.46 COMMERCIAL ZONES

1125 Sections:

- 1126 **21.46.050 Purpose.**
- 1127 **21.46.100 Permitted structures and uses.**
- 1128 **21.46.103 Uses prohibited in the commercial zones.**
- 1129 **21.46.105 Project design review.**
- 1130 **21.46.110 Limitations on uses – General.**
- 1131 **21.46.111 Limitation on uses – Auto-oriented uses.**
- 1132 **21.46.112 *Repealed.***
- 1133 **21.46.113 *Repealed.***
- 1134 **21.46.114 Limitations on uses – Medical uses.**
- 1135 **21.46.115 Limitations on uses – Office uses.**
- 1136 **21.46.116 Limitations on uses – Residential uses.**
- 1137 **21.46.117 Limitations on uses – Retail uses.**
- 1138 **21.46.118 Limitations on uses – Light industrial uses.**
- 1139 **21.46.119 Limitations on uses – Other uses.**
- 1140 **21.46.120 General commercial area for controlled uses.**
- 1141 ~~**21.46.130 Prohibited uses.**~~
- 1142 **21.46.150 Accessory structures and uses.**
- 1143 **21.46.200 Development standards.**
- 1144 **21.46.210 Additional development standards.**
- 1145 **21.46.212 *Repealed.***
- 1146 **21.46.220 *Repealed.***
- 1147 ~~**21.46.230 Other transitional requirements.**~~
- 1148 **21.46.500 *Repealed.***
- 1149 **21.46.510 *Repealed.***
- 1150 **21.46.900 Other regulations.**
- 1151 **21.46.910 *Repealed.***

1152

1153

1154 **Section 47. Amendment.** LMC Table 21.46.03 is hereby amended to read as follows:

1155

1156

1157
1158

Table 21.46.03

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

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

1159

1160

1161 **Section 48. Amendment.** LMC Table 21.46.130 is hereby repealed:

1162

1163 ~~**21.46.130 Prohibited uses.**~~1164 ~~The following uses shall be prohibited in all commercial zones:~~1165 ~~A. Heliports and helistops.~~1166 **Section 49. Amendment.** LMC 21.46.103 is hereby amended to read:

1167

1168 **21.46.103 Uses prohibited in the commercial zones.**1169 A. Retail sales, production and processing of marijuana and/or marijuana-infused
1170 products.

1171 B. Medical marijuana collective gardens.

1172 C. Supervised drug consumption facilities.

1173 D. Heliports and helistops.

1174

1175 **Section 50. Amendment.** LMC 21.46.230 is hereby repealed:

1176

1177 ~~**21.46.230 Other transitional requirements.**~~1178 ~~A. Commercial Property Abutting an RS-Zoned Property. Where the interior yard of a~~
1179 ~~property zoned B-3 NC abuts a property zoned to a single-family residential zone, the~~
1180 ~~minimum side yard setback of the B-3 NC zoned property shall be 10 feet and the~~
1181 ~~minimum rear yard setback shall be 25 feet.~~1182 ~~Where the interior yard of a property zoned to any other commercial zone abuts a~~
1183 ~~property zoned to a single-family residential zone, the minimum side yard setback shall~~
1184 ~~be 25 feet and the minimum rear yard setback shall be 50 feet.~~

1185 ~~B. Commercial Property Abutting a Multiple-Family Residential Property. Where the~~
 1186 ~~interior yard of a property zoned B-3 NC abuts a property zoned to a multiple-family~~
 1187 ~~residential zone, the minimum side yard setback of the B NC zoned property shall be 10~~
 1188 ~~feet and the minimum rear yard setback shall be 25 feet.~~

1189 ~~Where the interior yard of a property zoned to any other commercial zone abuts a~~
 1190 ~~property zoned to a multiple-family residential zone the minimum side yard setback shall~~
 1191 ~~be 15 feet and the minimum rear yard setback shall be 25 feet.~~

1192

1193 **Section 51. Amendment.** LMC Table 21.46.14 is hereby amended to read:

1194

1195

Table 21.46.14
Minimum Standards Development Standards

	NC	PCD	CG
Minimum Area (unless adjacent to similar zoned land)	none	none	none
Maximum Area	none	none	none
Minimum Front Yard Setback	15 ft.	15 ft.	15 ft.
Located on a principal arterial	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setback – Street	15 ft.	15 ft.	15 ft.
Located on a principal arterial	15 ft.	15 ft.	15 ft.
Located on all other streets	15 ft.	15 ft.	15 ft.
Minimum Side Yard Setback – Abutting to RS zone	10 ft.	25 ft.	25 ft.
Minimum Side Yard Setback – Abutting to RM zone	10 ft.	15 ft.	15 ft.
Minimum Side Yard Setback – Abutting all other zones	none*	none*	none*
Minimum Rear Yard Setback – Abutting to RS Zone	25 ft.	50 ft.	50 ft.
Minimum Rear Yard Setback – Abutting to RM Zone	25 ft.	25 ft.	25 ft.
Minimum Rear Yard Setback – Abutting all other zones	none*	none*	none*
Maximum Building Height	35 ft.+	none	none
Maximum Lot Coverage	35%	none	35%

1196 * Except where adjoining a residential zone; see LMC 21.46.230.

1197 + Multifamily is permitted at three stories or 45 feet (whichever is less) on parcels that have a minimum of one acre in size,
1198 subject to standards and procedures established in Chapter 21.43 LMC for the multiple residential medium-density zone (RMM).
1199 See Figure 21.46.1 for specific permitted locations.

1200
1201 **Section 52. Amendment.** LMC Table 21.48.200 is hereby amended to read:

1202
1203 **21.48.200 Development standards.**

1204 A. Minimum Setbacks. There shall be a minimum setback for buildings of 15 feet from
1205 any public street right-of-way and 50 feet from any property line adjoining an ~~RS or RM~~
1206 a residential zone, with the following exceptions:

1207 1. Buildings which are to be used for professional offices, and which do not
1208 exceed a height of 25 feet above the average finished grade around the
1209 foundation of the building, shall be set back 50 feet from any property line
1210 adjoining a RS zone and 25 feet from any property line adjoining a RM zone; and

1211 2. See LMC 21.16.320 for sign regulations.

1212 B. Maximum Building Height. Building height is not restricted.

1213 C. Maximum Lot Coverage by Buildings. Lot coverage is not restricted.

1214
1215 **Section 53. Amendment.** LMC 21.50.210 is hereby amended to read:

1216
1217 **21.50.210 Additional development standards.**

1218 A. Building Height.

1219 1. BTP Zone. For buildings taller than three stories, the floor area to lot area ratio
1220 (FAR) shall not exceed 0.4, unless specifically allowed by conditional use permit
1221 approval. In connection with any such conditional use permit approval, the
1222 applicant shall demonstrate that the additional floor area will not adversely impact
1223 traffic flow and volumes on the public streets, as compared to other existing or
1224 anticipated developments on other properties in the same zone and vicinity.

1225 2. LI Zone. The community development director may authorize an increase in
1226 maximum building height not to exceed eight feet in height from the floor of the
1227 roof when the applicant demonstrates conformance with the general intent of the
1228 chapter.

1229 B. Setbacks for Fences. Fences, walls and hedges up to six feet in height may be
1230 located in any portion of an industrial-zoned lot as long as the fence is not located within
1231 intersection and driveway sight distance triangles, does not obstruct driver and
1232 pedestrian visibility, and complies with applicable Lynnwood Citywide Design
1233 Guidelines, as adopted by reference in LMC 21.25.145(B)(3).

1234 C. Parking Requirements.

1235 1. Required Number of Stalls. Requirements for parking are provided in Chapter
1236 21.18 LMC.

1237 D. Surface Water Management. Each industrial area shall have adequate facilities for
1238 management of surface water.

1239 ~~E. Development Standards – Cooperative Programs. In the BTP zone, cooperative~~
1240 ~~development of adjacent properties is encouraged. LMC 21.46.900(D) provides~~
1241 ~~incentives which should be considered when contemplating development, particularly~~
1242 ~~the development of relatively small properties.~~

1243
1244 **Section 54. Amendment.** LMC 21.10.100 is hereby amended to read:

1245
1246 **21.10.100 Fence and hedge standards**

1247
1248 The following regulations shall apply to all fences, hedges, and other vision-obscuring
1249 structures:

1250 A. Height and Composition of Fences and Hedges, and General Standards.

1251 1. Vision-Obscuring Fences and Hedges. “Vision-obscuring fences and hedges”
1252 shall mean solid or partially open fences and hedges more than three feet in
1253 height, but not exceeding six feet in height or eight feet in height with an attached
1254 adornment (i.e., arbor, trellis, or other decorative features attached on the top of a
1255 fence) in residential-zoned areas and not exceeding eight feet in height in
1256 commercial or industrial zoned ~~zoned~~ areas. Maximum height shall be measured
1257 from the elevation of the ground adjacent to the fence or hedge on the higher side.

1258 2. Non-Vision-Obscuring Fences and Hedges. “Non-vision-obscuring fences and
1259 hedges” shall include solid or partially open fences and hedges not exceeding
1260 three feet in height, and open fences not exceeding six feet in height or eight feet
1261 in height with an attached adornment in residential zones and eight feet in height in
1262 commercial or industrial zones. “Open fences” shall mean those fences consisting
1263 of open chain link, widely spaced board rails or other materials which provide
1264 adequate driver visibility through the fence. Rail fences shall consist of horizontal
1265 rails not more than four inches wide and at least one foot between rail edges.
1266 Deviation from horizontal rails and from these dimensions may be allowed,
1267 providing the applicant can demonstrate to the satisfaction of the appropriate city
1268 officials that such deviation will provide at least as much visibility through the
1269 fence. Maximum height shall be measured from the elevation of the ground
1270 adjacent to the fence on the higher side; however, within sight distance triangles
1271 (see subsections (B)(1)(b) and (B)(1)(c) of this section) maximum height of solid or

1272 partially open fences and hedges not exceeding three feet shall be measured from
1273 the elevation of the street adjacent to such sight distance triangle.

1274
1275 **Section 55. Repeal.** LMC Chapter 21.56 is hereby repealed:
1276

1277 **Chapter 21.56**
1278 **~~164TH STREET OVERLAY ZONE~~**

- 1279 Sections:
- 1280 ~~21.56.050 Purpose.~~
- 1281 ~~21.56.075 Applicability.~~
- 1282 ~~21.56.090 Interpretation.~~
- 1283 ~~21.56.100 Land use.~~
- 1284 ~~21.56.150 Project design review.~~
- 1285 ~~21.56.200 Area and dimensional standards.~~
- 1286 ~~21.56.300 Signs.~~
- 1287 ~~21.56.400 Building design.~~
- 1288 ~~21.56.500 Street frontage landscaping.~~
- 1289 ~~21.56.600 Underground utilities.~~
- 1290 ~~21.56.700 Access control.~~
- 1291 ~~21.56.710 Joint parking.~~
- 1292

1293 **Chapter 21.56**
1294 **~~164TH STREET OVERLAY ZONE~~**

- 1295 Sections:
- 1296 ~~21.56.050 Purpose.~~
- 1297 ~~21.56.075 Applicability.~~
- 1298 ~~21.56.090 Interpretation.~~
- 1299 ~~21.56.100 Land use.~~
- 1300 ~~21.56.150 Project design review.~~
- 1301 ~~21.56.200 Area and dimensional standards.~~
- 1302 ~~21.56.300 Signs.~~
- 1303 ~~21.56.400 Building design.~~
- 1304
- 1305 ~~21.56.500 Street frontage landscaping.~~

1306 ~~21.56.600—Underground utilities.~~

1307 ~~21.56.700—Access control.~~

1308 ~~21.56.710—Joint parking.~~

1309 ~~21.56.050—Purpose.~~

1310 ~~This overlay zone is intended to implement the North Gateway Subarea Plan by~~
 1311 ~~establishing a design identity and character for the portion of 164th Street SW corridor~~
 1312 ~~in the subarea. This identity and character are intended to be contemporary in nature~~
 1313 ~~and substantially different from the character of the developed areas of Lynnwood. By~~
 1314 ~~contrasting with those areas this identity and character will promote a sense of~~
 1315 ~~community in the subarea. The land use and development standards in this overlay~~
 1316 ~~zone seek to establish this identity and character by modifying existing land use and~~
 1317 ~~development regulations so as to produce a streetscape that creates strong links~~
 1318 ~~between private land uses and public streets and that integrates the built elements of~~
 1319 ~~that streetscape (primarily buildings and parking facilities) with the “natural” elements~~
 1320 ~~(landscaping and the Swamp Creek corridor). (Ord. 2441 § 19, 2003; Ord. 2206 § 1,~~
 1321 ~~1998)~~

1322 ~~21.56.075—Applicability.~~

1323 ~~This overlay zone may be applied to any property that has frontage on 164th Street SW~~
 1324 ~~between 22nd Avenue W and area west to Admiralty Way, all as shown in Exhibit A to~~
 1325 ~~Resolution No. 98-13. It may also be applied to any property that does not have~~
 1326 ~~frontage on this segment of 164th Street SW where development of that property would~~
 1327 ~~be visible from this segment of 164th Street or otherwise would significantly affect that~~
 1328 ~~street segment. At properties where this overlay zone is applied, the regulations in this~~
 1329 ~~chapter shall apply in combination with those of the existing (“underlying”) zone. (Ord.~~
 1330 ~~2206 § 1, 1998).~~

1331 ~~21.56.090—Interpretation.~~

1332 ~~At any property zoned to this overlay zone, all regulations of both the “underlying” zone~~
 1333 ~~and this overlay zone shall apply. In the event of a conflict between the regulations of~~
 1334 ~~this overlay zone and those of the underlying zone, the regulations of this overlay zone~~
 1335 ~~shall control. (Ord. 2206 § 1, 1998)~~

1336 ~~21.56.100—Land use.~~

1337 ~~A. Permitted Uses. As stated by the regulations for the underlying zones.~~

1338 ~~B. Conditional Uses. As stated by the regulations for the underlying zone. Except that~~
 1339 ~~where the underlying zone allows the following uses, these uses should be allowed only~~
 1340 ~~with approval of a conditional use permit:~~

- 1341 ~~1. Drive-through or drive-up windows or any other facility that provides service to~~
1342 ~~customers in cars.~~
- 1343 ~~2. Handball courts, racquet clubs and indoor and outdoor tennis courts (except that~~
1344 ~~these uses are permitted as accessory uses as part of private recreation facilities at~~
1345 ~~multiple family residential developments).~~
- 1346 ~~3. Convenience stores.~~
- 1347 ~~4. Park and ride lots operated by a public agency.~~
- 1348 ~~5. The repair, improvement or expansion of gas stations existing as of the date of the~~
1349 ~~ordinance codified in this chapter.~~
- 1350 ~~C. Prohibited Uses. The following uses shall be prohibited in this overlay zone:~~
- 1351 ~~1. Automotive uses (see Table 21.46.01), except as noted under subsections (A) and~~
1352 ~~(B) of this section.~~
- 1353 ~~2. Indoor amusement enterprises and amusement centers.~~
- 1354 ~~3. Dry cleaning and laundry plants.~~
- 1355 ~~4. Appliance stores, furniture stores and carpet stores.~~
- 1356 ~~5. Cold storage lockers.~~
- 1357 ~~6. Radio or television stations.~~
- 1358 ~~7. Marijuana and marijuana-infused products retail sales, processing or production.~~
- 1359 ~~8. Medical marijuana collective gardens.~~
- 1360 ~~9. Supervised drug consumption facilities. (Ord. 3305 § 10, 2018; Ord. 3136 § 10, 2015;~~
1361 ~~Ord. 2206 § 1, 1998)~~
- 1362 ~~21.56.150—Project design review.~~
- 1363 ~~Project design review shall occur pursuant to the regulations for the underlying zone.~~
1364 ~~(Ord. 2388 § 56, 2001; Ord. 2206 § 1, 1998)~~
- 1365 ~~21.56.200—Area and dimensional standards.~~
- 1366 ~~A. The standards in this section shall apply to all structures and nonstructural uses in~~
1367 ~~this overlay zone. No building, structure or land shall be established, erected, enlarged~~
1368 ~~or structurally altered, except in conformance with these standards, unless modifications~~
1369 ~~to these standards are approved through the design review process. These standards~~
1370 ~~may be modified if the applicant demonstrates during design review that the proposed~~
1371 ~~modification:~~
- 1372 ~~1. Substantially contributes to establishing strong visual and physical connections~~
1373 ~~between the primary use(s) of private property and the public street;~~

1374 2. Provides landscaping along the public right-of-way and in parking lots that would be
 1375 equal to or more extensive than landscaping required by this chapter; and

1376 3. Promotes the intent and purpose of this chapter and the goals, objectives and
 1377 policies of the comprehensive plan (particularly the North Gateway Subarea Plan).

1378 B. Table of Standards.

1379 **Table 21.56.1 – Development Standards**

Site Planning	
Minimum front setback	15 ft.
Maximum front setback (applicable only to 50 percent of building frontage)	90 ft.
Maximum building height	100 ¹ ft.
Corner lot – Minimum area of landscaped area at intersection ¹	500 sq. ft.
Minimum pedestrian area at building entries	200 sq. ft.
Parking Area	
Minimum landscaped area – Parking area within 100 ft. of street	See LMC 21.56.200 (D)(4)
Minimum landscaped area – Parking area more than 100 ft. from street or behind a building	See LMC 21.56.200 (D)(4)
Minimum size of landscaped area within 100 ft. of street	25 sq. ft.
Minimum width of landscaped area	5 ft.
Minimum number of trees in landscaped area within 100 ft. of street	1 per 6 parking spaces*

Minimum number of trees in landscaped area more than 100 ft. from street-	1 per 8 parking spaces*
Landscaping-	
Minimum width of landscaping between a street and a parking lot or drive aisle-	20 ft.*
Planting of street trees-	30 ft. on center-

1380 *—This standard shall supersede any applicable Lynnwood Citywide Design Guidelines
 1381 that may conflict.

1382 C. Notes:

1383 1. Any portion of a building or structure with a height greater than 35 feet shall be set
 1384 back from all interior property lines one foot for every two feet in height greater than 35
 1385 feet.

1386 D. Additional Standards.

1387 1. At any parking lot that is more than 130 feet in any dimension, specially marked
 1388 pedestrian walkways leading to building entries shall be provided.

1389 2. Special paving shall be installed and maintained at all driveways and other points of
 1390 access for vehicles to/from a public street. "Special paving" shall include, but is not
 1391 limited to, bemonite, stamped or colored concrete, and concrete pavers.

1392 3. Pedestrian connections shall be provided between all buildings and between
 1393 buildings, parking areas and public sidewalks at adjoining streets.

1394 4. Five percent of parking areas located only between the sides of buildings opposite
 1395 the street and interior property lines; 10 percent of parking areas between buildings,
 1396 between buildings and the closest side property line; or single aisle, double-loading
 1397 parking areas located between buildings and the street; and 15 percent of multi-aisle
 1398 parking areas located between buildings and street shall be in landscaping (exclusive of
 1399 landscaping on the street frontage and required landscape buffers). (Ord. 2441 § 19,
 1400 2003; Ord. 2388 § 57, 2001; Ord. 2206 § 1, 1998)

1401 21.56.300—Signs.

1402 Pole signs are prohibited. Development of any property that has more than 300 feet of
 1403 frontage on a public street may include one monument or ground sign. One additional
 1404 monument or ground sign is allowed for each additional 600 feet of street frontage. The
 1405 maximum height of a monument sign shall be 15 feet. (Ord. 2206 § 1, 1998)

1406 ~~21.56.400—Building design.~~

1407 ~~At every building constructed at a property in this zone, each side of the building that~~
 1408 ~~faces directly toward a public street shall create the appearance that, that elevation is~~
 1409 ~~the front elevation of the building. The primary design elements to create this~~
 1410 ~~appearance shall include window placement and wall articulation. This requirement~~
 1411 ~~shall apply to all building elevations that face a public street, regardless of whether~~
 1412 ~~public access into the building is provided through that elevation. (Ord. 2206 § 1, 1998)~~

1413 ~~21.56.500—Street frontage landscaping.~~

1414 ~~All landscaped areas between a parking area and a public street shall include~~
 1415 ~~mounding, a continuous hedge or other design elements to screen parked cars from~~
 1416 ~~public view. The minimum height of the screening required by this section shall be 2.5~~
 1417 ~~feet above the elevation of the adjoining parking area, measured at the curb that adjoins~~
 1418 ~~the landscaped area. The above standard shall supersede any applicable Lynnwood~~
 1419 ~~Citywide Design Guidelines, as adopted by reference in LMC 21.25.145(B)(3), that may~~
 1420 ~~conflict. (Ord. 2388 § 58, 2001; Ord. 2206 § 1, 1998)~~

1421 ~~21.56.600—Underground utilities.~~

1422 ~~When streets are constructed or reconstructed, all utilities shall be located underground,~~
 1423 ~~pursuant to Chapter 16.14 LMC. (Ord. 2206 § 1, 1998)~~

1424 ~~21.56.700—Access control.~~

1425 ~~Coordinated access points may be required for many sites. As a condition to site~~
 1426 ~~development approval, a property owner may be required to provide for joint access to~~
 1427 ~~and/or from adjacent parcels. This shall be accomplished through easements or joint~~
 1428 ~~use agreements approved by the city attorney. Curb cuts allowed at the time of~~
 1429 ~~development may only be temporary and may be closed when more suitable access is~~
 1430 ~~developed on adjacent sites. Specifically, when a site plan is approved, the owner may,~~
 1431 ~~at the city's discretion, be allowed to develop either permanent or temporary curb cuts~~
 1432 ~~for site access. When adjacent sites are developed, the property owner may be required~~
 1433 ~~to close temporary curb cuts and provide access through one of the adjacent sites.~~
 1434 ~~Alternatively, one or more of the adjacent sites may be required to provide its access~~
 1435 ~~through a permanent curb cut granted to the first site. This shared access scheme is~~
 1436 ~~intended to provide greater traffic safety and shall be viewed as partial consideration for~~
 1437 ~~site development plan approval from the city. (Ord. 2441 § 19, 2003; Ord. 2206 § 1,~~
 1438 ~~1998)~~

1439 ~~21.56.710—Joint parking.~~

1440 ~~As an incentive for development of joint parking facilities, parking requirements may be~~
 1441 ~~reduced as provided for in LMC 21.46.900(E).~~

1442

1443 **Section 55. Amendment.** LMC 21.57.500 is hereby amended to read:

1444
1445 **21.57.500 Site plan and design approval Project design review and project**
1446 **approval**

1447 ~~A. New development within the college district mixed use (CDM) zone shall comply with~~
1448 ~~the development standards of LMC 21.57.400 and with Lynnwood Citywide Design~~
1449 ~~Guidelines, as adopted by reference in LMC 21.25.145(B)(3), and receive approval~~
1450 ~~pursuant to Chapter 21.25 LMC.~~

1451 A. Design Guidelines for Nonresidential Uses. The following structures and parking
1452 facilities permitted outright or by conditional use permit in the college district mixed use
1453 (CDM) zone shall comply with Lynnwood Citywide Design Guidelines for All Districts
1454 and Commercial Districts as adopted by reference in LMC 21.25.145(B)(3), and receive
1455 approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter:

1456 1. Construction of any nonresidential structure or building with a gross floor area of
1457 more than 1,000 square feet.

1458 2. Construction of any parking lot and/or parking structure with 20 or more stalls or
1459 paved parking area of 5,400 square feet or more.

1460 B. Design Guidelines for Multiple-Family Uses. Construction of any multiple-family
1461 structure permitted outright or by conditional use permit in the college district mixed use
1462 (CDM) zone shall comply with Lynnwood Citywide Design Guidelines for All Districts
1463 and Multifamily Districts as adopted by reference in LMC 21.25.145(B)(3), and receive
1464 approval pursuant to Chapter 21.25 LMC, unless otherwise specified in this chapter.

1465 C. Supersede. Applicable Lynnwood Citywide Design Guidelines, as adopted by
1466 reference in LMC 21.25.145(B)(3), shall supersede any development standards and
1467 requirements of this chapter that may conflict, unless otherwise specified in this chapter.

1468 D. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify
1469 development project sites within a gateway or prominent intersection location. Such
1470 sites shall be subject to applicable gateway and/or prominent intersection design
1471 guidelines identified in the all districts section of the Lynnwood Citywide Design
1472 Guidelines, as adopted by reference in LMC 21.25.145(B)(3). If any portion of a project
1473 site lies within a gateway or prominent intersection location, then the entire project shall
1474 comply with the applicable design guidelines.

1475 ~~B.~~ E. In addition to the general decision criteria established in Chapter 21.25 LMC, the
1476 following criteria shall be considered when reviewing development proposals in the
1477 CDM zone:

1478 1. The proposal shall be compatible with the design and function of surrounding
1479 development and land uses.

1480 2. Streetscapes shall be designed to include a combination of facilities to serve
1481 pedestrians, cyclists and transit patrons, such as attractive lighting, awnings and
1482 canopies, seating, directional signage, information kiosks, designated street
1483 crossings, bus shelters, and/or other amenities to enhance the pedestrian
1484 environment.

1485 3. Public sidewalks and/or trails, bikeways or greenbelt linkages shall be provided
1486 to connect parks, municipal golf course, the college and other public areas
1487 frequented by the general public when the proposed development is on or adjacent
1488 to such planned facilities.

1489 **Section 56. Amendment.** LMC 21.60.300 is hereby amended to read:

1490
1491 **21.60.300 Uses prohibited in city center zones.**

1492 All uses shall be allowed in the city center zones unless specifically prohibited below:

1493 A. Prohibited in all city center zones:

1494 1. Adult establishments;

1495 2. Billboards;

1496 3. Industrial uses (excluding management, research and development, and sales
1497 operations);

1498 4. Outdoor storage or display of materials and equipment (except during
1499 construction) except as provided for in subsection (A)(10) of this section;

1500 5. Auto-oriented uses, including:

1501 a. Vehicle washing;

1502 b. Drive-throughs, including drive-up windows and drive-up kiosks, unless
1503 within an enclosed parking structure;

1504 c. Vehicle repair;

1505 d. Battery exchange station (electric vehicles);

1506 ~~e. Battery charging station (electric vehicle), Level 1, Level 2 or Level 3~~
1507 ~~(unless contained within an enclosed parking structure or attached to the~~
1508 ~~exterior of a building containing a principal use);~~

1509 f. e. Gasoline service stations;

1510 g. f. Rental car agencies with outdoor fleet;

- 1511 ~~h.~~ g. Outdoor sales of boats, vehicles or equipment;
- 1512 ~~6.~~ Sewage treatment plants;
- 1513 ~~7.~~ Work release facilities;
- 1514 ~~8.~~ 6. Wrecking yards;
- 1515 ~~9.~~ Secure community transition facilities;
- 1516 ~~10.~~ 7. Uses not contained within a building except:
 - 1517 a. Accessory outdoor dining;
 - 1518 b. Accessory outdoor display of merchandise up to a maximum of 200
 - 1519 square feet and where the display only occurs during business hours;
 - 1520 c. Temporary special events; or
 - 1521 d. Accessory outdoor recreation areas, in an amount not greater than the
 - 1522 gross floor area of the principal use it serves, not to exceed one-half acre;
- 1523 ~~11.~~ 8. Self-service storage facilities;
- 1524 ~~12.~~ 9. Marijuana and marijuana-infused products retail sales, processing or
- 1525 production;
- 1526 ~~13.~~ 10. Medical marijuana collective gardens;
- 1527 ~~14.~~ 11. Dry cleaning and laundry plants (with the exception of dry cleaning and
- 1528 laundry, self-service and pick-up stations and incidental cleaning as an in-house
- 1529 service);
- 1530 ~~15.~~ 12. Outdoor commercial recreation and entertainment, including stadiums,
- 1531 race tracks, outdoor theaters, swimming pools, golf courses;
- 1532 ~~16.~~ 13. Overnight campgrounds;
- 1533 ~~17.~~ 14. Retail lumber yards;
- 1534 ~~18.~~ 15. Assembly of glass, light metal, plastic, electronic, electrical or wood parts,
- 1535 which are extracted, stamped, manufactured or shaped elsewhere, not
- 1536 precluding minor processes such as cutting or drilling;
- 1537 ~~19.~~ 16. Bottling or packaging plants (except as incidental to a brewery or winery);
- 1538 ~~20.~~ 17. Greenhouses, plant nurseries and agriculture;
- 1539 ~~21.~~ 18. Outdoor fresh fruit, vegetable or produce stands (except for temporary
- 1540 uses such as farmers markets or accessory to a principal use contained within a
- 1541 building);
- 1542 ~~22.~~ 19. Warehouses of 10,000 square feet or less;

- 1543 ~~23-~~ 20. Distribution centers;
- 1544 ~~24. Drive-in and drive-through restaurants;~~
- 1545 ~~25-~~ 21. Detached single-family or manufactured homes;
- 1546 ~~26-~~ 22. Detached wireless communication facilities (wireless attached facilities
- 1547 are allowed subject to LMC 21.46.110);
- 1548 ~~27-~~ 23. Supervised drug consumption facilities; and
- 1549 ~~28-~~ 24. Any other uses similar to those listed above or any other use determined
- 1550 by the community development director to be inconsistent with the intent of the
- 1551 city center zones as described in this chapter and the city center subarea plan.
- 1552 Appeals of the community development director’s decision shall be processed as
- 1553 a Process II application (LMC 1.35.200).

1554 B. Additionally, prohibited in the portion of the city center – core zone (CC-C) that is

1555 north of 194th St. SW:

- 1556 1. Multifamily residential.

1557

1558 **Section 57. Amendment.** LMC 21.60.350 is hereby amended to read:

1559

1560 **21.60.350 Use limitations.**

1561 A. Ground floor principal uses in all city center zones shall be occupiable space.

- 1562 1. Exception. Structured parking may occupy the ground floor of a building;
- 1563 provided, that the parking does not occupy more than 40 percent of the ground
- 1564 floor space facing a street frontage. In such instances, the remaining portion of
- 1565 the building facing the street shall consist of occupiable space.

1566 B. For buildings that directly front the Promenade Street, no less than 40 percent of the

1567 lineal frontage of any building shall be occupied by a permitted, ~~nonresidential~~

1568 commercial use.

1569

1570 **Section 58. Amendment.** LMC 21.60.400 is hereby amended to read:

1571

1572 **21.60.400 Basic development standards.**

1573 A. Height.

- 1574 1. Minimum Building Height. The intent is that the city center zones accommodate
- 1575 dense urban form development. All new development shall be built to at least the
- 1576 minimum building height of three stories and no less than 30 feet; provided, that uses

1577 predominantly characterized as places of public assembly featuring auditoriums or
1578 meeting facilities, including but not limited to religious institutions, movie or performing
1579 arts theaters, symphony halls and convention facilities, shall have a minimum building
1580 height of 30 feet and no minimum story requirement. ~~However, due to current economic~~
1581 ~~conditions, in the first five years from the date of adoption of the ordinance codified in~~
1582 ~~this chapter, this requirement is waived and, if conditions are not improved beyond this~~
1583 ~~five-year period, the city council may extend this waiver further.~~

1584 a. Exception. A single-story building shall be permitted adjacent to or within a park as
1585 identified by the City Center Parks Master Plan. Such structure shall be approved by a
1586 development agreement.

1587 B. Setbacks.

1588 1. From Streets.

1589 a. To permit the widening of city center streets without creating nonconforming
1590 situations or the need to impact buildings, all buildings shall be located at the
1591 property line established by the future street right-of-way contained in Table
1592 21.60.4 utilizing the fronting street for fire access except as permitted
1593 otherwise in this chapter, the city center design guidelines or unless there is or
1594 will be a building between such building and the future street right-of-way. In
1595 exceptions where buildings do not utilize the street for fire access, a
1596 circulating fire lane may be required.

1597 b. Buildings may be set back from the street for the purpose of providing
1598 public plazas as a FAR bonus feature and as required by the city center
1599 design guidelines. The public plaza may exceed the minimum open
1600 space/public plaza size requirement provided in the design guidelines. Up to
1601 30 percent of any building's street frontage per street may be set back from
1602 the setback line to accommodate a public plaza. Open space/public plaza
1603 space may be combined at intersections.

1604 c. To allow buildings to be set back from wider streets, buildings along
1605 boulevard streets may be set back up to 17 feet from the property line
1606 established by the future street right-of-way provided in Table 21.60.4 subject
1607 to the following requirements:

1608 i. The boulevard street shall be utilized as the fire lane. No setback shall
1609 be allowed that would result in requiring a fire lane between the building
1610 and the street.

1611 ii. The setback shall be utilized only for open space/public plazas
1612 complying with subsection (B)(1)(b) of this section and the city center
1613 design guidelines.

1614 2. Interior Side. None required.

1615 3. Interior Rear. None required.

1616 C. Building Frontage.

1617 1. Less Than 100 Feet of Frontage. The minimum building frontage length shall be
 1618 less the space required to provide a drive aisle to service the site. If no drive aisle
 1619 is provided the minimum frontage shall be 65 of percent the length of the abutting
 1620 property line.

1621 2. One Hundred Feet of Frontage or Greater. The minimum building frontage
 1622 length shall be 70 percent of the length of the abutting property line. This length
 1623 may be reduced at the discretion of the development and business services
 1624 director to accommodate required fire access or drive aisles leading to parking
 1625 areas.

1626 3. Panhandle Lots and Landlocked Lots. Properties that only have access to a
 1627 public or private right-of-way through a panhandle or have no property line
 1628 adjacent to a public or private right-of-way are not required to provide building
 1629 frontage.

1630 D. Floor Area Ratio.

1631 1. Basic Allowable Floor Area Ratio. The basic floor area ratio (FAR) of buildings in
 1632 the city center shall be limited as shown in Table 21.60.1. The bonuses are
 1633 described in subsection (D)(2) of this section.

Table 21.60.1: Floor Area Ratio (FAR)

Maximum FAR		District		
		CC-C	CC-W	CC-N
Maximum allowable “as of right” for existing nonconforming sites and structures	Nonresidential	0.5	0.5	0.5
	Residential	1.0	1.0	1.0
Maximum allowable FAR “as of right” for new development	Nonresidential	2.0	2.0	2.0
	Residential	3.0	3.0	3.0
Maximum with bonuses	Nonresidential	8.0	3.0	3.0
	Residential	10.0	5.0	5.0

1634 Notes:

- 1635 a. Floor area is measured to the inside face of exterior walls.
- 1636 b. The following uses shall be excluded from floor area calculation:
- 1637 • Space underground (e.g., basements);

- 1638 • Space dedicated to parking;
- 1639 • Floor area devoted to rainwater collection;
- 1640 • Floor area devoted to gray water collection/storage/distribution;
- 1641 • Floor area devoted to waste recovery/separation;
- 1642 • Floor area devoted to service areas (such as storage areas, closets, and restrooms);
- 1643 • Balconies, patios, breezeways and decks without a solid cover;
- 1644 • Air spaces within buildings such as vaulted ceilings. More specifically, the floor area shall be counted as actual
- 1645 floor area only and not in the air spaces above;
- 1646 • Space used as FAR bonus feature (see Table 21.60.2);
- 1647 • Privately owned land area for the Promenade Walkway.
- 1648 c. Allowable FAR for nonresidential and residential uses shall be added together for the respective use types within
- 1649 a mixed use residential project, to provide for a combined FAR total.
- 1650 d. Hotels shall be considered nonresidential for the purpose of this chart.
- 1651 e. In situations where both conforming and nonconforming development are located on a site, the maximum FAR
- 1652 for conforming and nonconforming development may be combined, but each shall be limited to their respective
- 1653 FAR per Table 21.60.1. (For example, without bonus features, conforming development FAR maximum is 2.0;
- 1654 nonconforming FAR maximum is 0.5. Conforming development on the site may have a maximum FAR of 2.0;
- 1655 nonconforming maximum FAR of 0.5.)

1656 2. FAR Bonus. The FAR at a property may be increased above the amount permitted
 1657 “as of right” shown in Table 21.60.1 by including any of the features listed in Table
 1658 21.60.2 into development of the property.

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
LEED Silver or similar certification elements	Checklist stamped by the project architect illustrating LEED Silver or similar certification elements have been incorporated into project.	10 percent increase in total floor area for meeting LEED Silver certification standards (or similar) or above.
LEED Gold or similar certification elements	Checklist stamped by the project architect illustrating LEED Gold or similar certification elements have been incorporated into project.	25 percent increase in total floor area for meeting LEED Gold certification standards (or similar) or above.
LEED Platinum or similar certification elements	Checklist stamped by the project architect illustrating LEED Platinum or similar certification elements have been incorporated into project.	40 percent increase in total floor area for meeting LEED Platinum certification standards (or similar) or above.
Office use above the ground floor		2 sq. ft. of floor area for each sq. ft. of office use above the ground floor.
Parking, underground		2 sq. ft. of floor area for each sq. ft. of parking below grade.

Table 21.60.2: Bonus Features Allowing Increased Floor Area Ratio

Bonus Features	Feature Requirements	Additional Floor Area for Each Feature
Parking, structured		1 sq. ft. of floor area for each sq. ft. of structured parking above grade.
Public plaza	Provision of public plaza in excess of the requirement identified in the city center design guidelines.	5 sq. ft. of floor area for each sq. ft. of plaza above the amount required by the city center design guidelines.
Promenade Walkway (along public right-of-way)	Portions or all of the Promenade Walkway that are adjacent to or near and parallel to the public right-of-way or are located within the public right-of-way. (Access easement dedication where on private property to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	5 sq. ft. of floor area for each sq. ft. of Promenade.
Promenade Walkway (bisecting large blocks)	Promenade Walkway providing a connection through a large block not adjacent to or in the public right-of-way. However, up to 5 percent of the project's Promenade Walkway (bisecting large blocks) can be adjacent to or within the public right-of-way and still receive 20 sq. ft. of floor area bonus. (Access easement dedication to the public must be recorded with approved maintenance provisions.) The Promenade Walkway must conform to the design guidelines.	20 sq. ft. of floor area for each sq. ft. of Promenade.
Residential use (single purpose building)	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	2 sq. ft. of floor area for each sq. ft. of residential use.
Residential use in vertically mixed use building	Residential development granted as bonus square footage cannot be used to achieve additional square foot bonus.	4 sq. ft. of floor area for each sq. ft. of residential use if the development is vertical mixed use.
Street level retail	See definition (LMC 21.60.100(L)).	200 sq. ft. of floor area for each linear foot of retail frontage.

1659

1660 3. Change of Use and Continuation of Bonus.

1661 a. FAR bonuses granted based on the use of the building (e.g., office use,
1662 residential use, street level retail) and use of an area (e.g., Promenade
1663 Walkway or public plaza) shall be acknowledged in a document recorded in a
1664 form acceptable to the city with the Snohomish County auditor's office. The
1665 document shall also reflect the requirement in subsection (D)(3)(b) of this
1666 section.

1667 b. If a business, activity or feature that supported a FAR bonus under this
 1668 section is terminated, that use shall either be replaced by another use or
 1669 feature of the same type (as listed in Table 21.60.2) or by another use that
 1670 qualifies for an equal (or greater) FAR bonus. Alternatively and only in the
 1671 case of a bonus use terminating, the property owner may request approval of
 1672 a substitute method to qualify for the FAR bonus. Such substitution shall be
 1673 subject to the approval of the development and business services director,
 1674 who shall approve the substitution if he/she finds that the proposed
 1675 substitution complies with this section and chapter. Appeals of the
 1676 development and business services director's decision shall be processed as
 1677 a Process II application (LMC 1.35.200).

1678 E. Parking Ratios. Notwithstanding Chapter 21.18 LMC, off-street parking shall be
 1679 provided in conformance with Table 21.60.3 and the regulations in this subsection.

Table 21.60.3: Required Off-Street Parking

Use Type	Minimum	Maximum
Retail, personal services and offices serving customers on site	3 stalls/1,000 gross floor area (gfa)	4 stalls/1,000 gfa
Offices, not serving customers on site	2 stalls/1,000 gfa	4 stalls/1,000 gfa
Residential	0.5 stalls per unit	3 stalls per unit
Senior housing	0.25 stalls per unit	1 stall per unit
Restaurant	1 stall per 4 seats	2 stalls per 4 seats
Hotels, motels or other overnight accommodations	1 stall per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel	1.5 stalls per room, plus additional parking in accordance with this table for other businesses or facilities associated with the hotel or motel
Institutional uses	20 percent less than required in Table 21.18.03	Same as required in Table 21.18.03
Places of assembly	20 percent less than required in Table 21.18.06	Same as required in Table 21.18.06
Entertainment/recreational activities	20 percent less than required in Table 21.18.07	Same as required in Table 21.18.07
Other uses	20 percent less than required in Table 21.18.11	Same as required in Table 21.18.11

1680 Notes:

- 1681 1. Parking requirements for permitted uses not listed in Table 21.60.3 shall be determined by a study of parking
 1682 demand for that use.
- 1683 2. Uses sharing a common parking facility that is accessible to all respective uses may reduce the required number
 1684 of stalls by 40 percent.

- 1685 3. Parking may be located off site, so long as it is within 1,000 feet of the property (measured along public
1686 sidewalks or walkways), is connected to the property by sidewalks or walkways, and is tied to the site by a
1687 contractual agreement that is filed with the city and deed of record at the county.
- 1688 4. All developments with more than 50 parking spaces shall provide a minimum of one dedicated and signed
1689 carpool/vanpool space. All developments with more than 100 parking spaces shall provide a minimum of two
1690 dedicated and signed carpool/vanpool spaces.
- 1691 5. The development and business services director may allow ratios higher than the maximums allowed if a parking
1692 demand study for a particular development indicates that additional parking is needed and a parking demand
1693 management program would not be effective. Appeals of the development and business services director's
1694 decision shall be processed as a Process II application (LMC 1.35.200).

1695 F. Bicycle Facilities.

1696 1. All nonresidential developments providing 20 or more parking stalls shall be
1697 required to provide at least one bicycle stall for every 20 vehicular parking stalls,
1698 up to a maximum of 20 bicycle stalls. Bicycle stalls may be storage lockers or
1699 bicycle racks/stands.

1700 2. Bicycle stalls shall be located either inside of a building or outside within 100
1701 feet of a building entrance and shall be designed to allow either a bicycle frame or
1702 wheels to be locked to a structure attached to the pavement or to a structure. It is
1703 not necessary for all on-site bicycle stalls to be located in one central location.
1704 Bicycle stalls may be located within vehicular parking areas.

1705 3. One indoor bicycle stall shall be provided for every four dwelling units in
1706 multifamily residential uses, with the exception of senior housing, unless individual
1707 garages are provided for every unit.

1708 G. Service Areas.

1709 1. Exterior service areas shall not be located within 30 feet of a residential-zoned
1710 property. Service areas include but are not limited to: loading docks, trash
1711 dumpsters, compactors, all equipment, dedicated parking or serving areas, refuse
1712 and recycling areas, and mechanical equipment areas.

1713 2. Exterior service areas shall be located within the dedicated parking areas.

1714 3. All exterior refuse and recycling shall be enclosed on three sides within masonry
1715 walls with a minimum height of seven feet that shall match or complement the
1716 exterior materials of primary building(s) and be covered by a roof. Enclosure doors
1717 shall be provided and shall not be constructed of wood or chain link (with or
1718 without slats).

1719 H. Fire Standards.

1720 1. To eliminate private land devoted to fire lanes between the building and the
1721 right-of-way, all new development in the city center shall be constructed with
1722 sprinklers regardless of size.

1723
1724 **Section 59. Amendment.** LMC 21.60.600 is hereby amended to read:

1725
1726 **21.60.600 Project Design Review**

1727 A. Design Guidelines. The following structures and parking facilities permitted in the city
1728 center zones shall comply with the Lynnwood city center design guidelines (which are
1729 adopted by this reference as if fully set forth herein) and receive approval pursuant to
1730 Chapter 21.25 LMC, unless otherwise specified in this chapter: for proposals in these
1731 zones, the citywide design guidelines shall be replaced with the city center design
1732 guidelines.

1733 1. Construction of any nonresidential structure or building with a gross floor area
1734 of more than 1,000 square feet.

1735 2. Construction of any parking lot and/or parking structure with 20 or more stalls
1736 or paved parking area of 5,400 square feet or more.

1737 3. Construction of any multiple-family residential structure.

1738 B. Supersede. Applicable Lynnwood city center design guidelines shall supersede any
1739 development standards and requirements of this title and other titles of this code that
1740 may conflict, unless otherwise specified in this chapter.

1741 C. Gateways and Prominent Intersections. See city of Lynnwood zoning map to identify
1742 development project sites within a gateway or prominent intersection location. Such
1743 sites shall be subject to applicable gateway and/or prominent intersection design
1744 guidelines in the Lynnwood city center design guidelines. If any portion of a project site
1745 lies within a gateway or prominent intersection location, then the entire project shall
1746 comply with the applicable design guidelines.

1747 D. Compliance with Subarea Plan and Related Documents. For determining compliance
1748 with the comprehensive plan (that includes the city center subarea plan), as required by
1749 LMC 21.25.145(B)(3), an application for approval of structures and facilities under this
1750 section shall:

1751 1. Demonstrate consistency and compatibility with the planned location and design
1752 of streets, as shown in the street protection ordinance, as amended. Where any
1753 locations and designs in this subsection (D)(1) conflict with the city center subarea
1754 plan, such locations and designs shall supersede the conflicting provisions of the
1755 city center subarea plan.

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Section 60. Amendment. LMC 21.60.700 is hereby amended to read:

21.60.700 Nonconforming structures, sites and uses.

It is expected that much development within the city center will be as a result of renovations and expansions as much as entirely new development, especially in the years before 2015 or 2020. It is not the intent of the city to discourage such development, as new investment should enhance the image and appeal of the city center. However, it is also necessary to ensure that all forms of development contribute positively to the character and quality of the area. The general principle to be applied is that changes to nonconforming conditions should not increase the degree of the nonconformity, but rather move the site and its uses and buildings towards greater conformity. Given the location and configuration of current buildings, application of all design standards may not be possible or practical; however, every effort should be made to comply with such standards for the portions of sites and buildings in proximity to the alterations being made. This section supersedes Chapter 21.12 LMC.

A. Nonconforming Uses. Any prohibited uses legally existing at the time of the adoption of the ordinance codified in this chapter shall be considered “legal nonconforming uses.” Such uses are not permitted to expand. Exterior landscaping, facade improvements, or interior upgrades are permitted.

B. Nonconforming Sites. Throughout the city center, there are many properties where site development existing at the time of the adoption of the ordinance codified in this chapter does not comply with the site design standards and guidelines in this chapter. Certain types of minor changes to existing site development would not trigger compliance with the development standards and design guidelines in this chapter, such as restriping of stalls, and new or altered signage or lighting or renovation of landscaping. Any other site improvements, exterior renovation or expansion of building footprints shall incorporate site design features that bring the site more into compliance with the standards of the city center design guidelines regardless of whether or not the site improvements, renovation, and/or expansion triggers the design review process requirement per LMC 21.60.600.

C. Nonconforming Buildings. Throughout the city center, there are many buildings and other structures existing at the adoption of the ordinance codified in this chapter that do not comply with the building standards and guidelines in this chapter. In keeping with the general principle that changes to nonconforming conditions should not increase the degree of the nonconformity, but rather move the site and its uses and buildings towards greater conformity, the following shall apply:

- 1. Exterior renovation of buildings and structures shall not increase the degree of nonconformance.

1795 2. All expansion of building footprints or increases in building height shall incorporate
1796 standards that bring the building more into compliance with the requirements of this
1797 chapter and the city center design guidelines regardless of whether or not the
1798 expansion is subject to the design review process requirement per LMC 21.60.600.

1799 3. When practicable, as determined by the community development director, the
1800 expansion of building footprints shall locate towards the property line of the future street
1801 right-of-way as described in Table 21.60.4. Appeals of the community development
1802 director’s decision shall be processed as a Process II application (LMC 1.35.200).

1803 4. Compliance with standards shall be localized to the area of the building being altered.
1804 Particular emphasis shall be given to the provision of pedestrian amenities oriented
1805 towards the street. For example, if a building is expanded towards the street, elements
1806 such as building design features and transparency, parking lot landscaping and
1807 pedestrian connections to the sidewalk are expected to be accomplished.

1808 5. For buildings that are demolished, the replacement structure shall be considered new
1809 development.

1810 D. Nonconformance Created by Government Action. Where a lot, tract, or parcel is
1811 occupied by a lawful use or structure, and where the acquisition of a portion of the site
1812 for the purpose of public right-of-way by exercise of the power of eminent domain or by
1813 purchase by the city creates noncompliance of the use, structure or site regarding any
1814 requirement of this code, such use or structure shall be deemed lawful and permitted
1815 and subject to regulation as a nonconforming use or structure under this section.

1816 ~~D.~~ E. Alternative Process for Compliance. The community development director may
1817 approve a plan and design for alteration of a nonconforming site or building that does
1818 not fully comply with the requirements of subsections (B) and (C) of this section if the
1819 director finds that the alternative plan and design provides overall a greater degree of
1820 compliance with the principles of this section (as stated above). Appeals of the
1821 community development director’s decision shall be processed as a Process II
1822 application (LMC 1.35.200).

1823
1824 **Section 61. Amendment.** LMC 21.74.030 is hereby amended to read:

1825
1826 **21.74.030 Requirements.**

1827 A. Temporary Outdoor Encampments. The following requirements shall apply to all
1828 temporary outdoor encampments approved under this chapter, unless modified by the
1829 director through approval of a temporary use permit:

1830 1. Outdoor encampments may be permitted on the grounds of any religious institution
1831 and shall be located a minimum of 20 feet from the property line of abutting properties
1832 containing commercial, industrial, professional office, and multifamily residential uses.

1833 The encampment shall be located a minimum of 40 feet from the property line of
1834 abutting properties containing single-family residential or public recreational uses,
1835 unless the director finds that a reduced buffer width will provide adequate separation
1836 between the encampment and adjoining uses, due to changes in elevation,
1837 landscaping, intervening buildings or other physical characteristics of the site of the
1838 encampment.

1839 2. No outdoor encampment shall be located within a critical area or its buffer as defined
1840 by Chapter 17.10 LMC.

1841 3. Outdoor encampments shall be subject to the following:

1842 a. The outdoor encampment shall be provided with six-foot-tall sight-obscuring fencing
1843 that is lockable for security, unless the director determines that there is sufficient
1844 vegetation, topographic variation, or other site condition such that fencing would not be
1845 needed. The fencing shall not create a sight obstruction at the street, street
1846 intersections or curbs as determined by the city engineer.

1847 b. The outdoor encampment shall have a minimum separation of six feet between
1848 structures including tents.

1849 c. The outdoor encampment shall be provided with a serviced portable toilet unless
1850 provisions to use facilities in adjacent buildings are arranged.

1851 d. The outdoor encampment shall be provided with a portable shower or bathing facility
1852 unless other arrangements acceptable to the city are provided.

1853 e. Common cooking facilities shall be provided unless other arrangements acceptable to
1854 the city are provided.

1855 f. Permanent power supply to the encampment is required although properly permitted
1856 and installed construction site type electrical boxes may be acceptable, as determined
1857 by the director.

1858 g. If a structure is used instead of a tent, the structure shall have a door, at least one
1859 egress window, and a smoke detector.

1860 h. Only wired electrical heating is allowed in housing units.

1861 i. Exterior lighting must be directed downward and glare contained within the temporary
1862 outdoor encampment.

1863 j. Tents over 300 square feet in size and canopies in excess of 400 square feet shall
1864 utilize flame retardant materials.

1865 ~~4. Duration. The temporary outdoor encampment is subject to a time limit of six months.~~
1866 ~~However, the use may be granted automatic consecutive permits so long as it is~~
1867 ~~maintained in a manner consistent with the requirements of this chapter.~~

1868 B. Extreme Weather Shelters. Extreme weather shelters may be permitted in
1869 nonresidential zoning districts and in religious institutions in residential zoning districts.
1870 Shelters may be placed within existing buildings meeting current state and local
1871 life/safety codes for the extreme weather shelter. Shelters in buildings unable to meet
1872 current codes shall be permitted in accordance with the following standards:

1873 1. The extreme weather shelter facility shall provide bathroom facilities sized for the
1874 demand.

1875 2. Smoke and ~~carbon dioxide~~ carbon monoxide alarms shall be provided in each room
1876 used for sleeping accommodations. At a minimum, battery powered units are
1877 acceptable, as determined by the director.

1878 3. Sleeping areas must have at least two means of egress.

1879 4. The sponsor shall insure that a “fire watch” of awake and capable adults is provided
1880 and trained in how to call in emergency services.

1881 5. The sponsor or managing agency shall provide the city with information on what
1882 conditions will cause the shelter to open (i.e., weather extremes).

1883 C. Requirements Applicable to Both Temporary Outdoor Encampments and Extreme
1884 Weather Shelters.

1885 1. The maximum number of residents at a temporary outdoor encampment or at an
1886 extreme weather shelter shall be determined by the director taking into consideration
1887 site conditions, but in no instance shall the number be greater than 100 people.

1888 2. On-site parking of the sponsor shall not be displaced unless sufficient required off-
1889 street parking remains available to compensate for the loss of on-site parking or unless
1890 a shared parking agreement is executed with adjacent properties.

1891 3. A transportation plan that addresses how people arrive and depart from the facility
1892 shall be provided.

1893 4. No children under 18 are allowed to stay overnight in temporary outdoor
1894 encampments or extreme weather shelters, unless accompanied by a parent or
1895 guardian. If a child under the age of 18 without a parent or guardian present attempts to
1896 stay at the temporary outdoor encampment or extreme weather shelter, the sponsor
1897 and the managing agency shall immediately contact Child Protective Services and shall
1898 actively endeavor to find alternative shelter for the child.

1899 5. The sponsor or managing agency shall provide and enforce a written code of
1900 conduct, which not only provides for the health, safety and welfare of the temporary
1901 outdoor encampment or extreme weather shelter resident, but also mitigates impacts to
1902 neighbors and the community. A copy of the code of conduct shall be submitted to the
1903 city at the time of application for the temporary use permit. Said code shall be
1904 incorporated into the conditions of approval.

1905 6. The sponsor and the managing agency shall ensure compliance with Washington
1906 State laws and regulations, the Lynnwood Municipal Code, and Snohomish health
1907 district concerning, but not limited to, drinking water connections, solid waste disposal,
1908 human waste and electrical systems. The sponsor and the managing agency shall
1909 permit inspections by state and/or local agencies and/or departments to ensure such
1910 compliance and shall implement all directives resulting therefrom within the specified
1911 time period.

1912 7. Public health guidelines on food donations and food handling and storage, including
1913 proper temperature control, shall be followed and residents involved in food donations
1914 and storages shall be made aware of these guidelines consistent with the Snohomish
1915 health district requirements.

1916 8. The sponsor and/or the managing agency shall designate points of contact for the
1917 Lynnwood police department. At least one designated point of contact shall be
1918 accessible at all times. The names of the on-duty points of contact shall be posted on-
1919 site daily and their contact information shall be provided to the Lynnwood police
1920 department.

1921 9. Facilities for proper trash disposal shall be provided on site throughout the
1922 encampment or outside an emergency weather shelter. A regular trash patrol in the
1923 immediate vicinity of the encampment or shelter site shall be provided.

1924 10. The sponsor and/or the managing agency shall take all reasonable and legal steps
1925 to obtain verifiable identification from prospective residents. The managing agency of a
1926 temporary outdoor encampment shall use the identification to obtain sex offender and
1927 warrant checks from appropriate agencies. It is recognized that it is not possible to
1928 undertake background checks at extreme weather shelters that typically provide
1929 housing on a night by night basis only so long as the extreme weather persists.

1930 11. The sponsor and/or the managing agency shall immediately contact the Lynnwood
1931 police department if someone is rejected or ejected from the temporary outdoor
1932 encampment or extreme weather shelter when the reason for rejection or ejection is an
1933 active warrant or a match on a sex offender check, or if, in the opinion of the on-duty
1934 point of contact or on-duty security staff, the rejected/ejected person could be a
1935 potential threat to the community.

1936 12. The sponsor, the managing agency and temporary outdoor encampment residents
1937 shall cooperate with other providers of shelters and services for homeless persons
1938 within the city and shall make inquiry with these providers regarding the availability of
1939 existing resources.

1940 13. The sponsor and/or managing agency shall provide before-encampment photos of
1941 the host site with the application. Upon vacation of the temporary outdoor encampment,
1942 all temporary structures and debris shall be removed from the host site within one
1943 calendar week.

1944 14. Duration. A temporary outdoor encampment or extreme weather shelter is subject to
1945 a time limit of six months. However, the use may be granted automatic consecutive
1946 permits so long as it is maintained in a manner consistent with the requirements of this
1947 chapter.

1948
1949 **Section 62. Severability.** If any section, sentence, clause or phrase of this Ordinance
1950 should be held to be invalid or unconstitutional by a court of competent jurisdiction, such
1951 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
1952 section, sentence, clause or phrase of this Ordinance.

1953
1954 **Section 63. Effective Date.** This Ordinance or a summary thereof consisting of the title
1955 shall be published in the official newspaper of the City, and shall take effect and be in full
1956 force five (5) days after publication.

1957
1958 PASSED BY THE CITY COUNCIL, the 23rd day of May, 2022.

1959
1960 APPROVED:

1961 DocuSigned by:
1962 *Christine Frizzell* 6/2/2022
1963 77ADF365AF504F4...
1964 Christine Frizzell, Mayor
1965

1966 ATTEST/AUTHENTICATED:

1967 DocuSigned by:
1968 *Karen Fitzthum*
1969 549561C7EC99433...
1970 Karen Fitzthum, City Clerk

1971 APPROVED AS TO FORM:

1972 DocuSigned by:
1973 *Lisa Marshall*
1974 UC9DE54C77524E7...
1975 Lisa Marshall, City Attorney
1976
1977

1978 On the 23rd day of May, 2022, the City Council of the City of Lynnwood,
1979 Washington, passed Ordinance No. 3415. A summary of the content of said ordinance,
1980 consisting of the title, provides as follows:

1981
1982 AN ORDINANCE OF THE CITY OF LYNNWOOD,
1983 WASHINGTON, ADOPTING MISCELLANEOUS
1984 AMENDMENTS TO THE CITY'S ZONING CODE AND
1985 RELATED REGULATIONS; AMENDING SECTIONS
1986 1.35.140, 19.05.017, 19.10.030, 19.10.035, 19.10.085,
1987 19.10.115, 19.40.100, 19.50.020, 19.75.055, 21.02.046,
1988 21.02.295, 21.02.300, 21.02.325, 21.02.357, 21.02.576,
1989 21.02.577, 21.02.578, 21.02.689, Table 21.08.03, Table
1990 21.08.06, Table 21.08.07, Table 21.08.09, 21.30.350,
1991 21.10.100, 21.16.290, Table 21.17.01, Table 21.17.02,
1992 21.17.050, Table 21.18.02, Table 21.18.20, 21.18.600,
1993 21.25.105, 21.25.110, 21.25.145, 21.30.950, Table 21.42.02,
1994 21.42.400, 21.42.420, 21.43.400, 21.44.100, Table 21.46.04,
1995 21.46.100, 21.46.103, Table 21.46.14, 21.48.200, 21.50.210,
1996 21.54.100, 21.57.500, 21.60.300, 21.60.350, 21.60.400,
1997 21.60.600, 21.60.700, 21.74.030 OF THE LYNNWOOD
1998 MUNICIPAL CODE; ADDING NEW SECTIONS 21.02.579
1999 and 21.42.105 TO THE LYNNWOOD MUNICIPAL CODE;
2000 REMOVING SECTIONS 21.02.255, 21.46.130, 21.46.200,
2001 and CHAPTER 21.56 OF THE LYNNWOOD MUNICIPAL
2002 CODE; AND PROVIDING FOR SEVERABILITY, AN
2003 EFFECTIVE DATE AND SUMMARY PUBLICATION.

2004
2005 The full text of this Ordinance will be mailed upon request.

2006
2007 DATED this 26th day of May, 2022.
2008